

Protection in Armed Conflict

26 January 2024

Key points

- In situations of armed conflict, States and armed groups bear primary responsibility to respect and protect civilians. This involves taking all feasible precautions to minimize the impact of hostilities on them. At the same time, humanitarian actors and UNHCR contribute to the provision of humanitarian protection to civilians through dialogue and engagement with States and armed actors, as well as through operations
- Protection in armed conflict is firmly grounded in international humanitarian law (IHL), which sets out rules and standards for the conduct of armed conflicts. It is also entrenched in the collective security framework outlined in the UN Charter. To provide more effective protection, UNHCR and its partners must deepen their understanding of IHL and the role they can play in supporting implementation
- Conflict and protection analysis, as well as protection monitoring, must inform our engagement in situations of armed conflict. Understanding and analysing the ways in which conflict affects the persons we serve in different ways, including depending on their sex, gender, age and other factors, are key to conduct a comprehensive protection risk analysis and deliver tailored responses
- UNHCR works with others in situations of armed conflict. It is essential to know the protection architecture and the roles and capacities of UN missions, peacekeepers, UN civil-military coordination platforms, the ICRC, as well as affected communities and local actors, among other relevant actors
- Humanitarian protection in armed conflict can entail important risks to forcibly displaced and stateless populations, humanitarians and other partners. Strategies, alliances, engagement and operations must be based on careful risk and benefit assessment and respect the do-no-harm principle. Strict adherence to humanitarian principles is a must

1. Overview

Armed conflict is one of the most powerful drivers of forced displacement. They also cause civilian death and injury, the destruction of civilian infrastructure, the increased presence of explosive ordnance including mines and unexploded ordnance, disruption of public services and the rule of law, family separation and unaccompanied children among other effects. Regrettably, the principles of IHL, a cornerstone of these legal frameworks, are increasingly disregarded by combatants in contemporary conflicts. This disregard places millions of civilians in jeopardy, at times as a deliberate war tactic. The main principles of IHL regarding the treatment of civilians are:

- Distinction: the obligation to distinguish between civilians and combatants,
- Precaution: to take all feasible precautions to protect the civilian population and civilian objects against the effects of attacks,
- Proportion: not to cause damage that is excessive in relation to the direct military advantage anticipated.

Protection in armed conflict by UNHCR and partners is based on careful conflict and protection analysis. It can be supported in a number of different ways, aiming to both increase respect for IHL by parties to the conflict and the capacity of communities to engage in protective actions:

- Dialogue and engagement with authorities and armed actors, including advocacy and humanitarian negotiation,
- Operations and projects, such as reinforcing communities' self-protection mechanisms.

UNHCR collaborates closely with others in armed conflict. The concept of protection of civilians (PoC) entails a shared objective across the UN to protect those who are not actively engaged in hostilities. Thus, UNHCR must know and engage the different mandates and protection mechanisms in armed conflict, including UN political and peacekeeping missions, UN Protection Advisors, ICRC, human rights mechanisms and CMCoord bodies among others. In non-refugee situations, UNHCR works also through and with the Protection Cluster and the HCT.

2. Relevance for emergency operations

A humanitarian crisis induced by armed conflict may cause a refugee influx and an internal displacement in different parts of the country or also require an emergency level declaration in several country operations, especially when cross-border displacement is expected. Protection in armed conflict is a critical and fundamental aspect of emergency operations as the primary goal of humanitarian action is to save lives and alleviate suffering. Protecting civilians is a fundamental humanitarian imperative that guides emergency operations in conflict zones.

Some aspects of protection of civilians, such as successful advocacy and humanitarian negotiation, may take substantial amount of time. When a previous presence does not exist, UNHCR and partners must carefully but quickly obtain an understanding of conflict and protection challenges, understand the protection architecture and current capacities and establish the necessary contacts, field presence and credibility.

3. Main guidance

Analysis, monitoring and reporting

Conflict and protection analysis

Conflict analysis helps us understand the underlying causes and context of a conflict. Protection analysis assesses the risks facing civilians, including stateless and forcibly displaced populations during conflict. A solid conflict analysis forms the basis of a solid protection analysis. Both are at the basis of our protection strategies, activities and advice to key partners such as HCTs and UN missions.

Conflict analysis looks at the following elements of a conflict:

- Understanding the conflict and its context, including root causes,
- Knowing the communities and leaders involved and their context,
- Identifying the main parties to the conflict and their interests including needs, fears, concerns and aspirations,
- Understanding the motivations behind any deliberate attacks on civilians.

Protection analysis involves identifying the main protection risks for and needs of affected populations. This requires us to understand and analyse the exposure to protection risks that different population groups, according to age, gender and diversity, face during armed conflict. Protection analysis is enriched and updated through protection monitoring.

Protection monitoring

Protection monitoring looks at changes in the protection situation over time, and identifies relevant patterns and protection incidents. UNHCR and partners should establish a protection monitoring mechanism at the earliest possible stage during an emergency. The mechanism should cover protection concerns linked to armed conflict.

In countries where MARA and MRM mechanisms exist, UNHCR has a responsibility to monitor, document and report serious violations against women, girls and boys. UNHCR can also highlight violations through its engagement with UN human rights mechanisms. Cooperation with accountability mechanisms (national/international courts and tribunals, investigative mechanisms, etc.) requires clearance by UNHCR's Legal Affairs Service and Snr. Management.

Dialogue and engagement

During armed conflicts, humanitarians engage with armed actors and other duty bearers to limit the effects of the conflict on civilians, and promote the rights of individuals. Depending on the protection architecture, this engagement may happen through specific coordination and leadership mechanisms, such as the HC and CIMIC platforms. At the same time, UNHCR may engage directly with armed groups if needed for access or protection of individuals under its mandate and other affected populations as necessary. Engagement with the ICRC, as appropriate, is always essential. Dialogue and engagement will normally prove essential when working to maintain or restore the civilian and humanitarian character of sites hosting displaced populations.

Proper protection analysis and knowledge of IHL is of the essence. However, UNHCR may not be in a position to base its engagement on detailed legal analysis of military actions. Field colleagues need to keep in mind that trust building, strict adherence to humanitarian principles and knowledge of local values and culture are very important assets in advocacy and negotiation. Both processes may require continuous and thorough engagement over time.

Protection advocacy

UNHCR and partners advocate with duty bearers to bring policy, practice or law in line with international standards. Advocacy works best when is done in collaboration with key partners. Successful protection advocacy in armed conflict requires:

- Well-defined objectives, based on desired protection changes for the population we work with and for,
- Proper identification of the stakeholders we seek to influence, their interests and power.
- Careful choice of methodology, including discreet persuasion, mobilization of others and, as a last resort and after careful analysis and decision-making, denunciation.

Humanitarian negotiation

Through humanitarian negotiation with duty bearers, including state and non-state armed actors, UNHCR and partners seek to establish humanitarian presence in conflict environments, ensure access to affected populations and facilitate assistance and protection. Differently to advocacy, a negotiation is in essence a transaction. Successful humanitarian negotiation requires, among other:

- Establishing clearly what we are trying to achieve and how much we are ready to concede,
- A good understanding of the interests and values of the other part, and how much they may be ready to concede,
- Establishing clearly that while modalities can be negotiated, humanitarian actors will always advocate for adherence to international standards.

Operational approaches

Besides engagement and dialogue, monitoring and reporting, UNHCR and partners can also enhance protection in armed conflict through specific operational approaches. These may include, according to context:

- Protection by presence, usually in synergy with other approaches such as Community Support Projects (CSPs) and protection monitoring,
- Reinforcing self-protection mechanisms, such as community policing, mobile courts and community-based contingency plans for cyclical displacement,
- Humanitarian evacuations. These are always a measure of last resort, when conditions are or can quickly become intolerable for affected populations. They never constitute in itself a durable solution and must be carried out only after careful decision-making, planning and risk management, in line with existing UNHCR guidance and in coordination with partners.

Working with others

The centrality of protection requires collective efforts to reduce protection risks for affected people. As part of these efforts, protection in armed conflict will happen in close collaboration with other humanitarian and UN partners. UNHCR needs to pay close attention to the humanitarian and protection architecture, including in UN missions with a protection mandate.

Protection Clusters

In IDPs and other non-refugee operations, protection in armed conflict will be coordinated within UNHCR-led Protection Clusters. Together with their AoRs, they play a key role in protection monitoring and analysis, coordination of the protection response, informing the HCT, as well as Access Working Groups, Inter-Cluster Coordination Groups, CIMIC and other platforms, with regards to protection priorities and advancing protection advocacy. Protection Clusters can also work through HCT protection strategies and the HC for operational and advocacy purposes.

Among other issues, UNHCR advocates for the integration of mine action and explosive ordnance (EO) risk education into protection strategies and plans and, promotes risk awareness among affected populations. Furthermore, UNHCR supports data collection and needs assessments to identify the extent of the mine and EO problem in areas where refugees and IDPs are located.

UN missions

Some UN peacekeeping and political missions may incorporate protection objectives. According to specific mandates, these may be discharged through integrated human rights components, protection advisors, specific Protection of Civilians strategies and the use of force by peacekeepers. Acting as appropriate within coordination mechanisms (such as Protection Clusters and HCTs) UNHCR should:

- Understand protection mandates and activities of UN missions,
- Share protection analyses, including for early warning,
- Guide protection strategies and modalities, including the provision of physical protection,
- Sensitize and train on humanitarian protection,
- Engage to maintain the civilian character of IDP/ refugee camps and settlements.

Risk management

Protection in armed conflict may entail important risks for affected populations, humanitarian staff and partners. Mistakes and ill judgement can lead to death, injury or reputational damage. It is essential that strategies, alliances, engagement and operations are based on careful risk and benefit assessment and respect the do-no-harm principle. Strict adherence to humanitarian principles is a must. Any UNHCR's assistance to non-UN security forces must adhere to the UN Due Diligence Policy. UNHCR and partners must rapidly but carefully establish field presence and operations, credibility, alliances and contacts, including with affected populations. Particular consideration is needed with regards to the different risks communities and local partners and staff may face, based on ongoing dialogue and joint risk assessments. These measures will in itself help to reduce risks, and facilitate the progressive enrichment of risk mitigation measures.

Post emergency phase

Protection in armed conflict and adherence to International Humanitarian Law (IHL) extend beyond the initial humanitarian emergency phase. Given the increasingly protracted nature of modern conflicts, it is imperative to uphold IHL principles consistently throughout the entirety of armed hostilities, from initiation to resolution, including situations of occupation.

Beyond IHL, the protection of civilians encompasses a broader spectrum, that extends beyond armed conflicts. International human rights law and other legal frameworks also play pivotal roles in protecting civilians in various situations, including times of peace.

Integral to this effort is the development of conflict-sensitive preparedness, contingency plans and protection analyses, along with meaningful engagement and partnerships with key actors. Active engagement with peace and development actors during the transition from emergency to post-emergency phases is crucial in the overarching goal of peacebuilding.

Many return movements will occur within a post-emergency phase. However, refugees and IDPs may not always return after all causes of displacement have disappeared. Thus, protection in armed conflict may still be relevant during return movements.

Annexes

[UNHCR, Toolkit: Humanitarian Protection in Armed Conflict, 2019](#)

[GPC, Access that Protects: An Agenda for Change, 2022](#)

[UNDPO, The Protection of Civilians in United Nations Peacekeeping, 2023](#)

[UNHCR/ICRC Aide Memoire - Operational Guidance on Maintaining the Civilian and Humanitarian Character of Sites and Settlements, 2019](#)

[UNHCR, Guidance Note on Maintaining the Civilian and Humanitarian Character of Asylum, 2018](#)

4. Learning and field practices

The self-paced e-course Protection in Armed Conflict provides practical tips, valuable resources and tools. The course is accessible to UNHCR staff only under this link:

[Protection in Armed Conflict | Learning - Workday \(myworkday.com\)](#)

5. Links

[ICRC, Enhancing Protection for Civilians in Armed Conflict and Other Situations... UN Documents for Protection of Civilians: Secretary-General's Reports GPC, Global Protection Update](#)

UNHCR's mandate for refugees and stateless persons, and its role in IDP situations

02 February 2024

Key points

- Be clear about the nature of the people with and for whom UNHCR works. Are they refugees, asylum-seekers, stateless persons, returnees, internally displaced persons (IDP), or none of these? This is particularly important in mixed refugee and IDP situations
- Be clear about UNHCR's mandate responsibilities, and communicate accordingly to all relevant stakeholders
- Understand the mandates of other humanitarian actors, as well as the obligations and responsibilities of the Government authorities
- Identify the most suitable and appropriate coordination arrangements in accordance with the Refugee Coordination Model (RCM) and other applicable policy

1. Overview

UNHCR's mandate is the (legal) basis for UNHCR's activities and the rationale for its existence. It informs **what** UNHCR is supposed to do and for **whom**.

The primary source of UNHCR's mandate is the Statute adopted by the General Assembly (GA) of the United Nations in 1950 (Resolution 428 (V) of 14 December). Paragraph 1 of the Statute states that "The ... High Commissioner ..., acting under the authority of the General Assembly, shall assume the function of **providing international protection**, under the auspices of the United Nations, to **refugees** who fall within the scope of the present Statute and of **seeking permanent solutions** for the problem of refugees (...)" (emphases added).

The Statute further develops the material scope in paragraph 8. Additionally, UNHCR's refugee mandate is embedded in treaties, for example obliging State Parties to the 1951 Refugee Convention and its 1967 Protocol to cooperate with UNHCR under Article 35 of 1951 Refugee

Convention and Article II of its 1967 Protocol (see below).

The personal scope of UNHCR's mandate was subsequently expanded by the GA (as foreseen in paragraph 9 of the Statute) to include **stateless persons** (recognised by the GA in 1974 and in 1976, with a further expansion of UNHCR's statelessness mandate in 1995 and 2006), **asylum-seekers** (clarified by the GA in 1981), and **returnees** (recognized by the GA in 1985).

Regarding **internally displaced persons**, UNHCR's history of providing protection and assistance to IDPs dates back more than fifty years. Various resolutions of the GA have authorized UNHCR to be involved with IDPs, in acknowledgement of the Office's expertise in forced displacement and capacity to adapt and respond to evolving emergencies, and the need to address people displaced within their own countries also as critical to resolving refugee situations.

In relation to returnees, UNHCR has to be given free and unhindered access to returning refugees, as needed, in particular to monitor their treatment in accordance with international standards; and, in this context, encourages UNHCR to strengthen its returnee monitoring activities, where necessary, in the interests of consolidating sustainable return (Para. (r), UNHCR Executive Committee Conclusion No. 102(LVI) – 2005).

2. Relevance for emergency operations

UNHCR's refugee mandate applies in both emergency and non-emergency situations, including in mixed movements situations involving asylum-seekers and refugees as well as migrants. The refugee mandate also applies both in camp and outside camp settings. In short, the High Commissioner has a mandate with respect to refugees globally, where and how ever they are located.

All humanitarian actors as well as States need to be aware of UNHCR's role, as defined by its mandate. This ensures a common understanding of organisational responsibilities and accountabilities. It also helps to clarify UNHCR's role, how it works in the humanitarian system, and the direct relationship it needs to maintain with Government authorities on refugee matters. UNHCR's authority under its mandate reposes also on the quality, impact and credibility of its actions in the field, and on the diplomatic and advocacy skills of its staff.

The Inter-Agency Standing Committee (IASC), under the leadership of the Emergency Relief Coordinator, has set out agreed arrangements for global and country leadership, advocacy and coordination responsibilities in response to humanitarian crises. UNHCR's engagement in these, and in particular with IDPs, is a natural complement to its mandate for refugees and stateless persons, and vice versa. Where a UNHCR-led refugee response is also underway in complex humanitarian emergencies or natural disasters, it will be especially important to ensure streamlined, complementary and reinforcing leadership and coordination between the IASC coordination and UNHCR's refugee coordination.

3. Main guidance

Description and guidance

1. Nature of the Mandate

Authority of the General Assembly

It is important to recall that the mandate of the High Commissioner was established by the UN GA ("The United Nations High Commissioner for Refugees, acting under the authority of the General Assembly...") and that the GA intended to ensure that the High Commissioner, supported by his or her Office, would enjoy a special status within the UN, possessing the degree of independence and prestige required to perform his or her functions effectively and exercise moral authority.

Non-political, humanitarian and social character

A general feature of UNHCR's mandate is its entirely non-political (that is, impartial), humanitarian and social character (paragraph 2 of the Statute). On these grounds, the High Commissioner and his or her staff should refrain from statements or any other activities that actively take or could be perceived to take political positions. (See also UNHCR, **Code of Conduct**, commitment 3: avoid conflict of interests and preserve and enhance public confidence in UNHCR.)

Dual legal foundation

UNHCR and UNHCR's refugee mandate have a dual legal foundation. While the Statute is the main source of UNHCR's mandate, it is complemented by subsequent GA Resolutions, the 1951 Refugee Convention and its 1967 Protocol, and regional refugee instruments. This two-pronged legal foundation has given the High Commissioner, and his or her Office, independence.

Exclusivity

UNHCR's mandate concerns a legally defined group of people and covers all aspects of their wellbeing. This extends to seeking to ensure that refugees and stateless persons enjoy the widest possible exercise of a range of fundamental rights and freedoms (see the Preambles of the 1951 Refugee Convention and the 1954 Statelessness Convention), as well as securing durable solutions for refugees and reducing statelessness. Since 2003, UNHCR's mandate has been permanent (UN GA Res. 58/153).

Bound by legal instruments and UN resolutions, UNHCR's mandate is 'non-transferable'. This means that in stand-alone refugee or mixed movement situations accountability for refugees, asylum-seekers and stateless persons cannot be transferred or delegated to another UN entity or actor.

Apart from UNHCR, the only other UN refugee agency is the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which has a specific mandate to provide assistance and protection to 1948 Palestine refugees, and 1967 displaced persons, and their descendants, in five geographical areas of operation (Gaza, the West Bank including East Jerusalem, Lebanon, Jordan, and the Syrian Arab Republic). Outside these geographical areas,

UNHCR has responsibility for Palestinian refugees.

Coordination

The coordination of international protection, assistance and solutions is inherent to UNHCR's refugee mandate and derives from the High Commissioner's responsibility to ensure that individuals receive international protection from the time they become refugees until they find a solution.

UNHCR's Statute places the High Commissioner and his or her Office at the centre of the international refugee response system, including in respect of coordination functions. The High Commissioner is also empowered to 'invite the co-operation of the various specialized agencies' to assist his or her Office in the performance of his or her mandate.

The High Commissioner has a global mandate for refugees regardless of their location (camp, rural dispersed or urban settings), in emergency, non-emergency situations and during mixed movements. Effective exercise of UNHCR's mandate both presupposes, and is underpinned by, a commitment by States to cooperate with him or her and his or her Office, and acknowledges the High Commissioner's role in the 'effective coordination of measures taken to deal with this problem' [the refugee problem].

UNHCR's Refugee Coordination Model

UNHCR's Refugee Coordination Model (RCM), issued in December 2013, provides a framework for leading, coordinating and delivering refugee operations and consolidates coordination practices with the goal of achieving the best possible protection of and assistance to refugees. The RCM:

- Outlines UNHCR's role and responsibilities in refugee operations and mixed displacement situations.
- Provides an inclusive platform for planning and coordinating refugee operations.
- Clarifies modes of coordination in relation to broader humanitarian coordination structures, including the cluster system of the Inter-Agency Standing Committee (IASC).

Under the overall leadership of the host Government, partnership-based and inclusive coordination is a pre-condition for an effective refugee emergency response operation. Effective coordination and leadership have a direct impact on the delivery of protection and assistance to refugees. By articulating UNHCR's coordination role, the RCM reaffirms the integrity of the mandate and UNHCR's tradition of leadership on refugee protection.

2. Material Scope

The activities which the High Commissioner is required to carry out for refugees and stateless people are set out in the Statute and in subsequent GA and ECOSOC resolutions. UNHCR is primarily mandated to provide international protection and humanitarian assistance, to ensure inclusion in national systems and to seek, together with Governments, durable solutions.

For refugees, standard functions have included registration, status determination, issuance of documents to persons under UNHCR's mandate, advocacy, protection programming, relief

distribution, emergency preparedness, special humanitarian activities and broader development work. With regard to its mandate on statelessness, UNHCR supports governments to identify and protect stateless people, and to prevent and reduce statelessness. Identifying stateless persons involves understanding causes of statelessness, gathering statistics on stateless populations, and assisting governments in establishing and implementing procedures to determine who is stateless, among other activities. Typical activities to enhance the protection of stateless people involves advocating for their access to rights in line with the 1954 Convention relating to the Status of Stateless Persons. UNHCR works to prevent and reduce statelessness through advocacy and technical support to ensure legal frameworks and procedures are in place to prevent statelessness at birth and later in life, and to facilitate the naturalization or confirmation of nationality of stateless individuals.

UNHCR also provides diplomatic and consular protection to refugees and stateless persons in the absence of such protection by States. The High Commissioner is entitled, and has a duty, to intercede directly on behalf of refugees and stateless persons who would otherwise not be represented legally at the international level.

An integral element of the core mandate is the High Commissioner's responsibility to supervise the application of refugee protection instruments. In addition, States parties to the 1951 Refugee Convention, 1967 Protocol and the 1969 OAU Convention have a duty to cooperate with UNHCR, particularly regarding its supervisory responsibility and, among other things, provide UNHCR with information and statistical data on the treatment of refugees. UNHCR fulfils this responsibility through, for example, advocacy, legislative and judicial engagement, public information, capacity-building and technical assistance, either independently or through partners.

Registration and status determination are key functions, because UNHCR is authorized to declare which individuals or groups come under its core refugee mandate. This exercise of the mandate makes clear to other external actors, including host Governments, the High Commissioner's international protection interest in and responsibilities towards such persons.

UNHCR recognizes refugees in a myriad of ways, including through individual procedures and in certain circumstances declaring groups to be refugees on a **prima facie** basis.

Regarding IDPs, UNHCR focuses on advocacy, coordination, leadership and operations. Operations with IDPs are aligned with our leadership and coordination responsibilities in protection, camp coordination and camp management and shelter. We put a particular emphasis on situations of conflict and violence. UNHCR also contributes to any inter-agency response to disaster-induced internal displacement, taking the lead on protection, whenever these criteria are met:

- Field presence,
- A government request,
- An inter-agency agreement.

UNHCR plays a leading role, collaborating with States and other partners, to promote, facilitate, and coordinate voluntary repatriation in safety and dignity and has the authority to monitor the conditions of return by virtue of its statutory responsibility and general mandate to seek and support voluntary repatriation as a durable solution. Returns can also occur in a self-organized

manner, when UNHCR and the wider internal community do not believe that conditions of in safety and in dignity can be met and can also occur in adverse circumstances when refugees find themselves in a position in which their protection is not adequately guaranteed in the host State and return is presenting itself to the refugees as the only – real or perceived – viable option. The adverse circumstances may be the result of coercion, intimidation or other pressure from State or non-State actors, or of an unstable, unsafe or insecure environment. Return in adverse circumstances does not fulfil the requirements of voluntary repatriation. Even though the choice to return in such circumstances may be informed and with the refugees' consent, it is not entirely free. Where return is taking place in adverse circumstances UNHCR maintains its duty to remain engaged in pursuit of international protection and humanitarian assistance to refugees and, together with governments, seek durable solutions.

Protection monitoring in return areas is key activity as it provides UNHCR with relevant and reliable data and information about the protection situation in the country of origin for all returnees that UNHCR will use to inform programming, advocacy and communications with refugees.

3. Personal Scope

Refugees and asylum-seekers

Refugees are part of UNHCR's core mandate. Refugees are all persons who meet the eligibility criteria under an applicable refugee definition, as provided for in international or regional refugee instruments, under UNHCR's mandate, or in national legislation. See [Refugee definition](#) Entry.

Asylum-seekers also fall within the High Commissioner's competence **ratione personae**. Asylum-seekers are persons who are seeking refugee status or a complementary international protection status and whose status has not yet been determined by UNHCR or the host Government authorities.

Not every asylum-seeker will ultimately be recognized as a refugee. However, an asylum-seeker is entitled to protection from refoulement ([Access to territory and non-refoulement](#)), as well as certain minimum rights and standards of treatment, pending determination of their status.

Returnees

Returnees also fall within UNHCR's core mandate. These are former refugees who have returned to their country of origin spontaneously or in an organized fashion but have not yet been fully (re)integrated. UNHCR's mandate in this area has been refined and extended by the Executive Committee and the GA. Initially considered to cease when a refugee crossed the border into his or her country of origin, UNHCR's mandate now extends to providing reintegration assistance and monitoring refugee treatment after return. (See ExCom, No. 18 (1980), No. 40 (1985), No. 74 (1994), and No. 101 (2004); GA Res. 40/118 of 13 December 1985; and GA Res. 49/169 of 24 February 1995.) UNHCR's engagement with returnees is usually time-limited; its aim is to hand responsibility over to other actors, notably the Government authorities and development partners.

[Stateless persons](#)

With respect to refugees who are stateless, UNHCR's initial mandate (set out in para. 6(A)(II) of The Statute and Art. 1(A)(2) of the 1951 Refugee Convention) has been expanded by the GA over time and now also includes all non-refugee stateless persons. Significantly, activities on behalf of stateless persons are part of UNHCR's statutory function, and include identification, prevention and reduction of statelessness, and protection of stateless persons. (See ExCom, No. 78 (1995), endorsed by GA Res 50/152 of 21 December 1995; and ExCom, No.106 (2006), endorsed by GA Res. 61/137 of 19 December 2006; see also 1954 Convention on the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.)

Internally displaced persons

As the legal entity able to intercede on behalf of refugees, UNHCR was the agency historically first called upon by the General Assembly to protect and assist IDPs (GA Res. 2790 (XXVI) of 6 Dec 1971, ECOSOC Res. 1705[[LIII] of 27 July 1972). Since then, its work on internal displacement has been recognized by the GA as part of UNHCR's activities in its annual resolution (GA Res. 105 (XLVII) of 16 Dec 1992), complementing inter-agency efforts in this regard (GA Res.48/135 of 18 Feb 1994).

Good offices

UNHCR may also, and does, engage in activities to assist different groups outside its mandated functions if the GA or the Secretary-General invites UNHCR to extend its 'good offices' to such groups.

Annexes

[United Nations, Statute of the Office of the United Nations High Commissioner for Refugees, Annex to General Assembly Resolution 428 \(V\) of 14 December 1950](#)

[UNHCR, Note on the Mandate of the High Commissioner for Refugees and his Office, 2013](#)

4. Links

[Policy on UNHCR's Engagement in Situations of Internal Displacement, 2019](#)

5. Main contacts

As first port of call, the UNHCR Dep. Representative (Protection), UNHCR Asst. Rep. (Protection), and/or Snr Protection Officer in the country; or The UNHCR Regional Asst./Dep Rep (Protection) and/or Snr. Regional Protection Officer at the regional office (if applicable); or The Snr. Regional Legal Advisor in the respective UNHCR regional bureau, covering the respective country region, who in turn will liaise as required with the parent unit at UNHCR DIP.

Protecting lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ+) persons

29 January 2024

Key points

- Ensure that staff are aware of UNHCR guidelines for protecting LGBTIQ+ stateless and forcibly displaced persons, including with regards to the protection of sensitive personal data of LGBTIQ+ persons
- Ensure staff and partners in direct contact with forcibly displaced and stateless persons are sensitized to the needs and protection risks that can face LGBTIQ+ persons
- Create safe spaces and inclusive services that support self-disclosure for LGBTIQ+ persons. Do so sensitively; ensure confidentiality of the information shared and safety of individuals
- Engage with LGBTIQ+ civil society organisations and consult LGBTIQ+ persons to identify the diverse risks they face, their needs and capacities, as well as to develop programmes to address these risks. LGBTIQ+ persons are not a homogenous group
- Ensure that all processes and practices (family unity considerations, registration, etc.) are inclusive

1. Overview

In many societies, lesbian, gay, bisexual, transgender, intersex, queer, and people of other diverse identities (LGBTIQ+) are subject to serious human rights abuses because their sexual orientation, gender identity, gender expressions and/or sex characteristics (SOGIESC) do not conform to dominant social and cultural gender norms. As a result, LGBTIQ+ persons often are at heightened risk of violence, abuse, discrimination and exploitation during displacement - at the onset of an emergency, in transit, when they arrive in countries of asylum and as they seek durable solutions. Many attempt to hide their SOGIESC in fear of harm. UNHCR protection responses, procedures and programs must be inclusive and consider specific approaches and services needed by LGBTIQ+ persons.

Note on terminology.

A wide variety of terms are currently used to address and refer to persons with diverse sexual orientation, gender identity, gender expression and/or sex characteristics (SOGIESC) (see below). While acknowledging that language evolves, UNHCR uses the acronyms LGBTIQ+ persons and

diverse SOGIESC as umbrella terms to describe diverse groups of persons who do not conform to dominant notions of male and female binary gender roles. Some other terms include, LGBTI+, LGBTQ, LGBTQAI, Queer, etc.

In every context, make sure your staff are aware of what are the right terms to use and what terms are considered derogatory and should be avoided. Local LGBTIQ+ organizations should be consulted in this regard. When you are working with LGBTIQ+ persons and do not know what term to use, do not assume or presume, but ask.

The following definitions are relevant:

LGBTIQ+: An acronym for lesbian, gay, bisexual, transgender, intersex, queer and other diverse identities. See definitions [here](#). The plus sign represents individuals with diverse SOGIESC who identify using other terms. In some contexts, LGB, LGBT or LGBTI are used to refer to particular populations.

SOGIESC: An acronym for 'sexual orientation, gender identity expression and sex characteristics. All people have SOGIESC, but not everyone's SOGIESC makes them the target of stigma, discrimination or abuse.

Sexual orientation: Each person's capacity for emotional, affective, and sexual attraction to, and intimate relations with, persons of a particular gender or more than one gender. It encompasses hetero-, homo-, bi-, pan- and asexuality and a wide range of other expressions of sexual orientation.

Gender identity: Each person's deeply felt internal and individual experience of gender, which may or may not correspond to the sex they were assigned at birth or the gender attributed to them by society. Gender identity includes the personal sense of the body, which may or may not involve a desire for modification of appearance or function of the body by medical, surgical or other means. A person's gender identity is distinct from their sexual orientation.

Gender expression: Refers to each persons' external manifestation of gender, which may or may not correspond to culturally normative expectations of masculine or feminine appearance and behaviour. Individuals use a range of cues – such as names, pronouns, behaviour, clothing, haircut, voice, mannerisms and/or bodily characteristics – to interpret other individuals' genders. Gender expression is not necessarily an accurate reflection of gender identity. A person's gender expression is distinct from their sexual orientation and sometimes also from their gender identity.

Sex characteristics: Each person's physical features relating to sex, including chromosomes, gonads, sex hormones, genitals and secondary physical features emerging from puberty.

2. Relevance for emergency operations

During emergencies, individuals who are lesbian, gay, bisexual, transgender, intersex, queer and other diverse identities (LGBTIQ+) encounter distinct protection risks because their real or perceived sexual orientation, gender identity, gender expression and/or sex characteristics (SOGIESC) do not conform to prevailing sociocultural norm. LGBTIQ+ people are at heightened risk of exclusion, exploitation, violence and abuse throughout the entire displacement cycle.

LGBTIQ+ persons may face numerous barriers to accessing humanitarian assistance and services such as safe accommodation, appropriate health care, gender-based violence (GBV) services, education and livelihoods opportunities. Barriers are especially acute for persons whose affirmed gender identity does not match their official identity documents. Many of them attempt to hide their SOGIESC in an effort to avoid being targeted for abuse, making it difficult for UNHCR and its humanitarian partners to identify them or facilitate their access to asylum procedures and humanitarian services.

This entry provides fundamental information to help UNHCR staff in addressing the protection risk and needs of LGBTIQ+ persons and ensure they are not excluded from accessing the services that address these needs.

3. Main guidance

Protection objectives

UNHCR's protection objectives with respect to lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ+) persons are:

- To sensitize UNHCR and partner personnel to the specific risks and protection needs of LGBTIQ+ persons.
- To ensure that UNHCR and partner offices, registration facilities, reception centres, service delivery points, etc. are welcoming, confidential and safe spaces for LGBTIQ+ forcibly displaced and stateless persons.
- To consult LGBTIQ+ forcibly displaced and stateless persons and make sure that their views inform the design, implementation, and monitoring and evaluation of emergency responses.
- To ensure that LGBTIQ+ forcibly displaced and stateless persons do not suffer discrimination, are treated respectfully and fully participate in decisions that affect them.
- To ensure all responses are inclusive of LGBTIQ+ persons and consider their specific capacities and needs in terms of age, gender, and diversity (AGD).
- To implement specific measures where required, to prevent, mitigate and respond to violence against, or exploitation and abuse of, LGBTIQ+ persons during an emergency.
- To work with local LGBTIQ+ civil society organizations in the development of safe referral pathways and inclusive services.

Protection Risks

LGBTIQ+ persons are not a homogenous group. While they may share similar risks and concerns, each person has distinct needs and concerns that derive from the intersection of their SOGIESC with their gender, age, and other diversity characteristics (such as disability, ethnicity, religion, level of literacy etc.).

- Public spaces such as collective shelters, sanitation facilities, health clinics, police stations, and aid distribution points, often present risks for LGBTIQ+ persons. Host communities may stigmatize, harass or marginalize LGBTI persons; their own families and communities may also do so. Same-sex couples and their families may be separated in different

accommodations and Transgender individuals may be placed in wrong accommodation creating further risk. The content of assistance packages may not consider the specific needs of LGBTIQ+ persons (e.g. trans men, intersex children).

- Lesbian women may suffer persecution based on their gender and their sexual orientation and may be exposed more frequently to gender-based violence, including honour crimes and rape, at the hands of private actors, including family and community members.
- Gay men tend to live more public lives than lesbian women and as a result are often at more immediate risk of harm, including from state actors in countries where consensual male same-sex sexual conduct is a criminal offence.
- Transgender persons are often severely marginalized and subject to violence. They are often subject to sexual abuse by state as well as non-state actors. Frequently excluded from education and access to housing and employment, they may resort to the sale and exchange of sex. They often lack access to medical services that are much needed.
- Intersex individuals may be subject to ritualistic abuse where it is believed that bodily diversity is evil. They are often exposed to forced surgical interventions, including sterilization, without consent – including on intersex children or infants.
- Coping mechanisms and infrastructures on which LGBTIQ+ persons normally rely may be incapacitated or destroyed as a result of displacement. These include safe public spaces and facilities such as non-discriminatory health and community centres.

Other risks

The reputation of UNHCR and its partners will be put at risk if they do not fulfill their responsibility to protect all forcibly displaced and stateless persons.

Key decision points

- Ensure that all staff and partners understand the specific protection needs of LGBTIQ+ persons, either through training or by reviewing UNHCR's Need to Know Guidance on Working with Lesbian, Gay, Bisexual, Transgender, Intersex and Queer Persons in Forced Displacement.
- Ensure that all UNHCR and partner premises are welcoming and safe for LGBTIQ+ forcibly displaced and stateless persons.
- Ensure that all staff and partners, including drivers and security guards, are aware of what is and is not appropriate behaviour when working with LGBTIQ+ persons. [UNHCR's Code of Conduct](#) sets out clear norms and requires managers to take action when inappropriate behaviour is identified.
- Appropriate partners may need to be identified, in particular in the absence of (reliable) national services. It is recommended to work with local LGBTIQ+-led organizations.
- Establish systems that will consistently refer LGBTIQ+ persons to relevant service providers and ensure all services are accessible without discrimination.
- Ensure that feedback and response mechanisms, including those for confidential reporting, are known, safe and accessible for LGBTIQ+ persons.

Key steps

- 1) Accessibility and assessment procedures

- Ensure that UNHCR and Partners are safe and accessible to LGBTIQ+ persons, and that communication and outreach activities are inclusive.
- Where possible, consult civil society actors, NGOs and other civil society organizations, including local LGBTIQ+-led organizations.
- In your reception centres, registration facilities and service provision points, include visual material that has key messages for LGBTIQ+ persons. Ensure that confidential hotlines and other reporting channels are in place, known and inclusive.
- During assessment, be alert to the fact that lesbian, gay, bisexual, transgender, intersex and queer persons and other persons with diverse SOGIESC face different risks and have different needs and priorities.
- Support services should include LGBTIQ+ forcibly displaced and stateless persons in all protection and assistance programming. Specific arrangements and adaptations may need to be made in some situations.
- Ensure that the urgent needs of LGBTIQ+ persons are identified and adequately addressed; take targeted actions where necessary. Include LGBTIQ+ persons in programmes that prevent and respond to gender-based violence (GBV), working with partners where applicable.
- Design confidential, safe and effective referral systems by mapping the needs of LGBTIQ+ persons in liaison with local LGBTIQ+ -led organisations and other relevant service providers.
- Treat personal data of LGBTIQ+ carefully to avoid risk exposure. Apply safeguards for the processing of such data and restrict access to sensitive information.

2) Access to services

- Respond promptly and adequately to the specific needs of LGBTIQ+ persons. Map partners, referral mechanisms, and the community's capacities.
- Work with partners, other actors, and the authorities where feasible, to identify appropriate and safe housing arrangements.
- Ensure that services such as legal counselling, health, and MHPSS are accessible to LGBTIQ+ persons without discrimination and that LGBTIQ+ persons are included in programmes that target forcibly displaced and stateless persons.
- Review your response programmes to identify where LGBTIQ+ persons may be at higher risk. Be mindful that it may not always be safe for LGBTIQ+ persons to access established mainstream services. For example, many public health facilities are legally required to report GBV cases to local law enforcement, which may put LGBTIQ+ persons at additional risk.

3) Prevention of abuse and exploitation

- Take steps to put systems in place to prevent and respond to violence, exploitation and abuse are inclusive for LGBTIQ+ persons. Establish monitoring mechanisms for this purpose.
- Ensure feedback and response systems are accessible to LGBTIQ+ persons and that concerns reported through those systems are acted upon.

4) Inclusion and information sharing

- Ensure that LGBTIQ+ forcibly displaced and stateless persons are consulted and meaningfully involved in the design, implementation, monitoring and evaluation of programmes that affect them.
- Provide information, in different forms and at various locations, about how and where LGBTIQ+ persons can seek assistance.
- Ensure the office reception provides a safe and welcoming environment and that registration is conducted in a non-discriminatory manner. Specific arrangements may need to be made for registration.

5) Awareness raising and advocacy

- Include the diverse protection issues LGBTIQ+ persons face in awareness-raising and training activities with partners.
- Provide specific training to ensure that staff, interpreters, and other relevant actors (in government and civil society) understand the particular needs and vulnerabilities of LGBTIQ+ persons in forced displacement.

Key management considerations

- Enough resources and sufficient knowledgeable staff should be available to meet the specific needs of LGBTIQ+ forcibly displaced and stateless persons.
- Strengthen the capacity of protection staff and partners to respond to the protection needs of LGBTIQ+ persons. Mainstream efforts to address issues of LGBTIQ+ individuals in all relevant sectors.
- Establish mechanisms to monitor the security and level of protection of LGBTIQ+ persons, and their level of access to services.
- Press national services and partners to remain engaged in support of LGBTIQ+ persons.

Resources and partnerships

Staff

Staff working in protection, community-based protection, health, shelter, CCCM, education, livelihoods and other technical sectors are particularly relevant. Ideally, each operation should have a trained and knowledgeable LGBTIQ+ focal point.

Financial resources

Financial resources will be required to plan and implement relevant services, interventions and programmes.

Training

Ensure that staff, interpreters, and other relevant actors (in government and civil society) are aware of and can obtain training on working with LGBTIQ+ persons in forced displacement and on the particular risks they face and specific needs they have. Ideally, conduct such training

before an emergency occurs.

Partnerships

- National NGOs and government institutions that are sensitive to LGBTIQ+ they have. Well-known and trusted international NGOs with expertise include ORAM, ILGA and HIAS. Such partners are often also able to provide mental health and psychosocial support, where required.
- Explore national LGBTIQ+ organisations who provide specific services to LGBTIQ+ persons.
- Map grassroots LGBTIQ+ organizations, including those led by displaced persons and explore opportunities to support them, e.g. through grant agreements.

Annexes

[UNHCR, Policy on Age, Gender and Diversity, 2018](#)

[UNHCR, Need to Know Guidance: Working with Lesbian, Gay, Bisexual, Transgender, and Intersex Persons in Forced Displacement, 2021](#)

[UNHCR, Guidelines on International Protection No. 9. Claims to Refugee Status based on Sexual Orientation and or Gender Identity, 2012](#)

[UNHCR, Tip sheet on applying the UNHCR, Age, Gender and Diversity policy to LGBTIQ+ persons, 2021](#)

[UNHCR, 2021 Global Roundtable on Protection and Solutions for LGBTIQ+ People in Forced Displacement – Summary Conclusions + 2023 Progress Stock Taking](#)

4. Learning and field practices

Working with LGBTIQ+ people in forced displacement e-learning [[English](#)] [[French](#)] [[Spanish](#)]
(accessible to UNHCR staff only)

[UNHCR video on LGBTIQ+](#)

[UNHCR video on SOGIESC](#)

5. Links

6. Main contacts

As first port of call, contact the UNHCR Deputy Representative (Protection), the UNHCR Assistant Representative (Protection), or the Senior Protection Officer or Senior Community-based Protection Officer in the country.

Alternatively, contact the UNHCR Head of Protection, or the Deputy Director (Protection), or the senior Protection Coordinator, or the senior Protection Officer, or the senior Community-based Protection Officer in the Regional Bureau.

The person you contact will liaise as required with the relevant technical unit at UNHCR DIP.

Age, gender and diversity (AGD)

29 January 2024

Key points

- Draw on information gathered during assessments and consultations with forcibly displaced and stateless persons throughout programming phases
- Talk to individuals and groups across different AGD groups, among forcibly displaced and stateless persons and host community members; it is not enough to engage only with leaders
- Do not make promises to the community that you cannot keep
- Recognize that each community and person has capacities and engages in forms of individual and/or collective self-protection. It is important to identify and map community-based protection mechanisms and support what works
- Be aware that many protection problems may have existed before an emergency began. Some practices in a community may be harmful to the protection of certain AGD groups
- Be aware that, to meaningfully involve specific AGD groups, such as children, older persons, persons with disabilities, LGBTIQ+ persons, minorities and indigenous peoples, you may need to adapt the way you reach them and ensure their participation
- Organise needs assessments, protection monitoring and other similar activities in a way that includes the collection of age, gender, disability and other relevant diversity characteristics, as needed. Use the AGD data when conducting the analysis in order to generate AGD-sensitive findings and inform AGD-inclusive programmes

1. Overview

Every individual is unique. The actual or perceived differences between us shape our opportunities, capacities, needs and vulnerability; and perceptions of difference can influence how we are treated by others.

Conflict and displacement affect individuals differently, depending on their age, gender, disability, and other diversity characteristics. [UNHCR's age, gender and diversity \(AGD\) policy](#) seeks to ensure that all forcibly displaced and stateless persons fully participate in decisions that affect them and enjoy their rights on an equal footing with others.

Age denotes the different stages in a person's life cycle. It is important to know where people are in their life cycle, because their capacities and needs change over time. Age influences and can enhance or diminish people's capacity to exercise their rights, and must be considered in all protection, assistance and solutions programmes.

Children and adolescents can bring unique and valuable perspectives and solutions to problems that confront them and their communities.

Youth are frequently overlooked as a social group. When given the opportunity to develop their talents and skills, youth have the potential to make important contributions to protection and to solutions, for themselves and for their communities.

Older persons may face heightened protection risks, due to the negative interaction of ageing with barriers in the environment, including ageist attitudes, and other personal characteristics. When supported, they can play vital roles in their households and communities.

Gender denotes the socially constructed roles of women and men, which are often central to the way in which people define themselves and are defined by others. Gender roles are learned, may change over time, and vary within and between cultures. Gender often defines the duties, responsibilities, constraints, opportunities and privileges of women, men, girls and boys in any context. The principle of gender equality affirms that all individuals regardless of their gender should enjoy rights, responsibilities and opportunities on equal terms. It implies respect for the interests, needs and priorities of all genders. Combating discrimination based on sexual orientation and gender identity is inextricably linked to gender equality, since it challenges negative gender stereotypes and systemic discrimination arising from prejudice.

Women and girls fill important roles in their communities and families and wider society and contribute in various ways to strengthening protection and solutions. Supporting the empowerment of women and girls is vital for dismantling gender barriers and reducing inequalities.

Men and boys can be agents of change in favour of rights, and can work to increase gender equality and prevent gender-based violence (GBV).

Persons with diverse sexual orientation, gender identity, gender expression, and/or sex characteristics (SOGIESC), including lesbian, gay, bisexual, transgender, intersex and queer

[\(LGBTIQ+\) persons](#) face complex challenges, threats, and barriers and often experience discrimination, abuse, and violence.

Diversity denotes the different values, attitudes, cultural perspectives, beliefs, ethnic backgrounds, nationalities, sexual orientations, gender identities, disabilities, health, social and economic status, skills and other specific personal characteristics that people possess. Diversity characteristics vary from person to person and intersect with age and gender, making each person unique. UNHCR undertakes to recognize, understand, respect and value these differences in each specific context and operation, to ensure that all forcibly displaced and stateless persons are protected appropriately. Respecting diversity means recognizing and valuing those differences and creating a protective, inclusive, and non-discriminatory environment in which every person's rights are upheld. The general concept of diversity is also a call to not restrict ourselves to pre-defined groups which may be marginalized or need specific responses, as this may also be highly context-specific.

Persons with disabilities experience physical, attitudinal, information and communication barriers to access services and assistance. As a result, they may be excluded from programmes, denied participation in decisions that affect their lives, and lack support networks.

Minorities and indigenous peoples are often marginalized or excluded from participation in socio-economic life, rarely have access to political power and frequently encounter structural obstacles to manifesting their identity. These obstacles are multiplied for minorities and indigenous peoples during forced displacement and statelessness, and increase protection risks.

UNHCR Policy on AGD (2018)

In 2018, UNHCR revised its AGD Policy. The updated policy consolidates and updates UNHCR's commitments to inclusive AGD programming, to [accountability to affected people \(AAP\)](#), and to women and girls. These commitments complement and build on one another. The AGD Policy sets out ten minimum core actions that are mandatory for all UNHCR operations in all contexts, including emergencies

AGD-INCLUSIVE PROGRAMMING	For purposes of analysis and programming, all data collected by UNHCR will be disaggregated, by age, sex, and disability at minimum, and by other elements of diversity where contextually appropriate and possible.
PARTICIPATION AND INCLUSION	At a minimum, country operations will employ participatory methodologies at each stage of an operation's management cycle, and will incorporate the capacities and priorities of persons of all ages, genders and diverse backgrounds into protection, assistance, and solutions programmes. In an emergency, this may include organizing focus group discussions with diverse groups as soon as possible to ensure the response provided is adequate and identify potential adaptations.

COMMUNICATION AND TRANSPARENCY	At a minimum, all country-level protection and solutions strategies will detail the operation's approach to communicating with persons of diverse age, gender and diversity backgrounds, using means that are appropriate and accessible to all groups in a community. In an emergency, access to information and communication can be promoted by using multiple channels, including radio messaging, audio and printed information, and community volunteers, among other.
FEEDBACK AND RESPONSE	At a minimum, all UNHCR operations will establish and operate feedback and response systems, including for confidential complaints. Channels can be adapted for emergency response, including the use of digital and in-person mechanisms.
ORGANIZATIONAL LEARNING AND ADAPTATION	At a minimum, UNHCR operations will adapt programmes and strategies in response to input from forcibly displaced and stateless persons, and document this in country operation plans and annual reporting. In emergencies, use feedback collected through focus group discussions and feedback channels to adapt programming and document lessons learned as soon as possible.
ADVANCING GENDER EQUALITY	<p>a. At a minimum, UNHCR operations will ensure that 50% of those who participate in management and leadership structures under UNHCR's authority are women. UNHCR will encourage partners, including Governments, to do the same.</p> <p>b. At a minimum, UNHCR will provide forcibly displaced and stateless women and girls with individual protection documentation and will encourage partners, including Governments, to do the same.</p> <p>c. Depending on the context, UNHCR operations will increase the percentage of women who are the primary recipients of assistance in households that receive material or cash-based assistance.</p> <p>d. At a minimum, UNHCR will ensure that women and girls have equal access to livelihood, education, and health programmes it delivers, and will work to persuade partners, including Governments, to give them equal access to public services.</p> <p>e. At a minimum, UNHCR operations will adopt and apply GBV standard operating procedures; operationalize the four main referral pathways for all survivors (safety/security, legal, medical, and psychosocial); and encourage partners, including Governments, to do the same.</p>

2. Relevance for emergency operations

Proper attention to the age, gender and diversity of forcibly displaced and stateless populations is of the essence, from day one of an emergency, to identify and address the most acute protection problems and needs. For instance: persons with disabilities and older persons may have been left behind during forced displacement. The extent of GBV may not be apparent among recently arrived refugee women. Inadequate responses to dietary needs of internally displaced nomad populations may aggravate malnutrition.

It is essential to quickly identify the most acute protection problems and needs affecting specific groups and to develop specific responses in the first stages of an emergency. AGD analysis and developing new responses, or adapting existing ones, must however continue during the emergency as more information becomes progressively available.

3. Main guidance

As a foundational component of UNHCR's commitment to accountability to affected persons (AAP), the AGD Policy is relevant to all persons of concern to UNHCR forcibly displaced and stateless persons we work with and for, to all humanitarian actors, and in all interventions in every emergency. The following actions can support the implementation of the commitments to AGD in an emergency.

Summary of actions

Assessment and other types of consultations

Gather and systematically analyse, with the active involvement of forcibly displaced and stateless persons, AGD-disaggregated information relating to the rights, needs, risks and priorities of all forcibly displaced and stateless persons. Identify the AGD characteristics that are relevant and need to be available as an evidence base to inform AGD-inclusive programming.

Design the assessment accordingly, as to enable the disaggregation of data information by AGD characteristics. Balance the resources, time and effort required to run an assessment against the length of time its findings will remain valid, particularly in situations that change rapidly. As appropriate, use all opportunities and encounters with forcibly displaced and stateless persons to understand how the situation is changing for them, and ensure this information is documented and analyzed in a systematic manner.

Design

The design of programmes should be based on assessments of the protection needs of affected and host communities and their capacities. Involve forcibly displaced and stateless persons and their representatives in the design of programmes that affect them.

Resource allocation

To fully implement an AGD approach, budget allocations and programme interventions must reflect the findings of assessments and community consultation, and should consider the priorities set by the community. Consider the resources needed for continuous engagement with the community when doing your resource allocation.

Implementation

Decide what targeted actions are required to address the specific needs of different AGD groups of forcibly displaced and stateless persons, and remove barriers that make it difficult for them to access services they need or be part of the solution. Implement these actions with care, making sure that inequalities are not exacerbated and that no individuals or groups are improperly excluded. Involve forcibly displaced and stateless persons in the implementation of your programmes, including distribution of cash, food and core relief items (CRIs).

Monitoring and evaluation

Assessment and consultation provide an opportunity for forcibly displaced and stateless persons to provide feedback on the effectiveness of interventions. Ensure feedback, complaints and response systems are in place early on, and that all forcibly displaced and stateless persons are aware of them and have opportunities to voice their concerns. Act on feedback received from forcibly displaced and stateless persons, for example by taking corrective action, and report back to them.

Staffing

Consider the AGD characteristics of UNHCR and partner personnel, especially when these may affect their capacity, or the capacity of programmes, to protect forcibly displaced and stateless persons. Note that forcibly displaced and stateless persons may be more comfortable interacting with personnel based on their age, gender, or other diverse characteristics, such as a preference for women interpreters, or personnel who speak local or sign languages.

How to implement this at field level?

The AGD policy is fundamentally linked to UNHCR's rights-based and [community-based approaches](#), which seek to facilitate the meaningful and systematic participation of forcibly displaced and stateless persons across programming phases and, thereby, in decisions that affect their lives and their communities.

Use a participatory approach to collect, analyse and disseminate information, and to identify relevant AGD characteristics, categories, and data sources. Listen to forcibly displaced and stateless persons, understand their identified priorities, draw on their knowledge, and respond to feedback.

- Use a range of participatory methodologies to understand the situation of forcibly displaced and stateless persons; map community structures, communication channels, and available services.
- Conduct regular assessments to identify and monitor protection risks and incidents, and the incidence of human rights violations before and during the emergency. Use an AGD perspective to analyse root causes and their impact, with the aim of taking swift preventive and/or remedial actions and avoiding further abuses or displacement.
- When you consult community members, carefully consider their safety and security. Individuals or groups who communicate with aid agencies may face resentment or even violence from other individuals or groups. Identifying information and their sources should therefore be kept confidential. When working with local authorities, particularly in internal displacement situations, take measures to ensure that no individuals or communities face repercussions because they have discussed human rights violations or shared any other

information with us.

- Make arrangements to ensure that all groups in the community are aware of opportunities to participate in assessments and that any barriers to participation in these are removed.
- Assessments should draw on the expertise of all personnel (national and international), as well as partners, local NGOs and civil society groups, government officials and forcibly displaced and stateless persons. Adopt a multi-functional team (MFT) approach. Participatory assessments are the responsibility of all personnel, not only [community-based protection](#) and protection staff.
- Organise needs assessments, protection monitoring and other similar activities in a way that includes the collection of age, gender, disability and other relevant diversity characteristics, as needed. Use the AGD data when conducting the analysis in order to generate AGD-sensitive findings and inform AGD-inclusive programmes.
- During an emergency, the situation changes very quickly. Spend as much time as you can in the community and use every opportunity to engage with forcibly displaced and stateless persons to understand how their situation is changing.
- Avoid talking only to leaders or people who are more visible and vocal. Proactively seek to engage different groups in the community and take steps to consult the opinions of people who are at heightened risk or marginalized.
- Conduct assessments during times of day and in locations that are safe and convenient for different AGD groups. Take steps to ensure accessibility for individuals from all AGD groups to participate, for example by providing childcare, food, or a travel allowance.
- Report back to communities and engage with them to validate the findings and the proposed programme priorities.

Include forcibly displaced and stateless persons persons of concern meaningfully in operational planning.

- Run participatory planning exercises and work with communities to implement protection solutions. Failure to consult communities adequately, or to take account of their views when responses are designed, can have serious consequences. If women are not consulted, for example, sanitation facilities may be constructed near areas where men socialize; this may put women and girls at risk, cause them to avoid using the facilities, and so harm public health as well as their safety and dignity.
- When you plan, draw on the needs, priorities, and proposed solutions that forcibly displaced and stateless persons identified during the assessment phase. Use the information provided through the feedback, complaints and response systems.
- Engage with organizations led by persons with disabilities, LGBTIQ+ persons, youth, and women, particularly those led by displaced and stateless persons, and collaborate with them on the design and implementation of inclusive responses and safe referral pathways to services. Invest in partnership with such organizations (including thorough the Grant Agreement).
- AGD requires UNHCR personnel to adopt specific and appropriate methodologies to engage meaningfully with different groups. (Develop child-friendly information materials and consultation exercises for boys and girls of different ages, for example.)

Identify where targeted action is needed to address specific protection gaps.

- Design responses to be inclusive and accessible to diverse groups in the community. Take specific action to target the most pressing needs that are identified. It is important to involve forcibly displaced and stateless persons in this work and build their capacities.
- When taking action during an emergency, avoid establishing patterns of behaviour or relationships that might be difficult to change later on. Prefer temporary arrangements and review them regularly, as the situation evolves. Make sure that forcibly displaced and stateless persons are made aware that arrangements introduced during emergencies may change later.
- Identify and support communities' self-protection measures and avoid introducing new measures that may weaken the community's capacities. Identify both positive and negative coping mechanisms, and work with the community to address harmful social norms and their effects.
- Quickly identify a diverse group in the community who are able and willing to organize community support for those at heightened risk, including temporary care arrangements for unaccompanied children. Make sure that such a mechanism is then incorporated in a wider community mobilization strategy. Identify and remove barriers that different groups face as they try to access registration, assistance and other services in an emergency. Many [persons with disabilities](#), for instance, experience social, cultural, physical, economic, and political discrimination that impedes their efforts to participate in society on equal terms and may obstruct their access to rights and services.

Information sharing and communication

- In consultation with communities, establish locations where UNHCR personnel are available at regular times to meet forcibly displaced and stateless persons, gather information on protection needs, answer questions, and provide counselling in a safe and confidential environment. Inform the community about these arrangements. Be mindful that not all persons in the community may be able to access those points. Go to them instead!
- Work with community outreach volunteers to ensure timely information is disseminated in the community, particularly to those who are at heightened risk, in a way they are likely to be able to understand and use to make informed decisions about their lives.
- Working with the community; take steps to ensure that individuals across all AGD groups have access to information on assistance and other issues. Post notices in places where people are likely to meet, such as water-collection points, community centres, registration points, and wherever assistance is distributed, ensuring that messaging is available in local languages and for people with low levels of literacy and digital connectivity.

Carefully consider the composition of UNHCR personnel and its partners and effects on operational effectiveness, to reflect the diversity of the communities where we work.

- For example, it may be difficult to encourage women's active participation and leadership, or consult women and girls adequately, if the UNHCR and partner personnel engaging with them are male.

Post emergency phase

A post-emergency phase normally provides opportunities to deepen and make more sustainable responses to diverse population groups. As an instance, GBV programming may be enriched with longer-term women empowerment. Self-help mechanisms, together with advocacy with authorities, can be deployed to promote obtention of personal documents.

Mapping of State responsibilities, such as regular social protection programmes for vulnerable persons, is important during the emergency phase. A post emergency might then provide the opportunity to switch from direct interventions, such as humanitarian cash assistance, to support to authorities for e.g. inclusion of displaced persons in existing social protection schemes.

Checklist

- Obtain a quick understanding of the specific population groups, according to AGD, which may be most affected by acute protection problems and needs.
- Ensure that all assessments are adapted to measure the above, through e.g. the inclusion of specific indicators.
- Adapt programmatic and advocacy responses to identified needs.
- Progressively refine knowledge with specific or more in-depth assessments and adapt the response accordingly.

4. Standards

Managing UNHCR's results indicators

UNHCR Results Monitoring Framework encourages disaggregation by age, gender, disability and other diversity considerations as relevant. Dedicated Good Practice indicators to monitor access to groups at heightened risk are also available under Outcome Areas 4, 5 and 7.

[Managing UNHCR's results indicators](#) - accessible to UNHCR staff only

5. Policies and guidelines

[UNHCR, Policy on Age, Gender and Diversity, 2018](#)

Annexes

[UNHCR Tool for Participatory Assessment in Operations, 2006](#)

[Understanding Community Based Protection, Policy Paper, 2013](#)

[UNHCR Manual on a Community Based Approach in UNHCR Operations, 2008](#)

[UNHCR, Gender Equality Toolkit, 2020](#)

[UNHCR Specific Needs Codes – Disability Interview Guide, 2022](#)

[UNHCR, Need to Know Guidance: Working with Persons with Disabilities in Forced Displacement, 2019](#)

[UNHCR, Need to Know Guidance: Working with lesbian, gay, bisexual, transgender, intersex persons in forced displacement, 2021](#)

[UNHCR, Need to Know Guidance: Working with Older Persons in Forced Displacement, 2021](#)

[UNHCR, Need to Know Guidance: Working with national or ethnic, religious and linguistic minorities and indigenous peoples in forced displacement, 2011](#)

6. Learning and field practices

[Community-based Protection](#)

7. Links

[IASC Commitments on Accountability to Affected People and Protection from Sexual Violence](#)... IASC, Policy on Gender Equality and the Empowerment of Women and Girls in Humanitarian Action... IASC, Operational Guidance on Data Responsibility in Humanitarian Action, 2023 [UNHCR & UNICEF, Guidance Note: Responsible Disaggregation of Data on Refugee and Migrant Children](#)... [UNHCR, Listen and Learn - Participatory assessment with children and adolescent refugees and migrants](#)... [CBP Intranet Page \(UNHCR staff only\)](#) [Safeguarding Individuals Page](#) [Persons at Risk](#) [Accountability to Affected People \(AAP\)](#)

8. Main contacts

As first port of call, contact the UNHCR Deputy Representative (Protection), the UNHCR Assistant Representative (Protection), or the Senior Protection Officer or Senior Community-based Protection Officer in the country.

Alternatively, contact the UNHCR Head of Protection, or the Deputy Director (Protection), or the senior Protection Coordinator, or the senior Protection Officer, or the senior Community-based Protection Officer in the Regional Bureau.

The person you contact will liaise as required with the relevant technical unit at UNHCR DIP.

Stateless person definition

06 December 2023

Key points

- Always bear in mind that some asylum seekers, refugees, IDPs and migrants may also be stateless. In addition, there are stateless persons who have never crossed borders and find themselves in their 'own country'. Their predicament exists in situ, that is in the country of their long-term residence, in many cases the country of their birth. For these individuals, statelessness is often the result of problems in the framing and implementation of national laws
- UNHCR can provide technical assistance to States to identify individuals of undetermined nationality and establish statelessness determination procedures. Where appropriate, UNHCR may also examine a person's nationality claims and present them to the appropriate State authority, while advocating their naturalization
- Take steps to identify asylum seekers who are stateless at the registration stage; flag also cases of possible statelessness
- In the case of stateless refugees, it is important that both their refugee and statelessness status are explicitly recognized. However, refugee protection should be prioritized as the 1951 Convention relating to the Status of Refugees (1951 Convention) entitles individuals to more rights than the 1954 Convention to the Status of Stateless Persons (1954 Convention). Most importantly, this includes protection against refoulement
- Always bear in mind that cross border flows may include nationals of the receiving country. Where such individuals are not able to confirm and document their nationality, facilitate their timely identification and assist them to be recognized and documented as nationals by the relevant authorities

1. Overview

Article 1 (1) of the 1954 Convention relating to the Status of Stateless Persons defines a stateless person as 'a person who is not considered as a national by any State under the operation of its law'.

This definition is binding on all States parties to the Convention and also applies to other States because the [International Law Commission](#) has concluded that the definition is part of international customary law. With the exception of persons who are excluded under [Paragraph 7 of UNHCR's Statute](#) and [Article 1\(2\) of the 1954 Convention](#), persons who meet this definition are of concern to UNHCR under its mandate.

To establish whether a person is stateless under the definition, it is necessary to analyse the nationality laws of States with which the individual has relevant links, how these States apply their nationality laws in practice and any review/appeal decisions that may be relevant to the individual's case. The reference to 'law' in the definition should be read broadly to encompass legislation, but also ministerial decrees, regulations, orders, case law (in countries with tradition of precedent), and, where appropriate, customary practice

2. Relevance for emergency operations

Statelessness is often intertwined with various types of discrimination and human rights violations. Additionally, statelessness can be a cause of displacement. While most stateless people remain in the country of their birth, some leave and become migrants or refugees. Stateless persons who are refugees under the 1951 Convention are entitled to protection under that instrument. When an individual is both a refugee and stateless, both types of status should be explicitly recognized. Though the 1951 Convention generally entitles individuals to more rights than the 1954 Convention (including protection against *refoulement*), a person whose refugee status ceases may not always have acquired a nationality and may continue to require international protection under the 1954 Convention. Recognition as a stateless person by the State authorities can also facilitate exercise of other rights, such as facilitated naturalization.

In emergency contexts, population movements from one country to another may include people who are nationals of the receiving country, such as returning refugees and migrants. They may have been abroad for a prolonged period or even born abroad. When displacement is due to armed conflict, the situation of such individuals may resemble that of refugees. They may not have proof of nationality and lack a social support network to assist them on arrival. It is therefore essential to identify nationals of a receiving country when they arrive and assist them to acquire documentary proof of their nationality under UNHCR's mandate to prevent statelessness.

3. Main guidance

Steps should be taken (whenever possible) to facilitate the identification of stateless persons in emergencies by ensuring that the country of origin is captured at registration (REG) and

nationality is recorded as 'none/stateless'. It is possible to identify stateless persons or persons at risk of statelessness on a *prima facie* group determination basis. This could be appropriate where there is readily apparent, objective information about the lack of nationality of members of a group such that they would *prima facie* meet the stateless person definition in Article 1(1) of the 1954 Convention. Where there are reasonable grounds for believing that a person is *prima facie* stateless (for example, because he or she belongs to a stateless minority population), the person's nationality is to be recorded as 'none/stateless'. Where a person's nationality is unclear, this should be flagged to facilitate follow-up.

With respect to individual determinations of whether a person is stateless under the definition in Article 1(1) of the 1954 Convention, UNHCR's primary role is to provide technical assistance to States in establishing statelessness determination procedures (SDPs). UNHCR can advise on both the establishment of new SDPs to be conducted by States and contribute to the enhancement of existing ones. UNHCR may also support States in establishing whether or not a person is stateless by facilitating enquiries with authorities of other States and can act as an information resource on nationality laws and practices. Under Article 11 of the 1961 Convention on the Reduction of Statelessness (1961 Convention), UNHCR can play a role in examining a person's nationality claims and presenting them to the appropriate State authority.

During the first phases of an emergency, it will usually not be feasible for States to conduct SDPs. However, when implementation of an individual refugee status determination (RSD) procedure is considered necessary and feasible, procedures for identifying stateless persons or persons at risk of statelessness should also be considered, including procedures for flagging such cases during the first stage of registration. Further investigation of whether an individual is stateless or at risk of statelessness may be conducted during RSD or, for individuals who are found not to be refugees, subsequent to RSD. Where it is feasible for SDPs to be implemented by the State, UNHCR should provide all necessary technical assistance in this regard.

It should be noted that SDPs are only relevant procedures for stateless migrants or stateless refugees and not for *in situ* stateless persons. SDPs for the purpose of obtaining status as stateless persons are not optimal because of their long-established ties to these countries. Depending on the circumstances of these populations, States are encouraged to undertake targeted nationality campaigns or nationality verification efforts rather than to establish statelessness status through use of an SDP.

It is important to identify individuals who may be nationals of a receiving country as early as possible and, when required, to assist them to be recognized and documented as nationals by the relevant authorities. Incorrect registration of these individuals as refugees may in some situations be detrimental to their recognition as nationals of the receiving country, and may put them at risk of statelessness.

Annexes

[UNHCR, Handbook on Protection of Stateless Persons, 2014](#)

[UNHCR, Global Action Plan to End Statelessness 2014 - 2024](#)

4. Links

[UN Conventions on Statelessness](#)

5. Main contacts

CONTACT The first port of call is the UNHCR Deputy Representative (Protection), the UNHCR Assistant Representative (Protection), or the Senior Protection Officer in the country. Contact may also be made with the UNHCR Regional Assistant or Deputy Representative (Protection), with regional statelessness officers, or with the Senior Regional Legal Advisor in the respective UNHCR Regional Bureau, covering the respective country region. He or she will liaise as required with the Statelessness Section in DIP in HQ.

Access to territory and non-refoulement

11 December 2023

Key points

- Know that a failure to respond effectively and consistently to refoulement-related incidents, or ensure effective internal information sharing, can have serious consequences for refugee protection as well as important reputational risks for UNHCR
- Remember that working with States and other actors to ensure access to territory and prevent refoulement is a core responsibility of UNHCR in accordance with the international protection function prescribed under its Statute
- Build a network with refugees, civil society and other partners (including UN agencies); they can alert you to refugee movements as well as (possible) instances of refoulement
- Engage with State agents working at the border and continually raise and train/capacity-build on the principle of non-refoulement and protection sensitive entry systems
- Review and familiarise yourself with the 2022 Administrative Instructions and Operational Guidelines on Preventing and Responding to Refoulement

1. Overview

This entry refers to activities by UNHCR and partners aimed at ensuring that access to territory for persons in need of international protection is upheld, refoulement is prevented and that adequate responses are given in the event refoulement occurs or is imminent.

The principle of non-refoulement obliges States not to expel or return (refouler) in any manner whatsoever a person to territories where his/her life or freedom would be threatened, i.e. where there is a risk of persecution or any other form of serious harm. This obligation is set out under the 1951 Convention, regional refugee law instruments, international or regional human rights law instruments and is binding under customary international law.

The principle of non-refoulement applies to both refugees and asylum-seekers. As refugee status is declaratory in nature, asylum-seekers must not be refouled prior to a final determination being made on their status by either the relevant Government authorities or UNHCR.

The principle of non-refoulement includes actions taken by a State to remove persons from its territory (including in its territorial waters). It is not, however, restricted to measures taken on the territory of the State concerned. It applies wherever the State is active through its agents, including outside its territory when it has effective control over that territory/places or over persons. The obligation can apply, for example, in so-called 'no-man's lands' between two countries; on the high seas; or in so-called 'international' or 'transit zones' at land borders, airports or seaports. It is irrelevant that a State may have declared certain territory or places (e.g. airport zones) to be either outside the realm of international or national laws.

2. Relevance for emergency operations

Non-refoulement requires the priority attention of all UNHCR operations, including in emergency contexts. UNHCR's interventions in emergency contexts are aimed at ensuring that all reasonable and feasible measures are taken by States and other actors to ensure access to territory, the prevention of refoulement; risks are monitored; and, in the event refoulement does occur, UNHCR responds appropriately.

Noting that everyone has a right to be protected from refoulement without discrimination, the principle of non-refoulement applies in all situations, including in the context of large-scale emergencies and mixed movements. It also applies to people who have entered or are present in a country regularly or irregularly, whether or not they have passed through immigration control, and regardless of whether (or when) they have presented themselves to the authorities.

3. Main guidance

Protection objectives

To ensure people are given access to safe territory where they can seek and enjoy

asylum/international protection, by:

- a) allowing them to enter the territory in order to seek and enjoy protection (people should not be turned away or pushed back at the border); and
- b) preventing their forcible return or removal in any manner whatsoever to their country of origin or any other country where they are at risk of persecution or other forms of serious harm.

Underlying principles and standards

- The principle of non-refoulement is set out, inter alia, in Article 33(1) of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol as well as other relevant international or regional refugee or human rights law instruments.
- Article 33 is complemented by prohibitions on return contained in and developed under international human rights law, such as the absolute prohibition on return to torture or inhuman treatment or punishment and the prohibition of collective expulsion.
- As a norm of customary international law, the principle of non-refoulement is binding on all States, irrespective of whether or not they are party to the 1951 Convention or other international refugee or human rights law instruments.
- No reservations are permitted to Article 33 of the 1951 Convention or any other non-refoulement provision under international law. Further, States are also not allowed to suspend the application of the principle of non-refoulement in times of war or public emergency.
- Under Article 33(2) of the 1951 Convention two limited exceptions to the principle of non-refoulement are allowed. However, non-refoulement obligations under international human rights law continue to apply without any exception.

Protection Risks

- Asylum-seekers and refugees are returned or sent to where they face persecution or serious threats to their life if prevented from accessing safe territory or if returned to an armed conflict or to persecution. This risk may be particularly prominent when asylum-seekers and refugees move in mixed movements flows. (See Entry on [Migrant definition](#))
- People may be forced to access safe territory through unofficial crossing points and/or by resorting to people smugglers, making the travel hazardous and dangerous, including being at a greater risk of exploitation by smugglers and falling prey to trafficking and other crimes.
- Persons with specific needs who are turned away at the border may also be placed at further risk in the absence of much needed care, treatment and/or services.

Other risks

Not taking action to prevent refoulement or respond in a timely and adequate manner to incidents of refoulement is a violation of a core principle of refugee protection. Responding to and interceding in relation to risks of refoulement are fundamental obligations of UNHCR Offices. Failing to do so can have serious reputational risks with long-term consequences for refugee protection and lead to questions of accountability.

Key decision points

- Human resources required for ensuring adequate monitoring for this priority activity to be mobilized and timely reporting undertaken.
- Depending on the context, advocate with Government authorities for UNHCR and partners, as appropriate, to have access to monitor border areas and entry points such as airports and seaports, and potentially, establish a permanent presence. In particular, if instances of refoulement occur or are suspected to occur on a regular basis.
- Interventions with the Government are undertaken in a timely manner and through appropriate channels.
- Involve, as appropriate, other protection partners, including the HCT/UNCT, OHCHR, UN Special Rapporteurs, UN Treaty Bodies and other UN mechanisms especially those with 'urgent action' capacities, (I)NGOs.

Checklist: Preventing and Responding to Refoulement

- Map actors/potential sources of information: border and entry-point monitoring is a primary source of information, but where this is not possible or not regular, information may be obtained through other sources such as asylum-seekers/refugees, community and religious leaders, local authorities and border officials, other UN agencies, NGOs, ICRC, media.
- Conduct regular field visits to, for example, border areas and seaports and airports and develop contact with the relevant interlocutors in order to raise awareness and create information sharing channels.
- Collect, triangulate, validate information and evidence, and report in your operation internally as well as to the Bureau and DIP as well as externally to partners, as appropriate.
- Engage local authorities and border officials and offer training/capacity-building and/or material support/equipment. Please note that any support, other than training and capacity-building, to non-UN security forces needs to be compliant with the [Human Rights Due Diligence Policy on United Nations support to non-United Nations Security Forces](#) (see annex).
- If the Government carries out screening of new arrivals at the border, be present and observe the process in order to ensure asylum-seekers and refugees are not denied entry into the territory.

- Ensure that procedures and mechanisms are in place to identify and differentiate refugees and asylum-seekers from migrants (See Entry on [Migrant definition](#)).
- Analyze the reasons behind the State's concern(s) or actions (why does the State refuse) and, together with the relevant authorities, seek ways to address those concerns while avoiding refoulement. This could be through the identification of measures to mitigate (perceived or real) security concerns of a large-scale movement of asylum-seekers and refugees, to address the needs of the local population arising from perceived or real competition over resources/livelihoods, etc.
- Inform Bureau/DIP in accordance with the Administrative Instructions on Preventing and Responding to Refoulement (see below).
- Intervene with the authorities and express concern with the authorities [e.g. through direct meetings, note verbale, public statement, etc. in line with the Administrative Instructions and the Operational Guidance on Preventing and Responding to Refoulement].
- Contact colleagues in the country to which the person has been forcibly returned. Inform them of the incident and explore potential follow up possibilities, including verification of the return, their treatment upon arrival/return and ongoing safety and other conditions, as appropriate.

4. Policies and guidelines

[Accessible to UNHCR staff only: UNHCR/AI/2022/04 Preventing and Responding to R...](#)

[Accessible to UNHCR staff only: UNHCR/OG/2022/01 Preventing and Responding to R...](#)

[UNHCR, Refugee Protection and Mixed Migration- The 10 Point Plan in action - 20...](#)

[Protection of Asylum-Seekers in Situations of Large-Scale Influx, No. 22 \(XXXII\)...](#)

Annexes

[UNHCR, Persons in need of international protection, June 2017](#)

5. Main contacts

As first port of call, the UNHCR Dep. Representative (Protection), UNHCR Asst. Rep. (Protection), and/or Snr Protection Officer in the country; or The UNHCR Regional Asst./Dep Rep (Protection) and/or Snr. Regional Protection Officer at the regional office (if applicable); or The Snr. Regional Legal Advisor in the respective UNHCR regional bureau, covering the respective country region, who in turn will liaise as required with the parent unit at UNHCR DIP.

Civilian and humanitarian character of asylum

25 July 2019

Key points

- Asylum has an inherently peaceful, civilian and humanitarian character. Military activity is incompatible with the institution of asylum. Persons who pursue military activities in a country of asylum cannot be asylum-seekers or refugees, may not stay in or enter refugee camps, and may not benefit from humanitarian assistance provided by UNHCR under its international refugee mandate.
- The civilian and humanitarian character of asylum is an established and respected international refugee standard and a principle of international protection. It derives from rules in international refugee law, human rights law, international humanitarian law, national law, UNHCR's Statutes and the UN Charter.
- Prepare as much as possible in advance for the possibility that fighters or combatants may be present or may mix with refugees and displaced people. Analyse the conflict, activate early warning arrangements, and react promptly, because the best outcomes are achieved when a State identifies, disarms and separates combatants at entry, before they are in camps or settlements. In UNHCR's experience, it is more effective to prevent refugee camps from being infiltrated or militarized than to repair a situation in which their civilian and humanitarian character has already been jeopardised.
- Consider children who are associated with armed forces and armed groups primarily as victims, regardless of how they were recruited. They should benefit from special protection and assistance measures, notably to demobilize and rehabilitate them. They should have priority in identification and in principle should not be interned.
- If you need advice on the status and treatment of fighters or combatants in a specific context, in order to advise the authorities and other relevant actors appropriately, ask UNHCR's regional legal adviser in the bureau or regional representation, or DIP's Field Protection Support Service, Geneva.
- Acknowledge the State's genuine security concerns and capacities but ensure that States

uphold their obligations. Refoulement, discrimination and arbitrary detention are prohibited; States should grant refugees access to their territories, provide international protection, and ensure the civilian and humanitarian character of asylum.

- Discuss confidentially with relevant authorities. Participate in and promote inter-agency dialogue with other relevant actors (UN Country Team, ICRC, OHCHR, UNDP, UNICEF, UN/regional peace operations).
- The civilian and humanitarian character of asylum is an established and respected international refugee standard and a principle of international protection. It derives from rules in international refugee law, human rights law, international humanitarian law, national law, UNHCR's Statutes and the UN Charter.
- Prepare as much as possible in advance for the possibility that fighters or combatants may be present or may mix with refugees and displaced people. Analyse the conflict, activate early warning arrangements, and react promptly, because the best outcomes are achieved when a State identifies, disarms and separates combatants at entry, before they are in camps or settlements. In UNHCR's experience, it is more effective to prevent refugee camps from being infiltrated or militarized than to repair a situation in which their civilian and humanitarian character has already been jeopardised.
- Consider children who are associated with armed forces and armed groups primarily as victims, regardless of how they were recruited. They should benefit from special protection and assistance measures, notably to demobilize and rehabilitate them. They should have priority in identification and in principle should not be interned.
- If you need advice on the status and treatment of fighters or combatants in a specific context, in order to advise the authorities and other relevant actors appropriately, ask UNHCR's regional legal adviser in the bureau or regional representation, or DIP's Field Protection Support Service, Geneva.
- Acknowledge the State's genuine security concerns and capacities but ensure that States uphold their obligations. Refoulement, discrimination and arbitrary detention are prohibited; States should grant refugees access to their territories, provide international protection, and ensure the civilian and humanitarian character of asylum.
- Discuss confidentially with relevant authorities. Participate in and promote inter-agency dialogue with other relevant actors (UN Country Team, ICRC, OHCHR, UNDP, UNICEF, UN/regional peace operations).

1. Overview

Asylum is granted when a State offers protection on its territory to an individual who has fled another country in response to persecution, serious harm, armed conflict or other situations of violence. Asylum therefore has an inherently peaceful, civilian and humanitarian character. Military activity is incompatible with it, and persons who pursue military activities in a country of

asylum cannot be asylum-seekers or refugees. In consequence, **only civilians** may benefit from asylum or from the humanitarian assistance provided by UNHCR and its partners under its international refugee mandate.

Refugee camps, sites and settlements must also be protected from militarization and the presence of combatants or fighters (defined below). This means that combatants or fighters may not enter or stay in such camps, sites and settlements, even for short periods of time.

Maintaining the civilian and humanitarian character of asylum is of crucial importance, notably during emergency preparedness and at the start of an emergency situation.

During emergency situations, particularly when people are fleeing armed conflict, combatants or fighters may cross a border at the same time as refugees, or with them. They may also seek to take advantage of refugee camps, and humanitarian assistance and services, to recruit or train, regroup, plan military attacks, or for '[rest and recuperation](#)'.

To maintain the civilian and humanitarian character of asylum, six key measures are recommended in all refugee operations:

- (1) Preparedness planning.
- (2) Effective security management.
- (3) Disarmament of armed elements.
- (4) Identification of fighters and combatants.
- (5) Separation and control measures (including internment).
- (6) Verification that fighters or combatants who seek international protection have renounced military activities, enabling a determination of refugee status to be made.

In the context of the civilian and humanitarian character of asylum, the terms 'combatant' and 'fighter' refer to "any man, woman or child who is either a member of State armed forces (other than medical personnel and religious personnel) or a member of the fighting forces of a non-State armed group, and who has entered a country of asylum". Please see [UNHCR Guidance Note on Maintaining the Civilian and Humanitarian Character of Asylum, December 2018](#).

Host Governments are primarily responsible for maintaining the civilian and humanitarian character of asylum. However, a multi-stakeholder approach is often required in practice. When appropriate, all three pillars of the UN (human rights, development, and peace and security), other international and regional organisations, and other States may be involved. In particularly complex situations, which implicate international peace and security (due to the presence of a large number of active fighters or combatants, for example), interventions may require a collective engagement by the UN Country Team or Humanitarian Country Team as a whole, rather than by individual UN entities.

Although promoting the civilian and humanitarian character of asylum falls squarely within UNHCR's mandate, humanitarian organisations such as UNHCR have neither the mandate nor the means to assume the security functions of a State (such as disarmament, or separation and control measures for fighters and combatants). For this reason, UNHCR and other humanitarian organizations should not take individual decisions related to identification or verification of

renunciation.

UNHCR may provide technical advice and guidance to the relevant authorities and assist them in determining appropriate procedures and measures. It may also, where deemed appropriate, choose to participate or support a task force that deals with these processes, or provide financial and other support to relevant host State authorities, in particular when they act to ensure that refugee sites and hosting areas are secure.

This section sets out what actions UNHCR and its partners can take to advise and assist the authorities and other relevant stakeholders to ensure that the civilian and humanitarian character of asylum is respected.

2. Main guidance

Protection objectives

The ultimate aim and objective of measures to maintain the civilian and humanitarian character of asylum are:

- To protect refugees from violence or insecurity related to the presence, proximity or actions of armed elements and fighters or combatants.
- To enable humanitarian access for the purposes of providing international protection and delivering humanitarian assistance and services.
- To safeguard the integrity of institutions of asylum by ensuring that fighters or combatants do not benefit from asylum, and that the arrival and presence of fighters or combatants in a host State is managed appropriately, in accordance with relevant provisions of international and national law, in a manner that prevents adverse consequences to the asylum and protection space in the host State.

Underlying principles and standards

The civilian and humanitarian character of asylum is a fundamental principle of international refugee protection. This principle itself gives rise to several standards, namely:

- Camps and settlements should not contain fighters/combatants (see textbox below).
- Fighters or combatants should not be registered as refugees or asylum seekers.
- Fighters or combatants should not benefit from humanitarian assistance provided by UNHCR and its partners under UNHCR's international refugee mandate.

Host States are primarily responsible for upholding the civilian and humanitarian character of asylum. They should disarm all persons carrying weapons on their territory, identify fighters and combatants, and separate them from civilian arrivals (including refugees). They should also take other measures to ensure the safety and security of refugees on their territory, whether they are hosted in camps or not. These may include measures to prevent military recruitment, including

of refugee children.

If individuals permanently and genuinely renounce military activity, they may have their claims to international protection assessed (as former fighters or combatants). Such claims must be assessed on an individual basis (not *prima facie*) and must consider any exclusion concerns.

Any measures taken by a host State to maintain the civilian and humanitarian character of asylum must respect the State's legal obligations under international human rights law, international humanitarian law, neutrality law (where applicable), refugee law, and domestic law. In particular, they must:

- Uphold the principle of non-refoulement and allow access to their territory. State action to ensure security must not prevent a person from being able to seek international protection, nor lead to refoulement. No person seeking international protection should be rejected at the border, or returned to his or her country of origin, on the mere suspicion that he or she is a fighter or combatant; nor should borders be closed because fighters or combatants may be present among asylum-seekers.
- Respect the right to liberty and security of the person, and the prohibition of arbitrary [detention](#). State action to ensure security must not lead to arbitrary [detention](#). [Detention](#) and internment may only be undertaken in compliance with national law and international law. During [detention](#) or internment, States must respect minimum procedural safeguards, the right of detainees to humane and dignified conditions of [detention](#), and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, including SGBV.
- Protect children. Children associated with armed forces or groups should benefit from special protection and assistance measures. They should be regarded as victims, regardless of how they were recruited. Children must be treated as a priority during identification, demobilization and rehabilitation, when verifying renunciation and when assessing asylum claims. At all times their best interests must be a primary consideration. They should benefit from specialist expertise and age-appropriate procedures, taking into account their vulnerabilities and protection needs. [Child protection](#) agencies should be called upon to advise and assist the host State, and particular attention should be given to both girls and boys who are survivors of SGBV. Children should in principle not be interned or otherwise deprived of their liberty. For children aged 15 years and older, internment may be used as a last resort, for the shortest possible period of time, taking into account their best interests. If interned, children should be separated from adults, and accommodated at a distance from them, unless they are with a parent.
- Address protection considerations for women. The specific protection and assistance needs of women recruited by armed forces or groups must be addressed, notably if women have been subject to SGBV. If a woman decides to renounce military activity, evaluation of her renunciation and asylum claim should be prioritized where this is appropriate (for example, because she has particular vulnerabilities or is accompanied by children). If women are interned, they should be interned in separate facilities from men; as far as possible, their supervisors should be women.

Protection Risks

Where the civilian and humanitarian character of asylum is compromised, the following problems are more likely to occur:

- Direct military attacks on camps or settlements.
- Forced adult recruitment and child recruitment.
- Physical violence, including sexual violence, harassment and execution.
- Movement of arms into camps or settlements.
- A general breakdown of law and order and high levels of criminality.
- Tension between refugees and host communities.
- Diversion of humanitarian aid, and challenges to humanitarian access.

In certain situations, the host State's security interventions may impact negatively on access to asylum or its peaceful enjoyment. Border closures based on national security concerns may prevent individuals from obtaining international protection, or lead to the refoulement or arbitrary [detention](#) of asylum-seekers and refugees. [See the Entries on [Access to territory and non-refoulement](#), and [Freedom of movement and detention](#).]

Other risks

Security risks

The presence of fighters or combatants in refugee camps or settlements can:

- Generate serious security concerns for refugees and humanitarian personnel, and undermine humanitarian access.
- Worsen the security situation in hosting areas around refugee camps and settlements, increasing tension in host communities.
- Jeopardize national or regional stability, and threaten inter-State relations.

Key decision points

- **Based on available information, is the civilian and humanitarian character of asylum compromised, or likely to be compromised, requiring action by UNHCR?**

It is crucial to understand and analyse the composition of groups of arriving or arrived refugees and asylum-seekers, and notably whether fighters or combatants (including women or children associated with armed forces or groups) are among them. Ongoing conflict analysis should consider **inter alia**: the parties to an armed conflict; their structures; the fragmentation and allegiances of armed non-State actors; past or current violations of international human rights law or international humanitarian law (IHL); and the reasons for flight.

- **What situations or issues may compromise the civilian and humanitarian**

character of asylum?

Depending on the circumstances, key issues for advocacy might include: the location of camps and settlements; the need for disarmament at border points or in-country; the identification of and separation of fighters and combatants; and the overall safety and security of refugee camps or other refugee-hosting areas, including urban centres.

- **Are host State authorities willing and able to take the required action? What activities might UNHCR undertake?**

UNHCR should always act on the basis that the host State is primarily responsible for ensuring the civilian and humanitarian character of asylum. Advocacy in favour of relevant Government action needs to start at an early stage, and should be coordinated with other stakeholders.

First and foremost, the host State needs to ensure that sufficient security resources, personnel, and training are made available, permitting key measures to be undertaken as early as possible. During emergency preparedness, these include: to identify the relevant authorities responsible for security, disarmament, identification and separation measures; and, where necessary, to enact national legislation and procedures for such measures, in conformity with the State's international legal obligations. A wide range of government entities may need to be involved, including foreign affairs, refugee and humanitarian agencies, border security, police, immigration, the armed forces (if required), and regional and local authorities. To manage the response, existing structures may be used or a specific coordination mechanism may be created, such as an interagency taskforce. Where possible and where required, the creation of a taskforce is recommended. It should be led by the host State, supported by UNHCR and other relevant partners.

Second, the authorities of the host State, advised as required by UNHCR and other relevant partners, should assess whether it needs additional support, including technical guidance, advice or capacity building. These services may be provided by other States, UNHCR or other UN entities, regional or international peace operations, or other regional or international organisations, such as the International Committee of the Red Cross (ICRC).

- **What other actors may need to be mobilized?**

Depending on the ability and willingness of host country authorities to protect the civilian and humanitarian character of asylum, UNHCR should understand the mandates of other organizations, decide its own level of involvement, and request other actors to support its advocacy efforts or activities. Particularly complex situations (for example, the presence of active fighters or combatants in a host State) will require a collective engagement by the UN Country Team or Humanitarian Country Team as a whole, rather than by individual UN entities. In such situations, UNHCR is expected to be a catalyst and should mobilize relevant stakeholders, including regional or international peace operations, and keep the UN Country Team or Humanitarian Country Team informed and up to date on situations of concern.

UNHCR should usually coordinate with the ICRC, given its mandate, notably with respect to detained fighters and combatants. Several UN entities can also make significant contributions in accordance with their mandates and in the light of their specific expertise and capacities. For

example:

- To advise on and strengthen local capacities for preparedness, early warning and early analysis: DPA, OHCHR, UNOCC, UN OCT, UNDP, UNICEF.
- To advise on and ensure the rule of law, and to strengthen the capacities of border security personnel, police, immigration and other law enforcement authorities, and community-based and local governance mechanisms, as well as, where required, armed forces: UN Global Focal Point on Police, Justice and Corrections co-chaired by DPKO and UNDP; and UNDP, UNODC, or DPKO where they are present and mandated.
- To advise on and support disarmament, identification, separation and reintegration measures: UNDP and UN peace operations where they are present and mandated. To support the establishment of disarmament, demobilisation and reintegration (DDR) and similar programmes: operational members of the Inter-Agency Working Group on DDR, such as UNDP, DPKO/peace operations where they are present and mandated, IOM, and others.
- To advise on humanitarian civil-military coordination, as a component of any interaction, and coordination and advocacy with regard to the military (including State armed forces, UN or regional forces, armed non-State actors): OCHA.
- To advise on and strengthen national capacity to support children associated with (or formerly associated with) armed forces and groups: UNICEF.
- To advise on and strengthen national capacity to protect women and girls and address [sexual and gender based violence](#): UN Women, OMEN, UNFPA).

Note that key activities, such as disarmament, identification, separation or internment, normally involve law enforcement or defence agencies. In certain contexts, it may be appropriate to secure the assistance of foreign military or police forces, invited by the host government or mandated by the UN Security Council or a competent regional organization. In the last two decades, for example, UN peace operations have increasingly been mandated to offer protection to civilians, including to refugees and asylum-seekers. Depending on their mandate, UN missions can:

- Support and promote understanding among armed forces and groups of the civilian character of asylum, and the civilian character of refugee sites (including their protection under IHL from military attack).
- Protect security in and around refugee sites and other refugee-hosting areas; or assume specific functions with regard to the disarmament of armed elements, or identification, screening or separation measures.
- Offer DDR, 'pre-DDR' or community violence reduction training to fighters or combatants, including fighters or combatants who have renounced military activity and have sought asylum in the host State.

Key steps

1. Pre-planning analysis and collection of information

- Monitor the situation and the operational environment, using early warning mechanisms. Analyse the conflict (its nature, participating groups, the composition of groups who flee, the potential presence of fighters and combatants among them).
- Decide which concerns and issues most directly compromise the civilian and humanitarian character of asylum (disarmament, identification and separation, safety of camps, etc.).
- Assess the authorities' political will, capacity and resources, and whether national laws provide authority to undertake the security measures that may be required (forcible disarmament, physical separation and internment, etc.).
- Analyse the presence, capacity and mandates of other actors that may play a role, especially the ICRC, UNDP, UNICEF, and UN peace operations or regional missions.

2. Advocacy (in emergencies)

- Discuss with relevant authorities the civilian and humanitarian character of asylum, and its relevance to refugees and host communities. Explain the limits of UNHCR's role and mandate.
- Ensure that advocacy uses common sense arguments on security and protection, and draws on international law and [humanitarian principles](#). Where national laws support UNHCR's positions, refer to them.
- Where relevant, argue that camps should be placed at a reasonable distance from borders, and that borders should remain open, in accordance with the Executive Committee's Conclusion on the Civilian and Humanitarian Character of Asylum (2002), and Articles II(2) and (6) of the OAU Convention governing the Specific Aspects of Refugee Problems in Africa (1969). No one seeking international protection should be rejected at the border merely because it is suspected that he or she is a combatant. See the Entry on [access to territory and non-refoulement](#).
- Express regret or protest if the authorities are unwilling to take required actions, or do so inappropriately. Stress the potential consequences for persons of concern. Consider issuing public statements if it is appropriate.
- Explain the civilian and humanitarian character of asylum to all relevant stakeholders. Keep the Humanitarian Country Team or Country Team informed about situations of concern (for example, the presence of fighters or combatants on the host State's territory), and act as a catalyst for a multi-stakeholder approach, when needed.

3. Disarmament

- Where disarmament becomes a priority (for example, because weapons are brought into camps or settlements), press the host State to make appropriate and effective arrangements to protect camp security, ensure disarmament, search for weapons, etc.
- Explain that, because of its mandate, UNHCR cannot undertake disarmament or other security measures, although it may be present at entry points. Relevant State authorities (police and military, possibly with the assistance of peacekeepers) should screen and disarm; other actors including UN agencies may have an advisory role. Persons found with weapons in the camp should be referred to police or other authorities responsible for security.

4. Identification of fighters or combatants

- Where fighters or combatants seek to mix with refugees and pretend to be civilians, encourage the host State to agree transparent criteria and operating procedures to identify and separate them, including specific age-appropriate procedures for identifying and screening children who are associated with armed forces or armed groups. If required, mobilize other actors, such as the UN Country Team, UNICEF, or a Peacekeeping Mission (if present). Always keep ICRC informed and explore its potential role.
- Although UNHCR cannot accept responsibility for identifying fighters or combatants, where security conditions permit, it may provide technical support. Consult HQ (Bureau/DIP) if invited to join such activities.
- Advocate for combatants to be identified and separated as early as possible, preferably at the point of entry, at reception, or at transit centres for new arrivals (before relocation).
- If a person being screened is sick or wounded, their medical treatment takes priority over their registration or other procedures. Screening can continue once the person is in a stable condition.
- If a screened person claims to have deserted from military service, or to have fled service in an armed group, he or she may qualify (depending on circumstances) to be treated as a civilian asylum-seeker. Credible claims of renunciation should be verified by the authorities of the host State. Once within the asylum process, such claims need to be evaluated on an individual (not prima facie) basis. The procedure should assess potential exclusion concerns. (See UNHCR, Guidelines on Claims to Refugee Status related to Military Service.) Children should have priority in such processing.

5. Separation of combatants and control measures

- Once fighters or combatants have been identified, disarmed and separated from the civilian population, the authorities may take certain control measures to protect the security of refugees and the host population. Depending on the circumstances, fighters or combatants may be interned, required to stay in a separate camp or facility, or obliged to report to the authorities daily or periodically.
- Where internment is imposed and UNHCR has concerns about their treatment or conditions, or the legal justification for internment, call the host State's attention to applicable principles and safeguards. These include:
 - Fighters and combatants must be interned at a safe location away from the border, and housed separately from civilians. Since internment is a non-punitive form of [detention](#), they should not be held in a prison.
 - Internment must be necessary in each individual case, and must be reasonable and proportionate. Certain principles and procedural safeguards must be respected to ensure that internment does not become arbitrary (ICCPR, Article 9).
 - Children associated with armed forces should be considered to be primarily victims, regardless of how they were recruited. They should benefit from special protection and assistance measures, notably with respect to their demobilization and rehabilitation. Children should in principle not be interned or otherwise deprived of their liberty. For children 15 years and above, internment may be used as a last resort, for the shortest possible period of time. In all respects, their best interests must be a primary consideration. If interned, children should be separated from

- adults, and located at a distance from them, unless they are with a parent.
- The specific protection and assistance needs of female fighters or combatants must be taken into account, including whether they may have been subject to SGBV. If a woman or girl decides to renounce military activity, her renunciation and asylum claim should be prioritized where appropriate (for example, if she has particular vulnerabilities or is accompanied by children). If women are interned, they should be interned in separate facilities from men, and, as far as possible, their supervisors should be women.
- Civilian family members of identified fighters or combatants should be treated as asylum-seekers or refugees and should not be interned.

6. Renunciation of military activity and eventual RSD or DDR

- Fighters or combatants who have been identified and separated should not be considered asylum-seekers until it has been established by the relevant host State authorities that they have genuinely and permanently renounced military activities. (A State's ruling should be made reasonably promptly, commonly within one to six months.) The ruling may consider subjective factors (such as an individual's intentions and plans) as well as objective factors (such as age, disability, changes in situation and context, etc.).
- When a ruling establishes that an individual has permanently renounced military activity, his or her case should be referred to the State's individual [refugee status determination](#) (RSD) procedures. These should pay particular attention to the [exclusion clauses](#). (See UNHCR, Guidelines on Claims to Refugee Status related to Military Service. See also the Entries on Deserters, Conscientious objectors, [Refugee status determination](#), and the Exclusion clause.) If the State does not have RSD procedures in place or is not a party to the 1951 Refugee Convention, other assessment procedures may be used; these should pay particular attention to grounds for exclusion.
 - Deserters and former fighters or combatants who have renounced military activities should not be granted refugee status on a prima facie basis.
 - Combatants who do not renounce military activities are not eligible for asylum but may eventually benefit from disarmament, demobilisation and reintegration (DDR) programmes in the host State or country of origin.
 - Fighters who renounce, but do not seek international protection, as well as prisoners of war who are not interned or are released on parole, are in principle subject to regular immigration and residency laws as a foreigner in the host State. They do not fall within UNHCR's international refugee mandate.

Key management considerations

- Where a host state does not show commitment to the civilian and humanitarian character of asylum, UNHCR may be required to intervene at high level. Interventions may be made by the Bureau, the DIP Director, one or both of the Assistant High Commissioners for Protection and for Operations, or the High Commissioner.
- In certain circumstances, situations in which the civilian and humanitarian character of asylum has been compromised may constitute a threat to international peace and security.

In such cases, the High Commissioner has a responsibility to keep the UN Secretary-General informed. It is therefore important to keep relevant Headquarters colleagues (listed above) properly informed.

- Particularly complex situations (for example, in which active fighters or combatants are present in a host State) will require action by the UN Country Team or Humanitarian Country team as a whole, rather than by individual UN entities. In such situations, UNHCR is expected to act as a catalyst and mobilize relevant stakeholders, including regional or international peace operations, and keep the UN Country Team or Humanitarian Country Team informed and up to date.
- To manage such inter-agency involvement, some issues may have to be addressed by Headquarters, including with the ICRC in Geneva and with DPO in New York. At its own initiative, for instance, UNHCR may call for specific provisions to be included in the mandate of UN peace operations, to assist the host State to ensure the security of refugees in accordance with Security Council Resolution 1674 (2006).
- The State may require additional resources to ensure the civilian and humanitarian character of asylum. In such cases, funds will need to be budgeted or mobilized through other States or agencies. Any support that UNHCR or its implementing partners provide to (non UN) security forces must comply with the UN's Due Diligence Policy on United Nations support to non-United Nations Security Forces (A/67/775-S/2013/110).

Resources and partnerships

Partnerships

- The Government is primarily responsible for taking the security measures required to ensure the civilian and humanitarian character of asylum.
- A multi-stakeholder approach will be required to lobby States that fail adequately to ensure the civilian and humanitarian character of asylum. Such initiatives may be coordinated through the UN Country Team or Humanitarian Country Team, and supported, where appropriate, by other States or regional organisations.
- Where their mandates permit, other UN entities may also contribute their expertise and capacity. Examples include UN DPO, UNDP, OCHA, and UNICEF.
- UN peace operations have a specific mandate to offer protection to civilians, including refugees and asylum-seekers. Where they are present, UNHCR should work in cooperation with UN peace operations to promote the civilian and humanitarian character of asylum.

Resources

- Where the authorities wish to uphold the civilian and humanitarian character of asylum but need support, UNHCR can provide financial or technical assistance. Any support to non-UN security forces must comply with the UN's Due Diligence Policy on United Nations support to non-United Nations Security Forces (A/67/775-S/2013/110).

Annexes

[UN General Assembly, Resolution 68-141](#)

[UNHCR Handbook for the Protection of Women and Girls, 2008](#)

[Guidance Note on Maintaining the Civilian and Humanitarian Character of Asylum](#)

[Guidelines on International Protection No. 10](#)

3. Links

[UNHCR Guidance Note on Maintaining the Civilian and Humanitarian Character of A... Norwegian Refugee Council, Camp Management Toolkit, Militarization of Camps](#)

4. Main contacts

- The first port of call is the UNHCR Deputy Representative (Protection), or the UNHCR Assistant Representative (Protection), or the Senior Protection Officer in the country; alternatively, contact the UNHCR Regional Assistant or Deputy Representative (Protection) or the Senior Regional Protection Officer at the regional office (if applicable); or contact the Senior Regional Legal Advisor in the respective UNHCR regional bureau, covering the respective country region, who will liaise as required with the parent unit at UNHCR DIP.

Humanitarian principles

30 January 2024

Key points

- Collaborate with partners (including in the Humanitarian Country Team, where it exists) in identifying potential risks to humanitarian operations and the negative perceptions that might hinder acceptance and access. Humanitarian principles should serve as the foundation for developing effective strategies to mitigate or eliminate these risks
- Effectively convey consistent and transparent messages, including to affected communities regarding the humanitarian nature of UNHCR's mandate and its work and that of its partners
- Adopt a community-based approach that considers age, gender, and diversity differences.

Engage affected populations in needs assessments and ensure their meaningful participation in the design, implementation, and monitoring and evaluation of the humanitarian response

- When providing support to non-UN security forces such as police and border officials, UNHCR must adhere to humanitarian principles, human rights standards and inter-agency guidelines, including the Human Rights Due Diligence Policy
- Building a solid understanding of humanitarian principles within UNHCR and among key partners is a foundational requirement. Where appropriate, promote familiarity with the international normative legal framework to maintain ethical and effective humanitarian interventions

1. Overview

At the core of all humanitarian actions lie the fundamental principles of **humanity, impartiality, neutrality, and independence**. These principles, rooted in international humanitarian law, have been embraced by the United Nations through General Assembly Resolutions 46/182 and 58/114. Their widespread acceptance and significance are further emphasized by their incorporation into the Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations in Disaster Relief, as well as the [Core Humanitarian Standard on Quality and Accountability](#).

UNHCR's mandate is founded upon non-political, humanitarian principles. The organization consistently upholds these humanitarian principles when responding to all types of crises, whether they stem from conflict, violence, or natural/man-made disasters. Additionally, UNHCR aligns with internationally recognized principles that complement its commitment to 'principled humanitarianism'. One such principle is the imperative of 'do no harm,' which mandates that UNHCR takes measures to prevent and alleviate any adverse consequences of its actions on the affected populations. Equally significant is UNHCR's dedication to rights-based and community-based approaches, which encompass efforts to actively engage and empower individuals of concern in decisions that impact their lives.

Ultimately, States have the primary responsibility to protect and assist persons in their territories who are affected by disasters, armed conflicts, or violence. Humanitarian action is designed to complement and support States in fulfilling those responsibilities; it should neither undermine nor supplement state responsibility.

2. Relevance for emergency operations

Humanitarian principles have practical operational relevance in situations of armed conflict, violence and natural or man-made disaster that characterize many emergencies. Consistent adherence to humanitarian principles can enable organizations like UNHCR to distinguish

themselves from other actors and to

- Gain and maintain access and proximity to affected populations, including forcibly displaced and stateless persons as well as host communities.
- Mitigate risks to affected populations, staff, partners, and assets.
- Promote the rights and dignity of affected populations.
- Establish a principled engagement with authorities and, where appropriate, with non-State parties to a conflict.
- Plan and carry out protection and assistance interventions without discrimination, giving priority to persons facing the most acute protection risks or having the most urgent needs.

3. Main guidance

The principal motivation behind humanitarian action is to save lives and alleviate suffering while upholding and restoring personal dignity. Accordingly, **humanity** is the principal driver for responding to crises, whether triggered by conflict, violence, or natural or man-made disasters.

Humanitarian actors distinguish themselves from other responders to crises through their commitment to **impartiality**. This means that humanitarian action is based solely on need, with priority given to the most urgent cases irrespective of factors such as race, nationality, gender, religious belief, political opinion, or class. The **neutrality** of humanitarian action is further upheld when humanitarian actors refrain from taking sides in hostilities or engaging in political, racial, religious, or ideological controversies. At the same time, **independence** requires humanitarian actors to be autonomous. They are not to be subject to control, subordination, or influence by political, economic, military or other non-humanitarian objectives.

'Principled humanitarianism' is a commitment to meet the assistance and protection needs of affected populations in a way that is distinct and separate from political and other motivations.

Humanitarian actors must acquaint themselves with and consistently apply these principles, in particular in situations of armed conflict.

During an armed conflict involving multiple actors, adhering to humanitarian principles requires a clear division of labour between humanitarian and other actors, notably those in the political and military realms. Military actors can include the armed forces of the host State, but also international and regional forces, armed non-State actors, and UN peace operations. By affirming complementary roles with these actors, humanitarian actors can maximise the protection of civilians.

As an illustration, most UN peace operations have a mandate to protect civilians. This role can lead them to patrol high risk areas ensuring the security of refugee and/or internally displaced persons (IDP) camps, clear areas of explosive ordnance or unexploded remnants of war or facilitate voluntary return or relocation.

UNHCR and the Protection Cluster should work to complement such efforts, for example by providing updated protection analysis based on a solid conflict sensitive analysis. Further guidance on coordination between humanitarian and military actors can be found in the [Entry on](#)

[civil-military coordination](#).

For guidance on UNHCR's work in armed conflict, which can involve dealing with a UN Peacekeeping mission's presence that has a protection of civilians mandate, please see the section on 'Protection of Civilians – UNHCR's role' in [the ToolKit on Protection in Armed Conflict](#).

The toolkit also provides guidance on engaging with weapon bearers and on how to conduct humanitarian negotiation. In an armed conflict, humanitarian negotiation plays a crucial role in gaining or improving access and creating the conditions for effective protection.

For this reason, UNHCR has established a strategic partnership with the [Centre for Competence on Humanitarian Negotiation \(CCHN\)](#) to bolster the capacity of its staff and partners in negotiating issues related to protection on the front lines.

Post emergency phase

The objectives of humanitarian action are to save lives, alleviate suffering and uphold human dignity amid crises and their aftermath, while also focusing on the prevention of such situations and bolstering preparedness. It is essential to adhere to humanitarian principles not only during emergencies but also while establishing the groundwork for sustainable recovery and lasting solutions.

Annexes

[The CCHN Field Manual on Frontline humanitarian negotiation, 2019](#)

[Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations in Disaster Relief \(ICRC and IFRC\), 1994](#)

[The Sphere Handbook, 2018](#)

[The CHS Alliance and the Sphere Project - The Core Humanitarian Standard on Quality and Accountability, 2024](#)

[UNGA, General Assembly Resolution 58-114, 2004](#)

[The Human Rights Due Diligence Policy on UN Support to non-UN security Forces, 2015](#)

4. Links

[The CCHN Field Manual on Frontline humanitarian negotiation UNHCR - Protection in Armed](#)

5. Main contacts

The first port of call is the UNHCR Dep. Representative (Protection) or the UNHCR Asst. Rep. (Protection), and/or Snr Protection Officer in the country; alternatively contact the UNHCR Regional Asst./Dep Rep (Protection) and/or Snr. Regional Protection Officer at the regional office (if applicable). You may also contact the Snr. Regional Legal Advisor in the respective UNHCR regional bureau, covering the respective country region, who will liaise as required with the parent unit at UNHCR DIP.

UNHCR Division of Emergency, Security, and Supply (DESS, at hqemhand@unhcr.org), and the Division of External Relations for inter-agency processes relating to humanitarian principles, including UNHCR's work within an integrated mission setting.

UNHCR Field Safety Service, DESS (at FS00@unhcr.org) is responsible for the security of persons of concern, and the security of UNHCR's workforce.

Refugee definition

01 March 2019

Key points

- The primary and universal definition of a refugee is contained in the 1951 Refugee Convention. Extended definitions are contained in regional instruments in Africa and Latin America. Clarify which refugee definition applies in your host country taking into account national and international law.
- The refugee definitions are declaratory, i.e. people are to be regarded as refugees until it is determined otherwise, and apply in all situations including emergencies.
- Ensure that refugee protection is afforded to all refugees and asylum-seekers, i.e. those who have been determined as refugees and those who await determination of their refugee status.

1. Overview

The refugee definition answers the question "who is a refugee" and is the basis for determining refugee status. The definition applies to individuals as well as groups of persons.

Being a refugee entitles the person to a number of (refugee) rights, including the right not to be sent back to the country of origin (principle of **non-refoulement**). See also the [entry on Access to territory and non-refoulement](#).

The refugee definition is declaratory, i.e. a person is a refugee as soon as s/he fulfils the criteria contained in the definition. This would necessarily occur prior to a formal determination of her/his refugee status. Until such determination is made it must be assumed that those who have crossed an international border to escape a risk of serious harm in their country of origin are refugees and should be treated as such.

2. Relevance for emergency operations

The refugee definition applies both in emergency and non-emergency situations and can under no circumstances be changed, restricted or suspended.

Emergency situations, however, typically do not allow for time and resource intensive individual status determination. Group determination on the basis of a **prima facie** recognition of refugee status may be more suitable in emergency situations. See also the [entry on Refugee status determination](#).

When refugee status is not immediately determined, either on an individual or group basis, it is important to recall the declaratory character of the refugee definition and to operate on the assumption that all those fleeing a situation of serious harm in their country of origin are refugees, even if this is not always formally stated.

As such, they all enjoy protection from [refoulement](#) as well as protection derived from human rights law and - if applicable - international humanitarian law.

3. Main guidance

The 1951 Convention Relating to the Status of Refugees provides the universal definition of a refugee. This definition is extended by criteria contained in regional instruments and in national law, as applicable. Where UNHCR conducts RSD under its mandate, the authority to do so derives from its mandate under UNHCR's [1950 Statute](#). However, UNHCR applies the eligibility criteria as set out in the 1951 Convention, which constitutes the later, more specific and authoritative expression of the refugee definition, supplemented by definitions in regional instruments (see below).

The 1951 Convention and its 1967 Protocol

The primary and **universal** definition of a refugee that applies to States is contained in Article 1(A)(2) of the 1951 Convention, as amended by its 1967 Protocol, defining a refugee as someone

who:

"owing to well-founded 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; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it.

In the case of a person who has more than one nationality, the term "the country of his nationality" shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national."

The inclusion criteria in Article 1A is complemented by clauses contained in Articles 1D to 1F of the 1951 Convention. Together, they form the refugee definition in the 1951 Convention, but consideration of these aspects of the definition will generally not be a priority in emergency situations. For completeness they are listed below:

- Article 1 D on its face excludes those presently receiving protection or assistance from another organ of the United Nations (essentially Palestinian refugees), but also explicitly includes these same people when that assistance or protection has ceased.
- Article 1 E excludes those presently enjoying rights normally accorded to nationals in a country where they have taken residence.
- Article 1 F excludes persons who would otherwise qualify for refugee status on account of having committed, or participated in the commission of, certain serious crimes or heinous acts. See also the entry on [Exclusion clauses \(article 1F\)](#).

Finally, Article 1 C describes the circumstances in which a refugee ceases to be a refugee. Cessation considerations are normally not relevant to emergency situations. However, in the event that an emergency causes refugees to return to their country of origin prematurely, they will remain of concern to UNHCR and will retain their status as refugees. Any return undertaken where there is effectively no other alternative, or where the alternative offers no more protection than does the country of origin, cannot be considered voluntary repatriation and does not change or cease the refugee character of the individuals concerned.

The above-mentioned core definition in Article 1 of the 1951 Convention is supplemented by regional instruments in Africa and Latin America.

In **Africa**, Article I (2) of the 1969 OAU Convention governing specific aspects of refugee problems in Africa, a binding legal instrument open to all Member States of the African Union, extends the refugee definition to:

"every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of

origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality."

In **Latin America**, Conclusion III of the 1984 Cartagena Declaration, a non-binding instrument that nonetheless is incorporated in the domestic legal framework of many countries in Central and South America, extends the refugee definition to:

"persons who have fled their country because their lives, safety or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order."

UNHCR's mandate

Based on UNHCR's Statute and successive UN General Assembly and ECOSOC resolutions UNHCR's competence to provide international protection to refugees encompasses individuals who meet the criteria for refugee status contained in Article 1 of the 1951 Convention and its 1967 Protocol and is extended to individuals who are outside their country of origin and who are unable or unwilling to return there owing to serious threats to life, physical integrity or freedom resulting from generalized violence or events seriously disturbing public order. See also the Entry on [UNHCR's mandate for refugees, stateless persons and IDPs](#).

National law

In any operational context, the national legal framework is also important because it is usually the primary source of law for national authorities and as such generally serves as their first point of reference. The definitions contained in international and regional instruments will generally have been incorporated into the national legal frameworks of the States parties to them. It is therefore critical to be aware of and understand the refugee definition provided under the relevant national legal framework.

Annexes

[Convention and Protocol relating to the Status of Refugees, 1951](#)

[OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, Sept 1969](#)

[Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Nov 1984](#)

4. Links

5. Main contacts

UNHCR Dep. Representative (Protection), UNHCR Asst. Rep. (Protection), and/or Snr Protection Officer in the country

The UNHCR Regional Asst./Dep Rep (Protection) and/or Snr. Regional Protection Officer at the regional office (if applicable)

The Snr. Regional Legal Advisor in the respective UNHCR regional bureau, covering the respective country region, who in turn will liaise as required with the parent unit at UNHCR DIP.

Migrant definition

18 March 2019

Key points

- Do not ignore mixed movements or migration. Mixed movements may include asylum-seekers and refugees. Movements that are characterised as 'migration' may in reality be refugee or mixed movements.
- Implement and support protection-sensitive entry systems that refer those who arrive in mixed movements to processes, procedures and services that respond appropriately to their needs.
- Do not forget that mixed and migratory movements involve countries of origin, countries of 'transit' and countries of 'destination', each in different ways. Response strategies must take all three into account.
- Collaborate with State authorities, IOM, and other partners on responses mixed movements, including in some appropriate cases on the evacuation of non-nationals and safeguards for those who may be in need of international protection.
- Ensure that refugee protection principles are respected in all inter-agency and State responses to migration and mixed movements.

1. Overview

There are important differences between the terms 'migrant' and 'refugee', which cannot be used interchangeably. Refugees are outside their own country because of a threat to their lives or freedom. They are defined and protected by a specific international legal framework.

The term 'migrant', on the other hand, is not defined under international law, and is sometimes used differently by different stakeholders. Traditionally, the word 'migrant' has been used to designate people who move by choice rather than to escape conflict or persecution, usually across an international border ('international migrants'), for instance to join family members already abroad, to search for a livelihood, or for a range of other purposes. The term is increasingly used as an umbrella term to refer to any person who moves away from their usual place of residence, whether internally or across a border, and regardless of whether the movement is 'forced' or voluntary.

UNHCR recommends that people who are likely to be asylum-seekers or refugees are referred to as such, and that the word 'migrant' should not be used as a catchall term to refer to refugees or to people who are likely to need international protection. Doing so can risk undermining access to the specific legal protections that states are obliged to provide to refugees.

UNHCR supports rights-based approaches to all people on the move, both because all people are entitled to protection of their human rights, and because improved human rights protection for migrants will have a positive effect on refugees. Refugees and migrants often employ the same routes, modes of transport, and networks. Cross-border movements involving both refugees and migrants are referred to as 'mixed movements'. Distinguishing appropriately between different categories of person in mixed movements is not an aim in itself, but should assist in bringing to bear the appropriate framework of rights, responsibilities and protection. When the movement is composed of refugees, it shouldn't be characterised as a 'mixed movement'.

UNHCR's underlying mandate interest in engaging with mixed movements and international migration is to ensure that protection is available to persons who are moving for reasons that are relevant to refugee status, who may be stateless or at risk of statelessness. To do this, UNHCR needs to remain abreast of broader migration dynamics in the region, and to work closely with a wide range of partners.

2. Main guidance

Protection objectives

- Effective entry systems need to include mechanisms to identify, among arrivals, persons who may wish to seek or be in need of international protection, such as refugees and asylum-seekers, as well as others who may require protection or assistance, such as stateless persons, victims of trafficking, or vulnerable children.
- Access to asylum procedures or other forms of international protection must be available for refugees, asylum-seekers and stateless persons.
- Effective safeguards are required to ensure that border-control measures are not applied arbitrarily and do not lead to refoulement (or frustrate access to asylum).
- Where cross-border displacement situations or other population movements, such as

mixed flows, are complex and traditional approaches are not suitable, [Temporary Protection](#) or Stay Arrangements (TPSA) may be a useful tool for ensuring access to international protection.

- Alternative mechanisms must be available for those who are not refugees or asylum-seekers or stateless but who need protection, including victims of trafficking and unaccompanied and separated children (UASC). It should always be recalled that people with other needs—such as victims of trafficking, stateless people, or unaccompanied children—may also require international protection as refugees. Cross-referral pathways between different services and procedures are important.

Protection Risks

- When refugees and asylum-seekers move in mixed flows, their international protection needs may not be identified.
- When refugees and asylum-seekers move in mixed flows, they may be at higher risk of refoulement.
- Mixed flows may include asylum-seekers, refugees, stateless persons, trafficked persons, unaccompanied/separated children (UASC), smuggled migrants, and migrants in an irregular situation. Each group has different protection needs and entitlements (though some overlap); different responses to their situations are appropriate.
- Individuals who travel in mixed flows may, at different points on their journey, fall into more than one category. (A child may simultaneously be a UASC and a victim of trafficking; an adult woman may at different times be a smuggled person or a victim of trafficking; a stateless person outside their country of habitual residence may also be a refugee.) Categories exist to ensure appropriate protection responses, and are not always mutually exclusive.
- Persons travelling in mixed flows will often be vulnerable. However they are classified, they may need immediate physical and psycho-social attention to meet their basic needs. This does not mean that all qualify for the specific form of ongoing protection and rights ("international protection") to which refugees and asylum-seekers are entitled. Some people—such as victims of trafficking—are nonetheless recognized under international law as being in need of particular forms of protection and assistance, whether or not they are additionally entitled to international protection as refugees.

Other risks

- When the presence of refugees and asylum-seekers in mixed flows is not effectively detected, States cannot meet their refugee-protection obligations, and UNHCR may not be able to fulfil its protection mandate.
- If UNHCR fails to identify and draw attention to the presence and needs of refugees in mixed movements, the tendency of some Governments, other agencies and publics to conflate all those who move across international borders as 'migrants'—even when large numbers may be refugees, asylum-seekers or stateless persons—can undermine access to international protection.
- Everyone has the right to seek and enjoy asylum if they need it, and to procedural safeguards if they do apply for asylum. However, failing to differentiate effectively between the different needs and situations of people who arrive in mixed flows can overburden

asylum systems with asylum claims by people whose situation means that they are unlikely to have grounds for claiming the specific protections afforded to refugees and asylum-seekers, and whose needs may be best met in some other way. This can also strain public support for asylum systems.

Key decision points

- Address the basic physical and psycho-social needs of all persons at reception.
- Put in place border entry systems to identify new arrivals who may seek or require international protection, or have other specific needs.
- Establish different approaches for individuals who qualify for international protection as asylum-seekers or refugees and individuals who do not; apply appropriate processes and procedures.
- Set up simple systems for data collection and analysis.
- Ensure that the protection profiles of new arrivals are soundly defined, and that arrivals are classified correctly. Make sure that needs-based referrals, to partner organisations such as IOM and State agencies among others, are appropriate and consistent.
- Develop information strategies with partners (NGOs, international organizations, States) that will effectively reach persons of concern who are likely to travel in mixed flows.

Key steps

Protection-sensitive entry systems

The objective is to ensure that legitimate measures to control movement across borders are not applied arbitrarily, and that border entry procedures identify refugees, asylum-seekers and other groups who are entitled to specific forms of protection, grant them access to the territory in question, and make sure that their needs are properly assessed and addressed.

- Communicate protection obligations to border and other entry officials. Assist them to establish processes for identifying potential refugees and asylum-seekers in mixed flows.
- Assist entry officials to identify and refer potential asylum-seekers and other persons who may be entitled to specific protection to the responsible authorities.
- Build dialogue and cooperation between entry officials and humanitarian actors. Help them work together to identify and address shortcomings in procedures for identifying persons entitled to international protection. This may be especially relevant where referral mechanisms for persons not claiming asylum are weak.
- Set up independent monitoring mechanisms that can help to identify problems, gaps and training needs with respect to protection.

Appropriate mechanisms for screening and referral

The objectives are to ensure that specific protection needs are quickly identified and promptly addressed, and also to reduce the number of individuals who are channeled into the wrong procedures.

- Set up mechanisms to separate new arrivals into appropriate categories according to likely needs and profiles. Establishing these mechanisms will require collaboration with a range of stakeholders, and should result in a flexible, non-binding and provisional process which

will happen before any formal status determination. Such a process:

- provides information to new arrivals;
 - gathers information through questionnaires and informal interviews;
 - establishes a preliminary profile of each person;
 - offers counselling; and
 - refers individuals to the procedure(s) that corresponds to their profile.
- Placing individuals in categories is a particularly challenging task because all individuals will have many needs, which may or may not be met under the status they are allocated. Because so much is at stake, individuals may withhold information, proffer incorrect information, or self-identify with a particular category. Above all, the categories themselves are not mutually exclusive. (A UASC who is an asylum-seeker may also be a victim of trafficking; a woman who is a victim of trafficking may or may not also be an asylum seeker.)
 - Screening or profiling at arrival may categorise individuals incorrectly, or fail to identify all their needs. Therefore there must be a degree of flexibility to ensure that persons can be referred to appropriate procedures at any stage of their processing.

Differentiated processes and procedures

The objective is to provide tailored and appropriate responses to the needs and profiles of people involved in mixed flows.

- Procedures address: asylum; trafficked persons; [child protection](#); family tracing; women and girls at heightened risk; support for individuals who have experienced torture or trauma; regularization in the host country or migration options, or assisted voluntary return for people who do not seek or are found not to be in need of international protection.
- Mixed movements may include refugees who have moved onwards from another country other than their country of origin. Individuals may have transited through several countries for varying lengths of time, possibly without having access to international protection (or without seeking it in those countries for a range of reasons). Addressing onward movements requires a strategy based on careful and informed analysis of causes, which takes into account the legitimate concerns of relevant States and the well-being and protection needs of asylum-seekers and refugees.
- To maintain credible asylum systems and address irregular migration, it is vital to deal fairly and efficiently with persons who are not refugees. This requires collaboration with IOM, States and other stakeholders. Many people travelling in a mixed flow will not be classified in a category that meets their needs or expectations. Alternative procedures (including voluntary return for those entitled to refugee protection) may assist authorities to manage mixed movements fairly, address the immediate needs of arrivals, and facilitate longer-term solutions.

Data and information collection

The objective is to make sound use of data and information to understand, categorize and meet the needs of persons involved in mixed movements.

- Having access to accurate, up to date information on mixed movements makes it possible to assess their scale and trends, to establish a basic profile of arrivals including likely international protection needs, identify routes and means of transport, and to design,

implement and evaluate policy responses and pragmatic interventions.

- Both qualitative and quantitative data and information should be collected.
- National and regional strategies and policies – which need also to take account of and prioritize protection issues - should be developed to address the various dimensions of mixed movements.
- The different actors involved in responding to mixed movements should agree what data and information they collect, and standards, so that information can be collated and compared.

Information strategies

Effective and well designed information strategies may help to limit irregular movements and associated harms, in some circumstances. If potential travelers are informed about the risks, they may not be entirely reliant on rumours or the advice of smugglers or traffickers. Information can also inform host communities about the causes and nature of mixed movements.

- Information alone is very unlikely to prevent irregular movements, if "push" or "pull factors" are powerful. However, it may enable individuals to take more informed decisions (when they have a choice).
- Messages should not inadvertently discourage persons who are affected by conflict or persecution from seeking asylum abroad. They should provide information about legal migration opportunities if available.
- Information strategies should raise awareness of human trafficking and the risks associated with human smuggling.
- It is useful to produce information leaflets that explain the obligations and basic rights of persons who arrive in a host country. These should include information about the different procedures available to new arrivals (notably asylum procedures), including when and where they can be accessed.

Key management considerations

- Collaborate appropriately with key stakeholders, including relevant State authorities, IOM, and relevant international organizations and NGOs.
- Advocate for sufficient staff and resources (for all concerned agencies) to process and meet the needs of persons travelling in mixed flows, and ensure needs of asylum-seekers, refugees and people who may be stateless or at risk of statelessness in mixed flows are addressed.

Partners

- International organizations such as IOM, NGOs, community-based organizations (CBOs), other implementing partners.
- Government officials and border management authorities.

3. Policies and guidelines

[Convention and Protocol relating to the Status of Refugees, 1951](#)

[UNHCR, Guidance on Responding to Irregular Onward Movement of Refugees and Asylum-seekers, Sept 2019](#)

[UNHCR, Persons in need of international protection, June 2017](#)

[UNHCR, 'Migrants in vulnerable situations' UNHCR's perspective, June 2017](#)

[UNHCR, Refugees and Migrants - Frequently Asked Questions, Aug 2018](#)

Annexes

[SAR leaflet - - UNHCR, IMO, ICS, Rescue at sea - A guide to principles and practice as applied to refugees and migrants, January 2015](#)

[UNHCR, Rescue at Sea, Stowaways and Maritime Interception- Selected Reference Materials, December 2011, 2nd Edition](#)

[UNHCR, Global Initiative on Protection at Sea, 2014](#)

[UNHCR, Refugee Protection and Human Trafficking, Selected Legal Reference Materials, 2008](#)

[UNHCR, Guidelines on Temporary Protection or Stay Arrangements, 2014](#)

4. Links

[UNHCR, Asylum and migration webpage](#) [UNHCR, Trafficking in persons webpage](#) [UNHCR, Refugees and Asylum-Seekers in Distress at Sea – how best to respond? Su...](#) [UNHCR, Maritime interception operations and the processing of international pro...](#) [UNHCR, The 10-point plan in action: refugee protection and mixed migration – 20...](#) [UNHCR, Advisory Opinion on the Extraterritorial Application of Non-Refoulement ...](#)

5. Main contacts

UNHCR Dep. Representative (Protection), UNHCR Asst. Rep. (Protection), and/or Snr Protection Officer in the country

The UNHCR Regional Asst./Dep Rep (Protection) and/or Snr. Regional Protection Officer at the regional office (if applicable)

The Snr. Regional Legal Advisor in the respective UNHCR regional bureau, covering the respective country region, who in turn will liaise as required with the parent unit at UNHCR DIP. Contact the Asylum and Migration Unit, Service 1, DIP, HQ, Geneva.

Temporary Protection

07 December 2023

Key points

- Temporary protection can be an effective tool for ensuring fast access to protection and services without overwhelming asylum systems, however, it should not be used to discourage or prevent people from seeking asylum
- Temporary protection is NOT a protection scheme replacing existing international obligations, in particular the 1951 Refugee Convention and/or its 1967 Protocol, or regional refugee instruments, such as when prima facie or more favourable protection is available and suitable, nor a substitute for the proper management of mixed flows
- Temporary Protection is NOT suitable if the stay becomes prolonged
- The arrangement must, at a minimum, meet basic needs and minimum standards of treatment which reflect international refugee and human rights law obligations, and ensure protection from expulsion, refoulement and other protection risks
- Temporary protection should not be structured in a way that encourages premature return

1. Overview

Temporary protection can be an effective tool for States to respond to humanitarian crises and complex or mixed population movements in situations where other protection responses are in the short term unavailable or inadequate to allow admission and immediate protection from Refoulement. Temporary protection should guarantee basic minimum treatment and access to core rights for the displaced population and be implemented in a streamlined and efficient manner.

In some contexts, temporary protection is given without recourse, at least initially, to [refugee status determination](#) whereas in others temporary protection may be provided as an additional option to asylum (See the Entries on [refugee definition](#), [stateless person definition](#), [UNHCR's mandate for refugees](#), [prima facie recognition of refugee status](#)).

Temporary protection is particularly suited as an emergency response in situations of mass influx,[1] or other fluid or transitional contexts.

UNHCR's role may involve advocacy for the provision of temporary protection when appropriate, and support the establishment of a temporary protection response through the provision, for example, of technical advice. The decision to provide temporary protection rests with the responsible authority in the host country. UNHCR does not encourage States to provide temporary protection when it is feasible to recognize refugees through a prima facie approach (see prima facie entry) or through individual procedures (see RSD entry). That said, there are circumstances in which a temporary protection response will be an appropriate complement to an asylum regime. In addition, it may be particularly relevant for non-States parties to the 1951 Refugee Convention/1967 Protocol or a regional refugee instrument, it offers a way to provide immediate protection and thereby respect the principle of **non-refoulement** and other human rights.

[1] A mass influx is defined as "significant numbers of arrivals over a short period of time of person from the same country or geographical region, and for whom, due to their numbers, individual refugee status determination is procedurally impractical".

2. Relevance for emergency operations

Temporary protection is particularly suited in the following four situations:

- (i) large-scale influxes of asylum-seekers, refugees or other similar humanitarian crises. For example, temporary protection may be particularly suitable in the immediate aftermath of a sudden-onset disaster when the country or origin is mobilizing resources, including international assistance, to respond to the disaster;
- (ii) complex or mixed cross-border population movements, including boat arrivals and rescue at sea scenarios;
- (iii) fluid or transitional contexts [e.g. at the beginning of a crisis where the exact cause and character of the movement may be uncertain, or at the end of a crisis, when the motivation for departure may need further assessment]; and
- (iv) other exceptional and temporary conditions in the country of origin necessitating international protection and which prevent return in safety and dignity.

In each of these four scenarios, individual status determination is either not applicable or feasible, or both.

3. Main guidance

In an emergency context, the key issue to be determined is whether temporary protection is a relevant and appropriate mechanism to be advocated for in a particular situation. The following steps should be followed to come to an appropriate decision:

- Collect and analyze information on the profile of individuals arriving, the national legal framework and available options for granting protection and assistance to determine the most appropriate protection response. Consider whether existing protection mechanisms, particularly refugee status determination, including through a group based or prima facie approach, are able to respond before considering temporary protection.
- Individuals moving in mixed flows may fall within different and overlapping categories and differentiated approaches may be needed, particularly when temporary protection has ended.
- Application of temporary protection in fluid or transitional contexts requires careful consideration if transitioning into a prima facie approach is required once the refugee character of the movement is better understood.
- Consider the practicalities of implementing temporary protection, including potential modalities of implementation to assess the feasibility of implementing such an approach.
- Discuss with the relevant Regional Bureau and the Division of International Protection to ensure regional and global consistency.
- If temporary protection is deemed an appropriate approach, advocate and/or advise the authorities on the need, appropriateness and benefits of a temporary protection response.
- States may agree to set timeframes for the temporary protection provided, usually for six months, to be extended as conditions persist. In cases of extended stay, the standards of treatment would need to be gradually improved and decisions taken on when temporary protection will end.
- Make sure that the group that will be eligible for temporary protection is clearly defined. Consideration needs to be given to those sharing the same country of origin or nationality that are already in the territory (**sur place**), who are not able to return nor have other legal means of stay.
- Work with the authorities to develop an efficient procedure for applying and screening/registration for temporary protection as well as issuing documentation. Such procedures should include support for persons with urgent protection risks or vulnerabilities.
- Put in place counselling and information for the affected populations. It is critical to ensure that individuals or groups are regularly informed of the purpose, scope and duration of the protection provided in order to manage expectations and avoid undue movement into and out of the host country.
- In emergencies linked to armed conflict and other situations of violence, active fighters or combatants need to be identified promptly, and separated from the civilian population. (See the Entry on the civilian character of asylum).

Key management considerations

The decision to advocate for temporary protection should be based on an analysis of the operational context, including the availability and effectiveness of other protection mechanisms in the host country.

Establishment of a monitoring mechanism and regular assessments of temporary protection are necessary to ensure that the response implemented is adequate for the individuals in different stages of the emergency.

It is important to ensure temporary protection measures include minimum standards of treatment, which are to be improved if the stay is prolonged.

Efficient implementation of temporary protection requires national and/or regional level partnerships for the continued engagement of national partners.

Underlying principles and standards

- Temporary protection (referred to also as "temporary protection or stay arrangements") are pragmatic "tools" of international protection, that should act as a compliment to asylum.
- Providing temporary protection is a humanitarian and non-political act.

As part of a humanitarian response, temporary protection needs to be flexible to react speedily to a crisis or disaster, while providing at least a minimum level of protection.

Temporary protection contributes to a better managed global response system to humanitarian crises as well as complex and mixed cross-border population movements, centred on multilateral co-operation and an equitable sharing of burdens and responsibilities.

If temporary protection can be agreed at the multilateral or regional level, they may also address States' concerns and reduce the motivations for irregular onward movement, mobilizing resources and humanitarian assistance, and building global and regional solidarity.

- Temporary protection should be solutions-oriented and time-limited.

Temporary protection permits admission to the territory for the concerned populations, including through disembarkation for boat arrivals.

Persons benefiting from temporary protection must but allowed to stay in the host country and enjoy a minimum set of standards of treatment, while preserving any more favourable standards that may apply.

Temporary protection is without prejudice to the obligations of States under international law, including particularly the 1951 Refugee Convention and its 1967 Protocol, as well as other human rights and regional refugee instruments to which they are party.

Temporary protection must not be a substitute for other protection mechanisms that respond adequately to the situation at hand, or to replace existing protection schemes that would be applicable or more suitable.

Risks

Legal: denying temporary protection may leave people destitute, at risk of being subjected to various human rights violations, and at risk of refoulement.

Political: Inadequate differentiation between categories of persons requiring protection on a humanitarian basis; Lack of coordinated, efficient and mutually agreed standing arrangements can jeopardize access to required protection; the choice to apply temporary protection should

not undermine other treaty-based protection responses. *Reputational*: Misinformation about the purpose, scope and duration of temporary protection arrangements may increase fraud risks, which may undermine the effectiveness and integrity of the protection granted; and harm the credibility and reputation of UNHCR.

Hazards: States parties to 1951 Convention and/or 1967 Protocol and regional instruments must be trusted to act in good faith and not apply temporary protection in situations where other Convention-based responses can be applied.

Resources and partnerships

Partnerships: Government officials, including relevant ministries and agencies, relevant regional entities and fora, border management authorities and international organisations such as IOM, NGOs, CSOs, and implementing partners.

Post emergency phase

In fluid or transitional situations, keep under review the transition to either prima facie recognition or individual procedures for determining refugee status or other, complementary, forms of international protection, as appropriate.

Protection objectives

- To ensure that international protection is available to persons in need.
- To ensure a minimum set of standards of treatment and stay are applied to concerned persons and populations, while preserving more favourable standards that may apply.
- To guarantee that appropriate reception arrangements are in place for affected populations that ensure access to territory, immediate needs are met, proper systems for identification, registration and documentation, and that mechanisms are in place to identify persons with specific vulnerabilities or protection needs, such as children, older people, and people with disabilities.
- In the course of application of temporary protection, to make available relevant information on the situation in the country of origin.

Annexes

4. Main contacts

Contact, in the Division of International Protection (HQ), the Protection Policy and Legal Advice Section at DIP (for doctrinal clarification); Asylum Systems Determination Section (for application of temporary protection as part of processing strategies in mandate operations); Asylum-Migration Unit (for advice on operationalization in mixed movement situations).

Third country nationals' definition

31 January 2024

Key points

- In situations in which two States are concerned, a third country national (TCN) is any person who is not a national of either State; or, in the context of regional organizations, nationals of States who are not member States of such organization
- Some third country nationals may require refugee protection, where they cannot return to their country of origin, which is unable or unwilling to protect them from persecution or other threats to life, freedom or physical integrity arising from armed conflict, serious public disorder, or different situations of violence. Other third country nationals, while not in need of international protection may still may not be able to return to their countries of origin (owing to certain vulnerability factors or other grounds, including humanitarian considerations)
- UNHCR should participate in inter-agency mechanisms to ensure the protection needs of people with and for whom UNHCR works are met
- In mixed movements, distinguish other TCNs from asylum-seekers, refugees, stateless persons and refer them to the appropriate national entities and other service providers, unless they require refugee protection
- In some situations, third country nationals may find themselves stranded in the countries in which they reside (see also the entry Migrants in Countries in Crisis)

1. Overview

In the situations in which two States are concerned, a 'third country national' (TCN) is a person who is not a national of either State; or, in the context of regional organizations (e.g. the European Union), nationals of States who are not Member States of such organization.

This entry aims to address specifically the situation of TCNs who are not refugees or asylum-seekers, but who may travel with refugees and asylum-seekers, including in the context of mixed movements. To ensure respect for refugee protection principles as well as the human rights that apply to all, it is important to understand the distinctions between these categories.

Further, in coordinating responses to refugee crises, UNHCR has also used TCNs as a generic term to qualify migrants being compelled to leave their country of residence, being affected by conflict or disaster, as part of a mass influx, mainly consisting of refugees.

In times of a sudden emergency (e.g. conflict or disaster) in a country, non-citizens such as migrants and other TCNs may face particular difficulties and may, as a result, not be able to leave the country of residence.

In other circumstances (distinct from situations of emergency, migrants who cross international borders, for work or other purposes, may become stranded for various reasons. They may lose their documents, be deported to a third country, lack the resources to return home, or face other problems. (See also the [entry on Migrants](#)).

In particular, migrants may find themselves in [vulnerable situations](#) requiring protection and assistance at various points during their journey. Their needs must be identified in coordination with relevant partners and addressed in accordance with international standards.

2. Relevance for emergency operations

TCNs are not ordinarily people with and for whom UNHCR works, unless the TCN in question is in need of international protection or stateless. However, refugees, like TCNs, may also be caught up in crisis or disaster situations in countries to which they have fled and may face similar problems and risks to TCNs residing in such countries.

Also identification of TCNs in emergencies, in particular those with international protection needs or specific vulnerabilities, may be essential to devise appropriate responses and identify the entities that could be responsible for or in a position to address their needs.

3. Main guidance

Protection objectives

- To ensure that refugees and asylum-seekers continue to enjoy the rights attached to their legal status, even when a crisis (such as conflict or natural disaster) causes cross-border displacement.
- To ensure that refugees and asylum-seekers are identified in mixed flows and that their protection and assistance needs are assessed and addressed.
- To ensure that the access to asylum procedures of persons in need of international

protection is not obstructed or hindered when TCNs seek relief and aid.

- To differentiate TCNs, and ensure they are referred for consular protection and assistance, including evacuation to their countries of origin.

Underlying principles and standards

- [IOM, Migration Crisis Operational Framework, 2012](#)
[UNHCR, The return of persons found not to be in need of international protection to their countries of origin: UNHCR's role, 2010](#)
[UN General Assembly, International Convention on the Protection of the Rights of All Migrant Workers and Members of their families](#)
- [UNHCR, Migrants in Vulnerable Situations](#)
- [UNHCR, Summary Conclusions on International Protection of Persons Fleeing Armed Conflict and other Situations of Violence](#)

Protection Risks

- In large-scale crises, the protection needs of asylum-seekers and refugees may receive insufficient attention, especially when large numbers of TCNs also need assistance.
- Refugees and asylum-seekers who flee their host country following a crisis may be mislabeled as TCNs and repatriated (refouled) to their country of origin.
- Asylum procedures may be overloaded by requests for relief and aid by TCNs who do not qualify for refugee status. Such pressure on fledgling or emergency asylum systems can jeopardise access to asylum for those who need it.
- There may be a heightened risk of statelessness for TCNs – especially where people lacking ties to their country of origin flee after a long presence in the country in crisis.

Other risks

- Refugees, asylum-seekers and TCNs who flee crises will often need immediate material and psycho-social assistance to meet their basic needs. This assistance should be distinguished from the long-term protection to which refugees, asylum-seekers and stateless individuals are entitled.
- When mass crises displace many TCNs, UNHCR may not fulfil its protection mandate if it cannot detect refugees and asylum-seekers in large mixed movements.
- In the absence of established dedicated mechanisms UNHCR may need to develop emergency responses that include TCNs who are not in need of international protection together with its partners.
- Inaccurate profiling of TCNs can cause them to be evacuated to countries with which they have no ties or may risk human rights violation upon return.

Key steps

Identification and profiling in a country in crisis.

Specific and separate approaches are required to assess and address the needs and entitlements of different categories of persons. The entitlements of TCNs are distinct from those of refugees, asylum-seekers and stateless persons.

Refugees and asylum-seekers who flee a country in crisis that hosted them do not lose their entitlement to international protection. Evacuations must be monitored to ensure that no refugees or asylum-seekers are involuntarily returned to their countries of origin, because this will amount to refoulement.

Refugees and asylum-seekers who wish to return to their country of origin must be granted access to voluntary repatriation procedures, including a determination of the 'voluntariness' of their return.

Third country nationals. The majority of TCNs are ordinarily able to demonstrate their nationality. Their identity and profile should nevertheless be assessed with care, to ensure that any protection issues are addressed, and that they are evacuated to the correct country. Some TCNs will have weak links to their country of nationality; some may not possess proof of their nationality and will require further assistance to evacuate. When collecting information on TCNs, consider the risk of statelessness. Processing will largely be undertaken by IOM, other international organizations and NGOs; however, UNHCR will need to remain informed to make sure that people with and for whom UNHCR works are not considered and processed as TCNs or that TCNs with international protection needs are referred to the asylum procedure or UNHCR RSD procedures.

Protection in receiving countries

People with and for whom UNHCR works may be caught during evacuation, and their protection needs may not be assessed. Entry systems must be monitored to ensure that people with and for whom UNHCR works are correctly identified and protected.

Individuals who are not nationals of the receiving country may seek international protection. Such individuals must be identified and referred to national asylum procedures or UNHCR's [refugee status determination](#) (RSD) procedures (as appropriate). Monitoring and advocacy may be necessary to ensure that individuals can access national asylum procedures promptly and effectively.

Refugees and asylum-seekers who have fled a country in crisis that hosted them should not lose their entitlement to international protection. Their profile and individual circumstances must be verified, and they must be offered appropriate solutions, and protected from return to their countries of origin.

Most TCNs do not claim to be refugees. However, they may need immediate assistance and assistance to repatriate to their country of origin. They should be referred to IOM.

Assistance

All civilians fleeing conflict or disaster, regardless of their nationality, status, or background, should be provided with assistance that gives them immediate physical protection and access to essential services (food, shelter, water, sanitation & hygiene, health & nutrition, education).

UNHCR's contribution, as part of a joint humanitarian response to a crisis, may be to provide evacuees with NFIs or temporary shelter.

Other specific needs of TCNs that relevant stakeholders (such as IOM, ICRC, and WFP) may need to address could include: family tracing; psycho-social needs; protection of unaccompanied and separated children; and protection of other persons with specific vulnerabilities.

Distinguishing TCNs - Checklist for Managers

- Establish effective systems to identify those with protection needs; such systems need to distinguish TCNs from asylum-seekers, refugees, and stateless persons.
- Make sure that partners who have responsibility for TCNs ascertain their ties to countries of origin. Be attentive to the risk that individuals may become stateless.
- Ensure that profiling and identification procedures mechanisms are in place and lead to a needs-based referral; this may result in referring individuals to partner organisations such as IOM or relevant consulates.
- In collaboration with partner organisations and the Government authorities, meet the basic physical and psycho-social needs of all persons at reception.

Annexes

[UNHCR, Refugee Protection and Mixed Migration. The ten-point plan in action, 2007](#)

[UNHCR, 'Refugees' and 'Migrants' - Frequently Asked Questions \(FAQs\), 2018](#)

[UNHCR, Protection Policy Paper: The return of persons found not to be in need of international protection to their countries of origin: UNHCR's role, 2010](#)

[UNHCR, Persons in need of international protection, June 2017](#)

[UNHCR, Migrants in vulnerable situations' UNHCR's perspective, 2017](#)

4. Main contacts

As first port of call, the UNHCR Dep. Representative (Protection), UNHCR Asst. Rep. (Protection), and/or Snr Protection Officer in the country; or The UNHCR Regional Asst./Dep Rep (Protection) and/or Snr. Regional Protection Officer at the regional office (if applicable); or The Snr. Regional Legal Advisor in the respective UNHCR regional bureau, covering the respective country region, who in turn will liaise as required with the parent unit at UNHCR DIP.

Overview Persons at Risk

29 January 2024

Key points

- Do not assume that persons with specific needs are visible; actively identify them
- Consult persons with specific needs to assess the threats they are facing, their needs and capacities and identify shortcomings in protection and assistance programmes
- Consider that persons with specific needs may face specific forms of discrimination and violence and that these may vary based on their age, sex and other characteristics
- Consult persons with specific needs in order to decide what their food and non-food assistance should contain, and to make sure they can access distribution mechanisms
- Keep in mind that individuals and groups with specific needs are often the least likely to come forward to make their needs known

1. Overview

In every emergency, some refugee or IDP individuals and/or groups face heightened protection risks because of their circumstances or the context. Those at higher risk include persons commonly known as 'persons with specific needs' who face specific barriers due to discrimination, their identity, or other factors that prevent them from fully enjoying their rights or accessing services they need. (See [UNHCR, Guidance on the Use of Standardized Specific Needs Codes Annex 2 IOM 030-FOM 030-2009.doc \(live.com\)](#)). *Please note that this Guidance does not reflect the updated codes on Disability (DS), already available in proGres. Please refer to the [UNHCR Specific Needs Codes - Disability Guidance | UNHCR](#) for this purpose)*

As defined in Chapter 3.4 of the Guidance on Registration and Identity Management, 'a specific need is an attribute or situation that requires particular notice, intervention or follow-up. The term 'person with specific needs' is often used in UNHCR, but should be avoided to the extent

that it has a disempowering connotation. It is important to note that not all persons categorized as having specific needs require specialized assistance because of an individual situation or condition. For example, [persons with disabilities](#) experience obstacles when they try to access their rights, but in many cases the challenges they face are primarily due to social, cultural, physical, economic, or political discrimination, including intended or unintended discrimination by humanitarian practitioners.

In non-emergency situations, social services and community structures may meet some of the needs of those at risk. In an emergency, however, many of these safety and support networks break down or even become a source of new risk. An emergency response can also overlook or fail to identify groups or individuals who need specific forms of protection. It is therefore vital to take steps to promptly identify all groups and individuals at heightened risk, and provide them appropriate protection and assistance.

Individuals in the following categories are generally considered to be at heightened risk to be prioritized at registration, noting that additional groups may be relevant as regard to the context: [girls and boys](#), including unaccompanied and separated children; persons with serious health conditions; persons with special legal or physical protection needs; single women; women-headed households; [older persons](#); [persons with disabilities](#); and persons of diverse sexual orientation gender identity, gender expression and/or sex characteristics ([LGBTIQ+ persons](#)).

It is important to remember that not every individual in the above categories has specific needs. Moreover, their needs may change over time and will be influenced by the environment they are in. Rather than target 'labelled' groups with a standard package of assistance, it is essential to understand how [age, gender and diversity](#) characteristics intersect in shaping individuals who are unique in their capacities, risks and needs. UNHCR staff should therefore analyse the protection and assistance risks that individuals and groups face and assess their needs by means of a targeted protection assessment, a needs assessment, or both.

2. Relevance for emergency operations

The identification and response to persons at heightened risk is crucial during emergencies. Heightened risk often appears at the junction between social discrimination, pre-crisis conditions and protection risks directly linked to the emergency. As an instance, GBV is often used as a weapon of war against women belonging to indigenous or minority ethnic groups. Thus, the early identification of these individuals or groups is crucial to ensure the most acute protection problems and needs are adequately targeted for preventive actions, risk mitigation and response.

Persons at heightened risk and their protection patterns are often difficult to identify. This is often due to social discrimination, pressures not to seek help and the complexities of some pre-crisis discrimination patterns. This is why dedicating adequate resources, from day one, to understanding and responding to these patterns is crucial in any emergency.

3. Main guidance

Protection objectives

- To systematically identify individuals and groups at heightened risk at the start of an emergency and ensure their needs are regularly assessed using participatory approaches.
- To set up mechanisms that quickly identify and refer persons at heightened risk, particularly those who are less visible to humanitarian actors, in cooperation with communities and their structures.
- To design and implement protection responses and assistance programmes jointly with persons at heightened risk and their communities.
- To prioritize individuals and groups at heightened risk, with the urgency required, in all protection and assistance responses (including reception, registration, assistance mechanisms, [refugee status determination](#), and resettlement).
- To develop partnerships and referral mechanisms with other protection and assistance actors (including national partners) who have relevant expertise and adequate capacity to support groups and individuals at heightened risk.
- To establish and maintain a confidential individual case management system (using the proGres database) to register and track persons at heightened risk, and record the protection and assistance they require and receive. For more information on recording specific needs in proGres 4, please see [Baseline SOP for the Registration Module](#) (accessible to UNHCR staff only).

For persons at heightened risk who require individual case management, protection incidents and interventions can be recorded in the proGres legal and physical protection module, the module, or the GBV module. Bear in mind that information recorded in the GBV and modules is accessible on a need to know basis and can only be edited and viewed by those directly working on an individual's CP or GBV case management. Relevant parts of the file can be shared with Registration, RSD, Resettlement or any other programmes as needed and appropriate, and these processes should be outlined in each module's SOPs.

Aggregated information can be accessed on all individuals whose specific needs have been recorded via reports generated from the database.

Protection Risks

- If groups or individuals with specific needs are not identified early in an emergency, they may face heightened protection risks including discrimination, abuse, violence or stigma.
- If mechanisms to identify persons at heightened risk are not effective, some individuals in need of specific protection interventions may not be identified, particularly if their specific needs are not visible.
- If protection and assistance gaps for groups or individuals with specific needs are not addressed early on, they may become more severe over time.
- Communities play an essential role in identifying and supporting persons at heightened risk, including those with specific needs; they help to design and implement protection and assistance programmes. However, they can also sometimes be a negative force and the source of harm. Harmful traditional practices may (re-)emerge during displacement; marginalized and vulnerable groups may face more extreme exclusion or exploitation; power imbalances can be exacerbated, etc.

- Systems that simplistically prioritize persons with specific needs based on individual characteristics alone, without considering additional risk factors in the environment and without engaging communities in this process, may create misinformation and tensions in the community. For this reason, regularly review specific needs and their prioritization in consultation with communities as the emergency context evolves.

Key actions

Identification

General

- Make sure that persons with specific needs are identified and registered as early as possible.
- Particularly in non-camp settings, identify partners and establish an outreach programme to ensure that individuals with specific needs are identified and informed of their entitlements.
- Identify groups or individuals with specific needs who require immediate attention. Prioritize groups identified at risk according to the context. Also identify those whose needs require medium-term follow-up.

Registration

- Provide a 'fast-track' queuing system for groups or individuals with specific needs, so that they can register and receive assistance and protection promptly. Prioritize them according to the gravity and urgency of their needs and the risks they face. In larger operations, you might ask a member of the reception team to monitor the reception area (and outside it) with the aim of pre-identifying and giving priority to persons with specific needs.
- It is a good idea to create a curated, shorter list of key specific needs codes that are most relevant and applicable to the situation, and to train staff to identify and record these codes rather than the whole list. Screening questions can also be provided to help staff with identification.
- Enter details of persons with specific needs into proGres. (If pre-registration is paper-based, flag specific needs in the physical record.)
- Ensure that UNHCR personnel or partners who work in Protection, [Child Protection](#) and [Community-Based Protection](#) are present at reception/registration facilities to assess immediately persons with specific needs who are referred by registration staff.
- Establish and maintain up-to-date records in the proGres database. Establish a simple periodic reporting system (by generating reports from proGres). Focus on the needs identified, the services provided, and statistical data.
- Take steps to make sure that interviews are accessible (e.g. providing interpretation, including in sign languages, if required) and not repeated unnecessarily. This can jeopardize confidentiality as well as increase the stress of those interviewed. To this end, ensure that case records are transferred whenever individuals with specific needs are moved.

[Community-based protection](#)

- Involve the community. Communities play a critical role in identifying and responding to the protection needs of persons with specific needs. This is especially so in areas that humanitarian workers cannot access.
- Undertake participatory assessments with groups or individuals with specific needs and take account of their opinions in operational planning. Make sure they can attend meetings, or conduct home visits to gather their views. Diversify your participatory methods and adapt them to the needs of the different groups you target.

Sensitization and training

- Ensure that staff, partners and public authorities recognize and know how to respond to specific needs.
- Train reception and registration staff to identify and refer persons with specific needs as appropriate. For more information on identifying specific needs codes and making referrals, see UNHCR's Guidance on Registration and Identity Management, specifically chapter 5.2 on Registration as an Identity Management Process, and section 4 on [identifying specific needs and referring concerned individuals according to SOPs](#).

Response

General

- Groups or individuals with specific needs should receive prompt protection and assistance: they should be prioritized at reception, registration, [refugee status determination](#), and resettlement, and in other response mechanisms and processes. See chapter 5.1 of UNHCR's Guidance on Registration and Identity Management on [prioritization of persons with specific needs at registration](#).
- Respond at once and adequately when specific needs are identified, and ensure day-to-day support is made available as required, including through community-based support mechanisms.
- Put in place appropriate systems to prevent, mitigate and respond to violence (including GBV), as well as exploitation and abuse.

Referrals

- Establish confidential referral systems to ensure that persons with specific needs have access to relevant service providers.
- Ensure that persons with urgent medical needs and chronic medical conditions are referred to health care providers for immediate treatment.

Accessibility and inclusion

- Make sure that programmes include persons with specific needs. Ensure that persons with specific needs receive information about programmes that concern them through a variety of accessible communication channels.
- Ensure that groups or individuals with specific needs are able to access assistance distribution points and are not neglected in the delivery of goods and services.
- If necessary, arrange separate queuing systems or deliver goods to persons who cannot

attend distributions. Monitor the distribution of goods to groups or individuals with specific needs to ensure they do not suffer discrimination and are not exploited.

- Remember that some groups may be subject to violence and abuse by other members of their community. If necessary, arrange for separate distribution and counselling hours.
- If individuals are unable to collect assistance on their own, designate and record an alternative collector. Monitor such cases to make sure the assistance reaches the individuals for whom it is intended. Consider community-based approaches to leverage the support of the community in accessing those facing difficulties to collect assistance.
- Monitor the construction of shelter, water and sanitation facilities to ensure that these are accessible and adapted to the needs of individuals with specific needs. When designing facilities, involve individuals with special needs.
- Provide transport for individuals with [disabilities](#) and [older persons](#) without support, women in late pregnancy, and persons in severe [psychological](#) distress who need transport to access medical and other services. Ensure that those who travel are accompanied by a responsible attendant (usually a relative) and that clear meeting points are identified to prevent separation from family members.

Community-based protection

- Identify active community structures and community self-protection mechanisms and take steps to address negative coping mechanisms.
- Identify and work with organizations of [persons with disabilities](#), and other representative structures of marginalized groups. Ensure they are included in broader community leadership structures.
- Jointly with affected groups or individuals, as well as communities, establish mechanisms or processes to provide basic services, monitor their delivery, and implement follow-up actions.

Information, consultation and feedback

- Take steps to ensure that groups with specific needs are fully informed of protection and assistance measures that they are entitled to access, notably distribution systems.
- Take steps to ensure that information on services is available on accessible formats and languages used by affected communities, and that infrastructure are physically accessible to persons with limited mobility.
- Take account of language, access and accessibility needs when you craft your communication messages. Children, people from ethnic or linguistic minorities, injured people, people with communicable and/or chronic diseases, older persons, or persons with disabilities, will not necessarily obtain the information they need through regular channels. Adapt your communication strategy to meet such needs.
- Ensure feedback and response systems are in place and that persons with specific needs can access them, and act on feedback received.

Longer-term interventions

- Identify and strengthen local institutions that have facilities for care and treatment (clinics, schools, hospitals, recreational facilities, etc.).

- Where possible, provide vocational training and livelihood opportunities for those with specific needs, or their families, to help them to support themselves and find longer term solutions.

Key management considerations

- Resources and sufficient staff need to be in place to meet specific needs.
- Assess programmes regularly to ensure that [age, gender and diversity](#) (AGD) policies are implemented and that programmes are inclusive of all.
- Establish a monitoring mechanism and monitor all key steps.
- Establish a confidential feedback and response system and ensure it is accessible to persons with specific needs. The system should enable them to report protection concerns, including about sexual exploitation and abuse.
- Establish national partnerships to ensure that programmes and support for persons and groups with specific needs can be sustained.
- Implement [Community-Based Protection](#) and work with communities (including host communities) to identify and respond to the needs of persons with specific needs.

Resources and partnerships

Staff

Key sectors include protection, [community-based protection](#), and [mental health and psychosocial support](#).

Financial resources

Should be sufficient to plan and implement necessary services, programmes, and interventions.

Partners

National NGOs and government institutions, including relevant ministries.

4. Standards

Managing UNHCR's results indicators

UNHCR Results Monitoring Framework encourages disaggregation by age, gender, disability and other diversity considerations as relevant. Dedicated Good Practice indicators to monitor access to groups at heightened risk are also available under Outcome Areas 4, 5 and 7.

[Managing UNHCR's results indicators](#) - accessible to UNHCR staff only

Annexes

[UNHCR Guidance on the Use of Standardized Specific Needs Codes \(English\)](#)

[UNHCR, Policy on Age, Gender and Diversity, 2018](#)

[UNHCR Specific Needs Codes – Disability Interview Guide, 2022](#)

[UNHCR, Tool for Participatory Assessment in Operations, 2006](#)

[UNHCR, Manual on a Community-Based Approach in UNHCR Operations, 2008](#)

5. Learning and field practices

[Community-based Protection](#)

6. Links

[Safeguarding individuals UNHCR, Guidance on the Use of Standardized Specific Needs Codes, Annex 1 and An...](#) [UNHCR Policy on age, gender and diversity](#)

7. Main contacts

As first port of call, contact the UNHCR Deputy Representative (Protection), the UNHCR Assistant Representative (Protection), or the Senior Protection Officer or Senior Community-based Protection Officer in the country.

Alternatively, contact the UNHCR Head of Protection, or the Deputy Director (Protection), or the senior Protection Coordinator, or the senior Protection Officer, or the senior Community-based Protection Officer in the Regional Bureau.

The person you contact will liaise as required with the relevant technical unit at UNHCR DIP.

Minorities and indigenous peoples

30 January 2024

Key points

- Minorities and indigenous peoples have the collective right either to define themselves as belonging to a certain minority or indigenous people or to avoid doing so
- Actively but responsibly identify and reach out to forcibly displaced and stateless persons who belong to minority and indigenous groups keeping in mind the Do No Harm principle
- Consult minorities and indigenous peoples on the risks they face and the best way to meet their priorities and strengthen their capacities
- Engage minorities and indigenous peoples in the design of programmes and protection activities to ensure your programmes do not inadvertently discriminate against, result in further isolating them or cause tensions between them and other forcibly displaced, stateless, or host communities
- Familiarize yourself with the socio-economic situation of each minority or indigenous community represented in the population you work with

1. Overview

Due to the variety of situations in which they exist, no definition has been agreed internationally on what constitutes a minority. UNHCR recognizes the term “minority” as an ethnic, religious, linguistic, or cultural group, fewer in number than the rest of the population, whose members share a common identity and [rights](#). Individuals who belong to these minorities may feel different and think and act culturally differently than majority groups. This may be reflected through religious and/or political affiliations, approaches to conflict management, kinship relations, and languages. At the same time, the characteristics that define minorities vary widely from one context to another. Please note that in popular use the term “minority” may also be used to identify groups defined by other characteristics such as sexual orientation, gender identity, etc.

Similarly, no single definition of ‘indigenous people’ has been agreed, though UNHCR recognizes the language in the International Labour Organization Convention on Indigenous and Tribal Peoples (1989), also known as [C169](#). Generally, indigenous peoples descend from populations which inhabited a geographic region at the time it was conquered, colonized, or the present State boundaries were established by currently dominant cultures. Indigenous peoples can generally demonstrate a historical continuity with pre-invasion or pre-colonial societies, in terms, for example, of occupation of ancestral land, ancestry, language, or cultural beliefs and practices. Like minorities, indigenous communities tend not to be dominant in comparison with majorities in the socio-economic and political spheres of their countries. It should be noted that some minorities also consider themselves to be indigenous peoples and may use both terms. However, many indigenous communities refuse to identify as minorities, on the basis that the term “minority” may not reflect the size and nature of the population in their countries of origin. Indigenous peoples enjoy specific, collective rights, including the rights to practise customary law and protect their traditional knowledge, intellectual property, and cultural heritage.

Why do we need to pay specific attention to upholding the rights of minorities and

indigenous peoples?

Minorities and indigenous peoples are often discriminated against and in some societies are marginalized socially, economically, politically, and culturally. Forcibly displaced and stateless persons who are members of minorities or indigenous peoples may be affected both by discrimination by individuals in their communities, and/or at the national level before and during their displacement and by the long-term legacy of discrimination. They may be victims of severe human rights violations, violence, conflict, ethnic and/or religious persecution, and in extreme cases, genocide. These multiple forms of discrimination might affect some members of the community more than others, particularly women, children, persons with disabilities, older persons, and lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ+) persons.

The climate emergency creates a survival threat and displacement risk for all. However, when structural discrimination is combined with global scarcities, minorities and indigenous peoples are least likely to benefit from any mitigation of its worst effects.

In addition to the human rights principles that prohibit discrimination and assert the equality of all persons, minorities and indigenous peoples have specific rights under the international human rights framework and under some regional and national laws. These affirm their rights to participate, to be included, enjoy their own culture, profess and practise their own religion, and use their own language.

Applying an [Age, Gender and Diversity \(AGD\) approach](#) to our work with minorities and indigenous peoples aims to ensure that all protection activities, including durable solutions are inclusive of, and accessible to, minorities and indigenous peoples.

2. Relevance for emergency operations

In an emergency response, adequate efforts should be made to fully and meaningfully include minorities and indigenous peoples. To address their protection concerns, the response should dedicate resources to their protection and support, and plan and implement specific activities in close consultation with the persons concerned and service providers. These activities should ensure that:

- Minorities and indigenous peoples can access protection activities and services without discrimination.
- Barriers for the full participation of minorities and indigenous people in decisions that affect them are addressed and mitigated.
- All aspects of a response take into consideration the compounded protection risks and capacities of minorities and indigenous peoples.
- The capacities and contributions of minorities and indigenous people are acknowledged and supported.
- Minorities and indigenous people have safe spaces to practise their religion and traditions and receive information in their own language using their preferred channels.

3. Main guidance

Protection Risks

- Minorities and indigenous peoples may be among the most marginalized communities in many societies. They may face severe discrimination and exclusion from participation in social, cultural, and economic affairs, may not have access to political power, and are frequently prevented from expressing their identity. These obstacles are exacerbated during displacement and statelessness, increasing the protection risks they face.
- Due to discrimination and marginalization minorities and indigenous peoples may have limited access to education, health, and documentation. These issues may require special attention in situations of displacement and statelessness. Lack of documentation is one of the primary and shared protection needs among minorities and indigenous peoples. This discrimination may also be heightened due to intersectionality of their identity with other AGD characteristics.
- Members of minority and indigenous groups can be at risk of harm from the surrounding or host population, or from their own family or community, with [indigenous women and girls](#) facing heightened forms of violence in some contexts.
- It is important to recognize that the systemic discrimination of minorities and indigenous peoples may result in their communities being subject to poverty, lack of access to justice, and lack of access to services. As a result, they may be exposed to protection risks, including physical violence and trafficking. These risks are compounded in situations of forced displacement.
- Minorities and indigenous peoples may be at risk of losing, or not having autonomy over, important elements of their individual and collective identity through displacement, especially if they have strong cultural ties to territory. Humanitarian action may also have an impact on how cultural identity is affected by forced displacement, as rituals or behaviours may be forced to change if response to displacement does not prioritize the preservation of certain cultural practices.
- Minorities and indigenous peoples may not speak frankly if interpreters are from a different community in the country of origin or country of asylum. In addition, members of minorities and indigenous peoples may only speak a minority or indigenous language.
- Minorities and indigenous peoples are often disproportionately affected by statelessness, as more than 75% of the world's known stateless populations belong to ethnic, religious, or linguistic minority groups. This is mainly due to direct or indirect discrimination, including in nationality laws. More information on the various forms of discrimination that can lead to statelessness can be found in [UNHCR's Background Note on Discrimination in Nationality Laws and Statelessness](#). Specific minorities and indigenous peoples are especially affected by risks of statelessness, depending on the context.
- Minorities and indigenous peoples often have rights to land and territories that do not coincide with political borders; as a result, they often cross borders fluidly. In conflicts or crises, this may put them at risk of being caught up in violent situations or separated from the groups to which they belong.

Other risks

Individuals of all ages and genders, belonging to ethnic, religious and linguistic minorities or indigenous peoples often experience discrimination and marginalization.

When engaging with personnel, including security personnel, part-time or consulting staff, partner staff and interpreters, consider their background and their attitudes when communicating with minority and indigenous forcibly displaced and stateless persons. Even when an interpreter behaves professionally, there is a risk that a minority or indigenous person will not speak openly if the interpreter comes from a majority community in the country of origin.

All staff, at every level, with particular attention to those who interact with individuals most often such as security guards and protection staff, should be trained on working with minorities and indigenous peoples, and should remain neutral and professional in all interactions.

Key steps

Support services and care arrangements

- Take appropriate measures to ensure that, if they wish, displaced minority and indigenous communities can remain together to maintain their cultural heritage and identity.
- Be mindful of the traditions, practices and customary laws of minorities and indigenous peoples. Respect and cultural sensitivity must always be shown.
- Engage with minority and indigenous forcibly displaced and stateless persons in all programming phases, and in leadership structures.
- Map partners as well as local organizations led by minorities and indigenous peoples. Set up referral mechanisms. Assess and support the community's capacity to address its concerns.
- Identify community self-management structures among minorities and indigenous peoples and invest in supporting their capacity to develop community-action plans that address the protection issues and concerns within their communities. Consider [Grant Agreements](#) to support community-led organizations in addressing the community's priorities.

Identification and assessment procedures

- Apply an [age, gender and diversity](#) (AGD) lens and [community-based approach](#) to working with minorities and indigenous peoples.
- Ensure that conditions are secure and safe for persons to feel comfortable about identifying themselves as members of a minority or indigenous people. Make sure that data protection measures are in place and that persons who do not wish to self-identify are not forced to do so, especially if they may be at risk.
- Promote and support the collection of fully disaggregated data on minority and indigenous forcibly displaced and stateless persons including on protection risks for specific AGD groups, capacities and their proposed solutions. Data should be collected in a sensitive manner as per UNHCR standards.

Access to services

- Establish accessible and trusted two-way communication channels and ensure that all information about services is inclusive of and accessible to persons from minorities and

indigenous peoples and available through their preferred channels. The presence of a translator or interpreter may be necessary to enable minority and indigenous people to access relevant services.

- In consultation with them, make sure that minority and indigenous persons have space to practise their cultural traditions.
- Take steps to understand the specific rights of minorities and indigenous peoples. Rights may be conferred by international human rights law, and regional or national laws. A range of actors, including government authorities, may be responsible for protecting the rights of minorities and indigenous persons and for providing specific services to them.

Prevention of abuse and exploitation

- Ensure that minorities and indigenous peoples have access to systems to prevent and respond to violence, exploitation, and abuse.

Participation and Inclusion

- Make sure that all programmes include and meaningfully engage minorities and indigenous peoples and that they address barriers to the full and equal access to protection service and assistance.
- Make sure that information about programmes, services, or their rights, is provided in accessible formats and languages.
- Encourage the involvement and meaningful representation of minority and indigenous peoples from different AGD groups including women, [LGBTIQ+ persons](#), persons with disabilities, and older persons, provided this can be done safely.
- Provide space for practising cultural traditions and strengthen community groups, including providing education or activities for minority and indigenous children in their minority or indigenous language.

Awareness raising and advocacy

- Make sure that staff, partners, and local and national authorities understand and know how to work with minorities and indigenous peoples, considering the attitudes and preconceptions of UNHCR and partner staff. UNHCR's Code of Conduct sets out clear norms and requires managers to take action when inappropriate behaviour is identified. This requires sensitization and training.
- Explore avenues for advocacy with relevant stakeholders, including governments, other UN agencies, and civil society, for the elimination of discriminatory nationality laws, policies, and practices.

Key management considerations

- Make sure that sufficient staff and resources are available to enable UNHCR to understand the communities it seeks to protect, and to address the protection needs of minorities and indigenous peoples. Assess programmes regularly; ensure that all analysis is AGD-sensitive.
- Establish protection monitoring mechanisms and monitor the level of protection enjoyed by indigenous and minority forcibly displaced and stateless persons.

- Encourage national services and partners to continue to support programmes that protect and assist minority and indigenous forcibly displaced and stateless persons.
- Ensure that the needs of minorities and indigenous peoples are included in all relevant programmes and services.

Resources and partnerships

Staff

Protection; health; [mental health and psychosocial support](#); [community-based protection](#); interpreters.

Financial resources

Sufficient resources should be available to meet the needs of minorities and indigenous peoples.

Partners

These include, in particular, national NGOs, government institutions, and national human rights institutions that work with minorities and indigenous peoples. [Minority Rights Group International](#) (MRG International) is the best-known international NGO working for and with minorities and indigenous peoples.

Key action points for working with minorities and indigenous peoples

- Make sure that minority and indigenous persons are identified and registered, to facilitate documentation and their access to services. Always uphold the principle of self-determination and identity, and ensure that recording of minority or indigenous status, including ethnicity or religion, does not put minorities and indigenous forcibly displaced and stateless persons at risk (Do No Harm).
- Identify the decision-making structures, cultural practices, and customary laws of minorities and indigenous peoples, to ensure they are meaningfully included in decision-making and can participate in determining the appropriateness and acceptability of services and other protection measures, and in relevant activities.
- Be mindful that minorities and indigenous people are not a homogenous group. Special attention should be made to ensure that minorities and indigenous peoples of all [AGD groups](#) are able to meaningfully participate and that barriers to the participation of women, older persons, persons with disabilities, LGBTIQ+ persons, youth and children are systematically identified and addressed.
- Ensure that systems to prevent and respond to violence, exploitation, or abuse of forcibly displaced and stateless persons are designed in consultation with minorities

and indigenous peoples to ensure they are inclusive, safe and accessible.

- Ensure that all programmes include minorities and indigenous peoples. Make sure they can access information about the programmes and services they are entitled to access, and that they can voice their concerns and share their feedback through their preferred channels.
- Involve relevant national services, where these exist. Consider providing support to strengthen the capacity of national services if these do not adequately meet the needs of forcibly displaced and stateless minorities and indigenous peoples.

Annexes

[UNHCR, Policy on Age, Gender and Diversity, 2018](#)

[UNHCR Need to Know Guidance: Working with National or Ethnic, Religious, and Linguistic Minorities and Indigenous Peoples in Forced Displacement, 2011](#)

[Tip Sheet on Applying the UNHCR's age, gender and diversity policy to Minorities and Indigenous Peoples, 2021](#)

[UNHCR, Understanding Community-Based Protection \(Protection Policy Paper\), 2013](#)

[UNHCR, Using a holistic and intersectional empowerment strategy for effective community-based protection of indigenous peoples: A promising practice on age, gender and diversity in Brazil, 2022](#)

4. Learning and field practices

[AGD online modules by UNHCR \(available for externals\)](#)

[Minority Rights Group International - Say My Name](#)

[Accessible to UNHCR staff only: Age Gender Diversity e-Learning Textbook](#)

[UNHCR Age, Gender and Diversity eLearning Textbook](#)

5. Links

[UNHCR – Minorities and Indigenous Peoples page](#) [Office of the High Commissioner for Human Rights \(OHCHR\)](#), [Minorities](#) [Minority Rights Group International - Homepage](#) [UN Department of Economic and Social Affairs](#), [Indigenous Peoples](#) [OHCHR – International Covenant on Civil and Political Rights, Article 27 on rig...](#) [ILO, C169 - Indigenous and Tribal Peoples Convention, 1989 \(No. 169\)](#) [Community-Based Protection Community of Practice \(INTERNAL\)](#) [Center for International Development and Conflict Management](#), [Minorities at Ris...](#)

6. Main contacts

As first port of call, contact the UNHCR Deputy Representative (Protection), the UNHCR Assistant Representative (Protection), or the Senior Protection Officer in the country.

Alternatively, contact the UNHCR Head of Protection, or the Deputy Director (Protection) or the Regional Assistant/Deputy Representative (Protection); or the Senior Protection Officer or the Senior Community-based Protection Officer in the regional bureau.

The person you contact will liaise as required with the relevant technical unit at UNHCR DIP.

Community-Based Protection (CBP)

29 January 2024

Key points

- Involve all relevant actors in CBP activities: local institutions, State agencies, civil society and community-based organisations, as well as forcibly displaced and stateless persons from all age, gender, and diversity (AGD) groups themselves. Coordinate with other national and international actors and avoid over-assessment
- Identify community structures, and community-led initiatives; support and build on the community's existing capacities; recognize and make use of the active roles leaders and community volunteers play in their community. Avoid creating parallel structures
- Every community that faces threats finds ways to protect its members. It is important to identify and understand community-led protection to support the positive protection mechanisms and mitigate any practices with harmful effects
- Do not assume that all protection problems are due to displacement. Some, including intimate partner violence and discrimination against some groups, are likely to have a longer history and hence require a combination of emergency responses and a long-term approach to address them
- Do not rush the process of building trust and engagement. It requires regular and consistent

involvement and transparent communication with the community

- Spend as much time as possible in the community and use all opportunities to engage with diverse members and structures. Do not make any promises to the community that you may not be able to keep

1. Overview

Displaced and stateless communities are often the first respondents to crisis. They are in the best position to know the threats they face; are equally familiar with the causes and effects of those threats, and can help to address them. Humanitarian actors therefore need to understand and listen to the communities they serve, to ensure that their programmes do not undermine the role of the community as agents of protection or inadvertently leave people and communities worse off.

Protection concerns often pre-date and are exacerbated by humanitarian emergencies. Relevant problems include: harmful practices, gender-based violence, public violence, neglect of marginalized groups, and exclusion or discrimination on the basis of, age, ethnicity, religion, sexual orientation, gender identity, and other grounds. While it is important to understand, it is therefore also vital to examine critically the life of communities, recognizing that they are sources of support and assistance but potentially also of threats and harm.

Further, humanitarian organizations need to learn how communities protect their members. Protection may involve sophisticated responses, for example negotiation with armed groups, or simple and pragmatic actions, such as organizing transportation to school or collecting firewood in groups. A community's strategies may or may not be effective; but we must understand them before introducing new protection measures that might undermine their usefulness. UNHCR endeavours to harness the knowledge and resources of communities and to strengthen their capacities. If communities affected by crises are empowered, they are in a stronger position to protect and support their families, promote social cohesion and peaceful coexistence with each other and with host communities, respond to the aspirations of young people, and rebuild their lives.

Community-based protection (CBP) puts the capacities, agency, rights and dignity of forcibly displaced and stateless persons at the centre of programming. It generates more effective and sustainable protection outcomes by strengthening local resources and capacity and identifying protection gaps through regular consultation.

UNHCR takes a community-based approach in all its work with the people with and for whom we work. Through consultation and community action-planning, communities engage meaningfully and substantively in all programmes that affect them, and play a leading role in change. UNHCR recognizes that, without the engagement of forcibly displaced and stateless persons, external intervention alone cannot achieve sustained improvement in their lives.

CBP is therefore more than a matter of consulting communities, or their participation in rapid assessment or information-gathering. It is a systematic and continuous process of engaging communities as analysts, evaluators and implementers in their own protection.

2. Relevance for emergency operations

Community members are often the first emergency respondents, thus it is vital to take a community-based approach to our work. Understanding and building on communities' own strategies will allow a faster and more efficient emergency response, that consider how Different individuals and groups in a population may be affected by an emergency in different ways. Community engagement will prove invaluable in understanding and responding to these factors in a timely way.

3. Main guidance

When and for what purpose

Community-based approaches should be integrated in all phases of humanitarian response programmes, across all sectors and in all humanitarian contexts. It is relevant to all humanitarian actors, including those working in the delivery of WASH, shelter and health. Community-based protection works towards protection outcomes such as GBV prevention, risk mitigation, and response, and [child protection](#), and ensures communities play an active role in their own protection.

When you come to decide what community-based strategies are most effective, consider the context. Try to understand how the context of the emergency in which you are working influences the ability and willingness of communities to participate meaningfully.

Whatever the context, a significant level of community participation is possible and highly desirable.

A CBP approach promotes community involvement in each of the following programme elements:

- Preparing and contributing to situation analyses (both the initial analysis and subsequent analyses).
- Setting priorities.
- Designing and implementing responses and interventions.
- Monitoring implementation and adjusting interventions as needed.
- Evaluating and reporting results.

In life-threatening emergencies, quick action is needed, and CBP is one of the most efficient and sustainable approaches to identify existing risks and acute needs. Because conditions are always changing and assessments must be updated frequently, it is important to balance the time spent on situation analysis (including full-fledged participatory assessment exercises) against their useful lifespan. Spend as much time as possible in the community; take every opportunity to

engage forcibly displaced and stateless persons. Use a range of participatory methodologies to reach members of the community who are less visible. Though you will not have time to meet every group, make sure that your assessments include representatives from across the community. Do not rely solely on respondents who are easy to reach and more vocal, such as leaders, or young men, or individuals who can speak languages familiar to humanitarian workers. Talk as often as you can with people of different ages, gender and diverse backgrounds to gain a fuller understanding of their situation and how they can be part of the response. It is important to validate assessments with the community, in order to create ownership and identify any gaps in the communities' self-identified needs. Map community dynamics, assets and capacities and include those as part of the response instead of creating parallel mechanisms.

Summary of guidance and/or options

Twelve principles underpin community-based protection.

1. CBP is a process, not a project. It cannot be accomplished through brief meetings with community groups. It requires a systematic approach that is sustainable and makes communities the drivers of change. Take the time required to build trust with the community and work towards increasing community engagement in a progressive and systematic manner.
2. Select community counterparts with care. Practicality requires us to work with a small group of community members. Ensure that the views of marginalized groups are represented, and that information about the representatives that were identified, as well as their roles and responsibilities, is shared with the wider community. A process that is not participatory or well-planned is likely to increase inequality and insecurity.
3. Communities are well placed to identify their protection challenges, but external partners also have an important role. Acknowledge that the community may not recognize some threats that external professionals consider to be urgent. The community's priorities must be balanced against the judgements of protection professionals.
4. Effective protection interventions require accurate diagnosis. Do not assume that all problems are solely due to displacement. Work with the community to decide which approaches fit the context best.
5. Communities already have ways to protect their members. Do not adopt new measures that displace existing practices which work well. Address coping strategies that have harmful outcomes.
6. Community work requires expertise and training. Staff need to have the necessary protection skills and be able to work sensitively and respectfully with people from different backgrounds and contexts.
7. Supportive supervision is essential, and supervisors in emergency situations should be aware of the importance of CBP.
8. Focus on protection. The community may not initially prioritize protection, and UNHCR's role is to work with the community to identify and address its protection needs.
9. Promote sustainability from the start. A strong sense of community ownership will improve the sustainability and effectiveness of protection programmes.
10. Support and work with community and national structures. It is almost always better to work through existing institutions and programmes than to establish new or parallel systems.
11. Develop an advocacy strategy to achieve sustainable change. Assist communities to develop their own advocacy plans. Play an accompanying role.
12. Give attention to evaluation and reporting. Sound measurement of progress depends on

analysing challenges and outcomes from the start of a programme in close consultation with communities. Establish monitoring and evaluation processes or systems that allow for the analysis and use of community feedback data to improve the quality of the response.

How to implement this at field level?

Assessing community protection risks

- when conducting assessments with forcibly displaced and stateless persons, map agencies, services, and community structures. Include representatives from displaced and stateless people in the multi-functional team (MFT) that plans assessments and analyses their results.
- Conduct initial short assessments to review protection risks and the incidence of human rights violations as early as possible before and during the emergency. Analyse root causes, applying an [age, gender and diversity](#) lens; take prompt remedial action to avoid further human rights violations or displacement.
- Take the time necessary to map the diversity of the community and understand its power dynamics, hierarchies and other factors that influence decision-making. Identify ways in which the community protects its members, including negative coping strategies.
- Carefully consider the security of community members whom you consult. Individuals or groups communicating with aid agencies can become targets of resentment or even violence by other individuals or groups. Sources of information and identifying data should therefore be kept confidential. When you work with local authorities in IDP contexts, take particular care to ensure that individuals or communities do not face repercussions when they discuss human rights violations.
- When conducting assessments, be mindful of individuals who may be exposed as a result of participating in assessments and may face heightened risks due to other AGD factors such as diver sexual orientation, membership to an ethnic minority, etc.
- Share the results of your assessments with the community for validation and ensure that the community is meaningfully involved in defining its priorities.
- Be alert to signs of existing and potential tension in the community and between displaced and host communities, and seek out the root causes of such tensions, as well as potential opportunities for social cohesion.

Community-based support and response

- Identify and support communities' self-protection measures; do not introduce new measures that might weaken the community's own protection capacity. Identify practices and coping mechanisms with harmful protection outcomes and work with the community to adapt or replace, these or mitigate their effects.
- Work with community leaders and other community structures, including conflict resolution mechanisms. Support structures that are already in place; avoid creating parallel systems. Ensure that the structures in place are fair, inclusive and reflect the community's diversity. Where necessary provide resources to facilitate such efforts, including through funding (Read more on Grant Agreements below), training, technical support, advocacy, linking with other stakeholders and partnering with them.
- Identify and support community-led actions and projects including Quick Impact Projects

(QIPs) or Community Support Projects (CSPs) that address community priorities promote community resilience, and build on existing capacities. Read more [here](#).

- Quickly identify a diverse group of community members who are able and willing to organize community support for those at heightened risk, including temporary care arrangements for unaccompanied children.
- Involve groups and individuals at heightened risk of protection incidents, in decision making processes. Give particular attention to women and girls, unaccompanied and separated children, [persons with disabilities](#), older persons, LGBTIQ+ persons, and other persons and groups who are marginalized.
- Support/set up community-based systems that provide protection and care for marginalized groups with specific needs e.g. community care arrangements for older people, or persons with medical needs.
- Promote community ownership from the start. Create and strengthen links between displaced and host communities wherever possible
- Prioritize and promote actions that reinforce social cohesion. Strengthen and support the inclusive provision of local services and work to give displaced communities access to them.
- Establish specific emergency response plans with partners and the community.

Outreach and information sharing

- Regularly visit people in their shelters and homes, as appropriate, and in partnership with community members who are already doing so. Make time to listen to people and communicate important information to them directly.
- In consultation with forcibly displaced and stateless persons, arrange for staff to be available at times that are convenient to forcibly displaced and stateless persons, to gather and exchange information. These exchanges should give attention to groups at heightened risk and across AGD groups, answer questions, and offer counselling in a safe and confidential environment.
- Working with the community, put in place a two-way communication mechanism that ensures that everyone, including [older persons](#), [persons with disabilities](#), and other potentially marginalized groups, have access to relevant and accurate information on assistance and other issues. Use multiple communication channels that members of the community prefer, and in local languages. Post notices in places where people are likely to meet, such as water-collection points, community centres, registration points, or where assistance is distributed.
- Work with community outreach volunteers to ensure that information is widely disseminated and reaches those at heightened risk.
- Set up mechanisms at community level to allow for safe reporting of protection incidents and providing feedback on organizational processes in addressing these incidents. Establish effective feedback and response systems at an early date in consultation with communities. These should be able to receive and promptly address issues that forcibly displaced and stateless persons raise, notably allegations of sexual exploitation and abuse (SEA) or fraud.

Participation

- Ensure forcibly displaced and stateless persons of all ages, genders and diverse groups are able to participate in decision-making. Identify and address barriers to participation, particularly for marginalized groups.
- Respect community leadership structures, while ensuring that these are inclusive and representative of the wider community. Ensure that your interventions do not undermine the community's support for those structures, while proactively identifying and involving persons who are marginalized. Where necessary, establish quotas for representation in leadership structures (for example, of [persons with disabilities](#), youth, [older persons](#)). Regular consultation with community leaders and authorities, including of marginalized groups, on planned assistance is an important aspect of ensuring that supported services do not contribute to tensions and thus maintaining a conflict-sensitive approach.
- Adopt a range of participatory methodologies to ensure that all members of the community are aware of and have opportunities to participate in decision-making.
- Introduce participatory monitoring methodologies and ensure that communities play a role in monitoring the delivery of programmes and the response.
- Train partners and service providers in CBP and ensure that project partnership agreements (PPAs) include activities that promote community participation in all programmes.
- Whenever possible, partner directly with community-based organizations, including organizations led by forcibly displaced and stateless persons. This may be possible through the [grant agreement](#) tool, which is a funding mechanism that targets non-profit, grass-root organizations, especially those led by forcibly displaced and stateless persons, whose activities provide advocacy, protection and assistance services at the community level. Once engaged, partner organizations engaged through this grant agreement are only asked to meet minimal performance and financial reporting requirements.
- When you run participatory assessments, visit members of different ages and gender and from different diversity groups at times in the day when they are most available. Where necessary, assist certain groups to participate (by providing child care, food, travel allowances, etc.). Report to communities on the results of assessments you conduct; validate with them the results of your analysis; and highlight programme priorities that the community identified.

Prevention of abuse and exploitation

- Working with the community, take steps at once to identify and analyse the protection risks that face people across ages, genders, and diverse groups. Agree ways to prevent and respond to gender-based violence ([GBV](#)).
- Working with the community, set up a mechanism for identifying groups and individuals who are at heightened risk of GBV.

Awareness raising and advocacy

- Create community systems that uphold respect for individual rights, that identify groups with specific needs, and provide protection and care for them (see above).
- Do not form patterns of behaviour or relationships during the emergency that might be difficult to change later on. For example, do not communicate only with traditionally accepted community leaders, or exclude women, [older persons](#), and youth. Review your

consultation arrangements regularly. Make sure that forcibly displaced and stateless persons as well as staff are aware that arrangements made in an emergency situation may change.

Supporting Community Projects:

A community-led project is an initiative that is led by a self-organised group of refugees and asylum seekers, internally displaced persons (IDPs), returnees, stateless persons, and/or host community members. A project may be of a small or a large scale. Community-led projects may also include or be referred to as Quick Impact Projects (QIPs) or Community Support Projects. It can also be in the form of a grant given to a community-led organization through the [grant agreement](#). Some key aspects of community-led projects are (but not limited to):

- meant to enhance community resilience;
- respond to a priority identified by the communities;
- led and implemented by the community;
- build on the capacities in the community; and
- have a well-defined objective (e.g. peaceful coexistence) with a predetermined impact and target group, which produces results.

These projects should achieve one or more of the following objectives while adhering to the AGD Policy and the principles of do no harm:

- To address specific protection concerns or mitigate their impact on communities and individuals through community-led activities and action planning
- To benefit both displaced and host communities by addressing their protection concerns through specific interventions (such as livelihood support, reforestation, or skills enhancement).
- To strengthen local, public, and communal facilities and services by providing technical, logistical, and infrastructure support.
- To enhance the capacity of service providers to deliver health, education, water and sanitation services of good quality to forcibly displaced and stateless persons.
- To strengthen social cohesion and peaceful coexistence by addressing the root causes of social tension.
- See this practice on working with community protection structures in the Democratic Republic of Congo (DRC) [here](#).

Post emergency phase

The post-emergency phase will allow for strengthening and deepening of CBP approaches and projects. This may also be the opportunity, when needed, to strengthen responses to individuals or groups particularly affected by the emergency. A relative stabilization of the situation may also allow for longer-term approaches to strengthen the capacities of community structures and organizations.

4. Standards

COMPASS indicators

Refer to the Core Outcome and Output indicators as well as the good practice indicators and their guidance under Outcome Area 07: Community Engagement and Women Empowerment

Annexes

[UNHCR, Policy on Age, Gender and Diversity, 2018](#)

[UNHCR, Protection Policy Paper - Understanding Community Based Protection, 2013](#)

[UNHCR Manual on a Community Based Approach in UNHCR Operations, 2008](#)

[UNHCR, Tool for Participatory Assessment in Operations, 2006](#)

5. Learning and field practices

Courses accessible to UNHCR staff only:

[Community-based protection online self-learning course](#)

[Social Media for Community Based Protection E-Course](#)

[Community-based Protection](#)

6. Links

[CBP Intranet page \(accessible to UNHCR staff only\)](#) [CBP Community of Practice \(accessible to UNHCR staff only\)](#) [Promising practices on AGD and CBP Accessible to UNHCR staff only - Engagement and partnership with Organizations ...](#)

7. Main contacts

As first port of call, contact the UNHCR Deputy Representative (Protection), the UNHCR Assistant Representative (Protection), or the Senior Protection Officer in the country.

Alternatively, contact the UNHCR Head of Protection, or the Deputy Director (Protection), or the Senior Protection Coordinator or the Senior Protection Coordinator, or the Senior Protection Officer, or the Senior Community-based Protection Officer, in the regional bureau.

The person you contact will liaise as required with the relevant technical unit at UNHCR DIP.

Housing, Land and Property (HLP)

22 December 2023

Key points

- Encourage local authorities to take measures to ensure that displacement does not cause the loss or destruction of land and property registries, cadastral records or personal documents that can prove ownership or rights of tenancy or use
- The land tenure arrangement(s) within a given locality should be clearly understood before land is utilized for emergency shelter or associated activities (e.g., for livelihoods, etc.). Different types of land tenure systems (statutory, customary and religious) may overlap and/or conflict with each other
- Traditional justice mechanisms should be utilized to the extent that they are accessible and effective at resolving disputes promptly and reliably – this of course is with the understanding that their decisions may not be legally enforceable or entirely impartial. Applying them in the wrong contexts could perpetuate or instigate discrimination
- Consideration should always be given to the local experiences of men, women, boys and girls with respect to housing, land and property. In many localities and traditions, women's access to housing and land is often subject to the authority of a male relative, while female-headed households may either be restricted from accruing the full range of rights otherwise ascribed to male counterparts or may be prohibited from inheritance altogether
- HLP information should be collected as early as possible. Attention should be given to customary and statutory land regimes (including laws and local customs); occupations or contested land claims tied to return; and HLP assets that forcibly displaced persons may have lost or been forced to abandon

1. Overview

Secure access to adequate housing and land plays a critical role in facilitating access to a range of human rights, including the right to food, shelter, water, sanitation, health, work, security, freedom of movement – just to mention a few – and is therefore a key factor in addressing the drivers and the consequences of forced displacement.

Land issues underpin many conflicts. Scarce natural resources are often at the root of conflicts over land. In some regions, displacement follows land-grabbing, occupation by force, or the compulsory acquisition of land by State or non-State actors that want to use it for construction, infrastructure or cash crops. Prolonged disputes over land often occur between pastoralists and farmers. State or non-State actors may deliberately confiscate and destroy housing, land and property in efforts to displace or even ethnically cleanse populations. Parties to a conflict may intentionally destroy land registries, pass laws that facilitate ethnically-based evictions, or arbitrarily alter official HLP documentation. Forcibly displaced persons may also settle in areas that expose them to floods, unexploded ordnance, forced recruitment or abduction, or other risks.

2. Relevance for emergency operations

In many instances, forcibly displaced persons lose their tenure documents during displacement, or may have never possessed such documentation. These documents are essential for restitution claims and for dispute resolution purposes. Pastoralists, sharecroppers and other communities may hold their HLP assets under customary tenure arrangements, which may not be documented or may not be legally recognized by statutory law. To recover abandoned assets, it may be necessary to furnish evidence of ownership, occupation or usage. Displaced persons may encounter difficulties proving their claims, especially if witnesses cannot be found, or reforms in the wake of an emergency – intended to mitigate against fraudulent claims to housing, land and property – a strict requirement of documentary evidence of prevailing HLP rights.

3. Key Considerations

1. Understanding HLP Rights

The rights referred to collectively as HLP rights are interdependent and partially overlap. The right to housing is the right to obtain and occupy a safe and secure home in which to live in peace and dignity. The right to land affirms entitlements to land that are recognized socially or legally. Property rights refer to the right to own property and decide how it is used.

HLP rights go beyond the right to adequate housing and property ownership. Protection of HLP rights may encompass enjoyment of the right to food, privacy, education and political participation, for instance.

HLP rights can be exercised via many forms of tenure arrangement, including private ownership, public or private rental accommodation, cooperative housing, lease, occupation or rent in informal settlements, and customary or traditional arrangements.

All persons, whether they are owners or occupiers, should enjoy secure HLP rights that guarantee legal protection from forced eviction, harassment and other threats.

When persons are temporarily or permanently removed from their housing, land or property against their will and without appropriate forms of legal or other protection, this constitutes forced eviction, which is a serious violation of human rights.

Discrimination, including discrimination against a person on the grounds that he or she owns, rents or occupies land or a residence, is prohibited under international human rights law.

2. HLP in Emergency Settings

Different types of land tenure systems (statutory, customary and religious) may be overlapping and/or competing. It is therefore important to understand the prevailing/ most widely acceptable land tenure arrangement(s) within a given local jurisdiction.

While traditional justice mechanisms are often accessible and resolve disputes swiftly, their decisions may not be legally enforceable nor entirely impartial. Using them could perpetuate or instigate discrimination.

Consideration should always be given to the potentially differentiated experiences of men, women, boys and girls with respect to housing, land and property.

In many local jurisdictions (and entire regions) women's access to housing and land is often subject to the authority of a male relative, while female headed households may either be restricted from accruing the full range of rights otherwise ascribed to male counterparts, or may be prohibited from inheritance altogether.

Secondary occupation of land in displacement situations can occur in good faith; it must be distinguished from illegal occupation or land-grabbing.

Ensure that HLP is fully mainstreamed across the cluster system and advocate for the establishment of an HLP sub-cluster in emergency operations.

Facilitate and promote coordination between all the actors involved in HLP issues (UN, clusters, government, NGOs, donors, etc.).

All land-based activities (whether for shelter or other purposes) must be informed by the full range of relevant statutory or customary laws and practices governing access to, use and development of land within a given jurisdiction.

Collect relevant HLP information as early as possible. Give attention to formal and informal national and local legal frameworks; occupations or contested land claims tied to return; and HLP assets that forcibly displaced persons may have lost or been forced to abandon.

Document, including by photography or satellite imagery, HLP assets before and after conflicts.

Make sure that protection monitoring and reporting mechanisms document violations of HLP rights and include indicators for tracking the scale and incidence of HLP issues.

Encourage forcibly displaced persons to protect their HLP documents, advising them on appropriate means of doing so.

Encourage the authorities to take measures to ensure that displacement does not cause the loss or destruction of land and property registries, cadastral records or personal documents that can prove ownership or rights of tenancy or use. This may entail ensuring that registries and records

are kept in a safe location and that copies are regularly taken for safe storage elsewhere (including digital copies where possible).

Encourage authorities to place a moratorium on the purchase or transfer of HLP resources in areas affected by, or at high risk of, displacement, in order to protect HLP rights once displacement has occurred.

Organize public information and outreach campaigns to discourage the illegal occupation of, as well as damage to abandoned HLP.

Post emergency phase

HLP issues can be root causes, triggers or effects of violence or conflict. In most emergencies, respect for HLP rights deteriorates quickly, delaying and complicating responses and solutions. Actors involved in an emergency response should be aware of local HLP practices and history (in both the area of origin and the area of refuge) in order to avoid doing harm. They should look for HLP solutions from the start.

In many situations, ensuring that forcibly displaced persons have access to shelter and land facilitates humanitarian action – whether by way of feeding themselves over the short and medium term or becoming self-reliant over the longer term.

Providing assistance without taking account of HLP rights can prevent or delay solutions. For example, a response can address issues of restitution, compensation and occupation more easily in the early recovery phase if it has already documented temporary tenure arrangements, abandoned HLP and violations of HLP rights during the emergency phase.

Responses to emergencies affect local land tenure and settlement arrangements. If humanitarian actors are aware of HLP issues in the emergency response phase, they are less likely to inadvertently cause or worsen HLP-related disputes. (To illustrate, disputes are likely to arise if local authorities allocate privately-owned land for use as camps without consulting or properly compensating the owners.)

Protecting HLP rights can promote gender equality and can ground cultural identity in societies in which the custodianship of land is intimately associated with a community's identity, religion, and social relationships.

The objectives of the Global Compact on Refugees emphasize alternatives to camps, self-reliance and access to national systems – in the context of safe and dignified returns and easing the pressure on host countries – thereby placing HLP rights at the center of the solutions agenda.

Checklist

- **Displaced Persons**

- Are UNHCR staff and the staff of partner organizations familiar with local HLP practices, laws and customs, both in areas of origin and refuge?
- Have displaced persons been asked about their HLP rights and the status of related assets prior to and post-displacement?
- Have steps been taken to register the HLP rights and assets of displaced persons (for example, by scanning HLP-related documents into ProGres)?
- Have displaced persons been informed of their HLP rights and obligations?
- Do they know which authorities and other service providers can assist them to obtain or protect their HLP rights?
- What mechanisms are in place to ensure that women, and other groups at risk of being left behind, are consulted on HLP matters and that their views are taken into account?
- If national mechanisms already exist, do these need support to enable groups at risk to access them more easily?

• **National Government / Local Authority**

- Are authorities aware of their mandate and obligations with regard to HLP rights?
- Is it clear which rights, processes and institutions are relevant to each population group in the region in question?
- Have the local authorities (government or traditional) been consulted about who owns the land on which refugees, IDPs or stateless persons are settled, and who else might be affected by the displacement?
- What tenure system is in place in the area in question?
- What rights do displaced persons hold in respect to allocated or otherwise acquired HLP assets?
- Is there a national plan for housing? Does it include contingency measures to address displacement (growth of informal settlements, forced evictions, rental costs)?
- Is there a national land policy? Does it include language on the HLP rights of forcibly displaced persons? Does it take into consideration the age, gender and diversity dimension of tenure security?
- What therefore is the State's policy position on the HLP rights of forcibly displaced persons?
- Has a public statement been issued regarding the illegal transactions and unsubstantiated claims on abandoned HLP assets?
- Have urban HLP concerns been addressed? For example, can displaced persons afford current rental rates? Have the rates increased as a result of displacement?
- What effect has displacement had on the availability of adequate housing?
- What mechanisms are in place to address arbitrary evictions, or protect those with fewest resources in the event of conflict or disagreement?
- Do local dispute resolution systems function well? Can forcibly displaced persons access them?

- **Host Community**

- Are landlords aware of their obligations to tenants under national and international law?
- Are displaced and stateless persons, returnees and host communities (including landlords and other providers of shelter) aware of their own rights and obligations and the rights and obligations of others?
- Have mixed committees (including forcibly displaced persons and representatives of host communities) been formed? Do they work together to address and resolve HLP issues?
- Has the host community been consulted about the location of settlements for forcibly displaced persons or the expansion of municipal or residential areas to accommodate such persons?
- How does the access to basic services of host populations compare to the access to basic services of displaced populations?
- Is it clear which groups have imperfect access to services and institutional resources? What arrangements can be made to address their needs?
- When non-formal and traditional authorities are consulted, are women and other groups at risk free to express their views?

4. Standards

SDG Indicator 1.4.2

Proportion of total adult population with secure tenure rights to land, (a) with legally recognized documentation, and (b) who perceive their rights to land as secure, by sex and type of tenure.

COMPASS Core Outcome Indicator 16.1

Proportion of PoC with secure tenure rights and/or property rights to housing and/or land.

Annexes

[Committee on Economic, Social and Cultural Rights - General comment No. 26 \(2022\) on Land and Economic, Social and Cultural Rights](#)

[Centre on Housing Rights and Evictions - The Pinheiro Principles – United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons, 2003](#)

[Centre on Housing Rights and Evictions - Handbook on Housing and Property Restitution for Refugees and Displaced Persons – Implementing the Pinheiro Principles, 2007](#)

[UN Food and Agriculture Organization \(FAO\) - Voluntary Guidelines on the Responsible](#)

[Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, 2012](#)

[Committee on Economic, Social and Cultural Rights - General Comment 7 - The right to adequate housing \(art. 11.1 of the Covenant\): forced evictions, 1997](#)

5. Learning and field practices

[UNHCR Learning Module on Housing, Land and Property Rights](#)

6. Links

[Norwegian Refugee Council - Housing, Land and Property \(HLP\) Rights Catalogue UNHCR Learning Module on Housing, Land and Property Rights Women, Land and Peace \(UN-Habitat\)](#)

7. Main contacts

Division of Resilience and Solutions, Comprehensive Solutions Section/Durable Solutions Task Team, Global Protection Cluster and HLP Area of Responsibility

Resettlement and complementary pathways in an emergency

30 November 2023

Key points

- Draft a business continuity plan and anticipate needs in discussion with key partners
- Plan to continue active resettlement processing throughout the emergency response
- Advocate with resettlement countries to continue case processing as a priority, with the required flexibility
- Communicate early and effectively with refugees on third-country options available to them
- Advocate with relevant countries to adapt and simplify national family reunification

procedures during emergencies to ensure these pathways are effective and accessible to refugees

- Advocate for the creation of humanitarian pathways and sponsorship pathways based on identified needs and to support the emergency response

1. Overview

This entry considers two principal scenarios for resettlement: (1) Resettlement from the country of emergency where a programme already exists or is being considered as a protection response to the emergency, and (2) resettlement from a neighboring country hosting individuals forcibly displaced by the emergency. This entry also provides key considerations related to protection-based complementary pathways in an emergency context.

2. Relevance for emergency operations

Resettlement processing in an emergency can be severely impacted by unforeseen challenges including airport and airspace closures, security restrictions and imposed curfews, power cuts, embassy closures and uncertainty about new or interim government counterparts, notably those providing exit visas. Resettlement processing can also be impacted internally within UNHCR, for example, by the evacuation of non-essential staff or the redirection of financial resources to support life-saving protection and assistance activities in the emergency response. However, continued resettlement processing can also amount to a life-saving activity in an emergency and should continue for as long as practicable in the evolving circumstances, applying alternative, remote and/or flexible processing modalities as necessitated by the emergency context. **Strategic resettlement from a neighbouring country** should also be considered as part of broader regional response, helping to preserve access to territory for refugees forcibly displaced by the emergency while achieving broader solutions goals.

Complementary pathways represent ways for refugees to travel to third countries, with specific safeguards built in that take account of their need for international protection. UNHCR should aim to maintain, restore and facilitate family unity in an emergency, ensure effective access to national family reunification procedures and encourage States to implement protection-based humanitarian responses, like humanitarian and sponsorship pathways, for specific populations at risk.

3. Main guidance

1. Key considerations for resettlement from the country of emergency

A key resettlement risk in an emergency is that refugees who had sought protection in the country of emergency (as a country of asylum) may have dramatically increased resettlement

needs and may lose access to this solution because resettlement countries can no longer effectively conduct resettlement processing and/or selection missions. UNHCR should advocate and aim to preserve processing capacity to help expedite decisions and departures. Putting resettlement on hold or delaying processes can aggravate protection risks and create case processing challenges, with refugees being forced to move onwards to different countries or locations, losing contact with UNHCR. The following considerations can mitigate risks and promote business continuity during the emergency.

1.1 Planning and preparedness

Key resettlement risks can be mitigated by anticipating and planning for the many challenges to case processing that an emergency can present. The below considerations support preparedness and processing flexibility, and should be discussed and agreed with colleagues (e.g. Registration, Refugee Status Determination, Protection, Programme, etc.) and key partners (e.g. IOM, resettlement countries and government counterparts), as relevant:

- **Anticipate the additional infrastructure and logistical needs** necessary to support continued processing if public services become over-stretched or collapse. Specific arrangements may need to be funded (e.g., transportation and accommodation of refugees in the resettlement process).

Following the devastating earthquake in 2023 that affected over 1.75 million refugees, UNHCR immediately began contacting registered refugees by phone, with the support of the Turkish authorities, to assess their protection needs and prioritize those most in need of resettlement. UNHCR contracted a bus company to transport refugees from their settlement to resettlement interviews, as public infrastructure had been destroyed. *Airbnb* provided UNHCR with a cash grant to provide temporary accommodation to refugees awaiting resettlement. Vouchers were used to book accommodation on behalf of refugees through the online platform, on which members listed their lodging to take part in the solidarity efforts. Resettlement countries played an important role in the earthquake response in agreeing to expedite resettlement; showing flexibility with selection criteria and ID document requirements; working overtime on selection missions to increase their intake; and providing hotel accommodation for refugees until departure. UNHCR requested resettlement countries to allow for immediate submission of cases after the earthquake, allowing resettlement to be used as an immediate protection response and durable solution for the most vulnerable.

- **Consider the protection and assistance implications of delayed resettlement** processing and departure arrangements (e.g. increased CBI, shelter, for the most vulnerable refugees).
- **Prioritize the transition to [digital file management](#)**, i.e. the comprehensive use of [PRIMES](#), SharePoint and eSAFE. Digital file management represents good practice in regular operational contexts but is especially important in emergencies where physical files can be lost, damaged, destroyed or inaccessible.
- **Ensure that integrity and protection safeguards adapted to processing in an emergency context are documented and incorporated** at each step of the case management process to minimize fraud, protect refugees, and maintain the overall credibility and effectiveness of resettlement activities.

- **Ensure colleagues who may be evacuated are equipped to continue resettlement case processing remotely** (e.g. access to laptops, connectivity, camera, etc.) and ensure adequate PRIMES user access is available to all involved in case management (e.g. UNHCR Bureau colleagues providing back-up support).
- **Emphasize the critical role of reception and registration in UNHCR offices in neighbouring countries** in identifying refugees who were/are under active resettlement processing in the country of emergency. Ensure communication and systems are in place to facilitate the continuation of case processing in the neighboring country (e.g. Focal points, Data Transfer Requests).
- **Identify resettlement countries best placed to adapt resettlement processing to the emergency context**, i.e. those with greater facility to operate and technically able and resourced (including through embassy partners) to apply flexible case processing approaches. Such countries can champion processing modalities adapted to the context and encourage other resettlement countries to support the emergency response through simplified, accelerated and/or remote processing and expedited departure formalities. Resettlement countries already implementing dossier/remote submissions may be encouraged to join the response as well as share good practices with other countries to expand dossier processing capacity.

Despite the volatile context in Niger following the coup in August 2023, one resettlement country was able to expedite the departures of refugees accepted for resettlement. It adapted its processing arrangements to reduce reliance on local arrangements. Notably, it temporarily waived biometric collection, while developing a local visa application centre through an approved visa agency in the capital city and issued travel documents through its consular services outside the country, which then delivered visas through an international courier service.

- **Identify if and when UNHCR should redirect Resettlement Cases from one resettlement country to another country.** The emergency situation may have shifted diplomatic lines in a way that hampers resettlement processing for some resettlement countries, while others are able to continue. Decisions to [withdraw](#) cases from one resettlement country and [resubmit](#) to another must be taken in a transparent way, in consultation with the refugees concerned, relevant stakeholders and resettlement countries. [Urgent and emergency](#) Resettlement Cases should be redirected to another resettlement country in a timely way.
- **Advocate with resettlement countries to accept an additional intake** of refugees for immediate submission and accelerated exit formalities (e.g. issuance of travel documents in the event of an embassy closure), allowing resettlement to be used as an immediate protection response. Consider the use of [Emergency Transit Facilities](#) to enable and/or accelerate departures.
- **Establish regular briefing and coordination meetings with all resettlement**

partners. Ensure rapidly changing information is updated and exchanged to enable each partner to do what they can to support the emergency. UNHCR should stand ready to help resettlement partners simplify procedures, where possible.

1.2 Communication with refugees (please see entry [Accountability to affected people](#))

Another key risk relates to the provision - or non-provision - of information that generates distress, confusion and unrest. This can place refugees at risk of harm, including vulnerability to misinformation or resettlement scams, and can prompt dangerous onward movement. The importance of clear and relevant communication about resettlement cannot be overstated. Consider the below elements for ensuring good communication in the emergency response:

- **Telephone hotlines and/or digital platforms** should be established at the onset of an emergency, and continuously updated, so that refugees can:
 - Access general information about UNHCR services and its resettlement programme during the emergency and key points of contact for different queries.
 - Access individualized resettlement counselling regarding continuity or delays in the processing of their own Resettlement Case.
 - Easily share updated contact information. Individuals should also be asked if they have been displaced to a different country and be advised on how to contact UNHCR for continued case processing in the new country/new location.
 - Report changes in situation, including births and deaths in the Resettlement Case as well as serious degradation in circumstances that warrant emergency or urgent resettlement processing.
- **Information must be clear, risk-assessed and sensitive to the needs of the refugees concerned.** UNHCR should communicate in a straightforward way about resettlement processing and prospects, explaining the roles and responsibilities of the different actors involved (e.g. departure procedures handled by a specific partner, post-acceptance procedures conducted by resettlement countries and their partners, etc.). It is recommended to identify a focal point to continually update communication channels and platforms keeping refugees informed about resettlement. UNHCR is accountable for ensuring that refugees are kept aware of the resettlement situation as it impacts them.

2. Key considerations for resettlement from a neighbouring country in support of the emergency response

- Individuals who were refugees in the country of emergency and **undergoing active resettlement** before being forcibly displaced to a neighbouring country should have access to continued case processing from the new country of asylum. UNHCR will need to liaise with the relevant authorities and ensure agreement to process (and depart from) the new country of asylum. Consider the use of [Emergency Transit Facilities](#) to enable and/or accelerate departures.
- Targeted resettlement may also be conducted, in line with SOPs, **for other highly**

vulnerable individuals who are part of new movements in an emergency, notably those for whom there would be no integration prospects or chance of return. Consider the use of [Emergency Transit Facilities](#) to enable and/or accelerate departures.

- More broadly, resettlement may be **implemented strategically to support the emergency response** and achieve other solutions goals, for example, resolving pre-existing or protracted refugee situations in the neighbouring country, to stabilize the protection space and keep borders open for new arrivals. Equally, resettlement countries can demonstrate solidarity by accepting refugees with specific medical or other needs to ease pressures on local health systems, for example.

3. Enhancing access to humanitarian complementary pathways

Data collection

Advocating for and ensuring the availability of humanitarian complementary pathways requires targeted and well-organized data collection, ideally based on self-reporting and offline modalities. The specific data fields that help build the evidence base for advocacy with States and partners to establish complementary pathways that contribute to the emergency response include data on **family members abroad** and information about **specific needs** or **profiles at risk** in the population (e.g. human rights defenders, LGBTIQ+ people). In the post-emergency phase, it is recommended to include **education**, **work** and **language** information in an expanded registration dataset, in order to further inform programming around skills-based complementary pathways (such as education and labour mobility).

Such data may be collected through:

- Refugee self-reporting through self-service kiosks, online modalities including social media, hotlines, and through partner organisations.
- Rapid needs assessments of the population.
- Where available, partner data (ideally which is interoperable with proGres).
- Profiling data from proGres (specific needs; age, gender or diversity factors; and other vulnerability factors particular to the situation).
- UNHCR's observations on the ground, including protection monitoring activities.

Key considerations on family reunification (FR)

- Preventing family separation must be a priority. UNHCR must support effective family tracing and reunification, including through child-friendly registration procedures, [information](#) and access to legal and administrative assistance through partner organizations. It is imperative that unaccompanied and separated children are carefully registered with UNHCR and referred to child protection interventions in accordance with their best interests.
- UNHCR should advocate to ensure that family reunification procedures remain accessible in emergencies, through existing coordination structures and platforms as well as bilateral negotiations. States should be supported and encouraged to adapt programmes in view of the urgency and the constraints of the emergency context, for example, allowing procedural waivers that help preserve family unity and expedite family reunification. Other relevant procedural flexibilities that UNHCR could encourage States to implement include:

enhancing practical cooperation and partnerships between embassies, UNHCR and other stakeholders (States, NGOs and other international organizations), establishing or strengthening remote processing modalities, considering prioritized processing, designing humanitarian corridors/group programmes for individuals already in the FR process.

- If there are urgent security concerns for departing family members, or if the usual framework of support for family reunification is interrupted by the emergency situation, UNHCR may consider additional direct case interventions, as appropriate, according to capacity and a risk management approach.
- Quality data on family composition and relatives abroad population allows UNHCR to advocate more effectively with specific States and other partners on expediting family reunification for eligible persons affected by the emergency.

Key considerations on Humanitarian pathways

- Humanitarian pathways can be used in emergencies as solutions for particularly at-risk groups, and as a tool to facilitate family reunification.
- UNHCR encourages States to utilize humanitarian visas to facilitate refugee admissions through humanitarian pathways programmes.
- To ensure humanitarian complementary pathways are well utilized, UNHCR should gather evidence about risk profiles and specific needs within the affected population to present to partners considering humanitarian pathways, including States, NGOs, civil society and faith-based groups. Drawing on existing relevant population data sources in the emergency, from coordination platforms and forums to self-service modalities, protection monitoring and PRIMES data, UNHCR can advocate in a targeted and informed way for humanitarian pathways that respond to identified needs.

Key considerations on Sponsorship pathways

- During emergencies, community support for refugees in third countries can be channelled into specific sponsorship programmes.
- Where possible, UNHCR can offer an advisory role to support States, NGOs, civil society and community groups (including diaspora) establishing sponsorship programmes based on the protection needs of the affected population, for example, utilizing population data and evidence from the emergency response.
- In emergencies, people with active sponsorship applications may be faced with procedural and access challenges to embassies. In this scenario, UNHCR encourages procedural flexibilities - such as remote processing modalities or cooperation between embassies allowing for the submission of applications and/or documents at partner embassies. As with family reunification, States can contribute to the emergency response by adopting alternative approaches that enable cases to be processed and refugees to depart as quickly and efficiently as possible.

Annexes

[UNHCR Starter pack Complementary Pathways and Family Reunification, 2023](#)

4. Links

[UNHCR Resettlement Handbook, 2023](#)

5. Main contacts

DIP/ Resettlement and Complementary Pathways Service mailbox: hqdiprcps@unhcr.org

Emergency Registration

17 November 2023

Key points

- UNHCR should deploy qualified registration staff as soon as possible to assess, support, and develop a registration strategy and implementation plan
- Registration is costly. Make sure that adequate human and financial resources are allocated for registration activities
- Identify and prioritize persons with specific needs at all stages of registration
- Involve and coordinate with Government, UN sister agencies (WFP, UNICEF, etc.), NGOs and the refugee community
- Inform all stakeholders broadly about registration procedures, emphasizing data protection, using a variety of formats and channels

1. Overview

Registration of forcibly displaced and stateless individuals plays a crucial role in UNHCR's emergency response, primarily focused on the life-saving aspects of humanitarian and protection delivery to individuals in need, including the identification and referral of persons with specific needs requiring targeted interventions. In an emergency, registration enables access to documentation, assistance, protection, and services, and safeguards against detention and refoulment. UNHCR may also register IDPs or other population groups in emergencies, with the specific purpose of managing assistance programs or protection interventions. With UNHCR increasingly providing cash assistance, the urgency for registration has heightened, given the financial regulations that necessitate strict identity management practices for recipients of such

aid. Registration programmes must always consider the specific objectives of the operation, the role of the Government and Partners, and where and how refugees arrive and reside in the country of asylum.

Emergency registration is distinct from non-emergency registration in terms of the amount and urgency of data collected, as well as the constraints imposed by the infrastructure and capacity on the ground. Individual registration is emphasized in emergencies, collecting minimum essential data on each individual and household. More detailed information, including guidance on how to conduct registration activities, methodologies, tools, and helpful resources, can be found in the Emergency module of UNHCR's [Guidance on Registration and Identity Management](#) and the [Checklist for Registration in Emergencies](#). This information takes into account various factors ensuring that the process aligns with the specific conditions and needs of the emergency situation.

2. Relevance for emergency operations

Registration is a critical tool for targeting assistance and achieving protection objectives. The integrity and accuracy of registration processes are essential for proper documentation and the provision of cash assistance, particularly when carried out through digital payment providers. Registration is achieved through individually interviewing displaced persons. This data is vital for the identification of specific needs which may require urgent intervention or follow up by specialized partners. Aggregated data, derived from individual registration, also utilized for resource planning, fundraising, and evaluating the effectiveness of assistance during an emergency response.

Coordination is essential among the growing array of governmental and non-governmental actors involved in emergency response, aiming to mitigate the risk of duplicate registration. In refugee displacement contexts, UNHCR often takes the lead in this coordination, leveraging its mandated authority and extensive experience in registration and identity management. Where infrastructure and literacy levels permit, the deployment of innovative technologies, such as remote (pre-)registration and digital proof of registration, can enhance access to displaced populations and efficiencies in processing. This is especially valuable in complex mass displacement situations, aligning with UNHCR's continued commitment to effective and responsive aid delivery.

Protection Objectives

- Persons receive initial basic protection against arbitrary arrest, forcible recruitment, detention and refoulement

- Persons at risk and with specific needs are identified and referred to appropriate protection services

- Protection and assistance interventions are planned, coordinated, and implemented, and programmes to provide durable and effective solutions are prepared

- Ensure that persons are individually known, and that men and women are issued documentation on equal terms

- Ensure the ethical and responsible use of registration data, safeguarding the rights, dignity, and privacy of those registered.

3. Building a Registration Response in Emergencies

Underlying Principles

While States are primarily responsible for registration, UNHCR may help to plan or carry out registration, jointly with the Government or on its behalf. UNHCR may also conduct registration independently in accordance with its mandate, including for the planning and delivery of specific forms of assistance such as cash.

In emergency situations, UNHCR registration principles and standards should be used to identify gaps in registration systems, plan emergency registration processes, assess the protection implications of decisions, and prioritize registration resources appropriately.

Emergency registration activities that are initiated too long after the initial stages of forced displacement or without adequate planning, resources or expertise deployed on the ground may result in under-registration or multiple registrations. This may cause outcomes that fail to assist populations or that hinder planning, management and effective protection responses.

Key Decisions

Why is registration being conducted? Setting emergency registration objectives together with protection colleagues is crucial. Determining who should be registered and why helps in defining the data needs for both the short and longer term. Understanding these aspects is essential for planning and executing an effective response and outcomes to emergency situations. It should also be noted that data needs will evolve over time and should be matched against realistic capacities. Initially, data collection should be minimized in an emergency to aligned to immediate, life-saving humanitarian and protection delivery.

Who will participate in registration? Many stakeholders, often with competing priorities, are involved in registration, including governments, partners, and the displaced community. Data Sharing Agreements must be developed before sharing data externally. To avoid duplication of registration and ensure coordinated assistance and other interventions, the **alignment of partners is crucial** from the onset of the emergency.

How will the registration be done? The selection of the appropriate registration methodology

and allocation of associated resources requires careful planning and understanding of various factors under very compressed timelines. This includes consideration of registration sites, interview methods, timing, staffing, equipment, training, information requirements, complaint procedures, data capture, documentation issuance, and budgeting. Collaborative insights from protection, programming, administration, information technology, and registration experts are essential to ensure a comprehensive and efficient process.

Key Steps

- See the [Guidance on Registration and Identity Management](#) for more details on each of the following steps.
- **Registration should begin as soon as possible** after individuals and families within a displaced population have stopped moving and have settled in a particular location. Waiting until movement has ceased or stabilized offers advantages in terms of ensuring data accuracy, resource allocation, and the capacity to provide timely and repeatable assistance.
- **Conduct an initial assessment**, including determining how many people require registration, [arrival rates](#), [population demographics](#) including location, where registration can take place, human and material resource requirements.
- In the context of emergency registration, a **comprehensive strategy or plan must be formulated** to address various aspects of the process. A Registration Officer, working closely with colleagues in protection, program, administration, HR, supply, and other domains, must consider the following:
 1. **Objectives:** Establish clear registration objectives encompassing both protection and assistance delivery perspectives.
 2. **Gap Analysis:** Identify and analyze any gaps or shortcomings acknowledging existing registration processes or structures that need to be augmented or replaced.
 3. **Risk Analysis:** Assess the risks faced by displaced persons and staff, including potential threats and mitigation strategies.
 4. **Data Elements to Collect:** Outline the specific data to be collected, including personal information and other individual protection information.
 5. **Appropriate Use of Biometrics:** Determine if and how biometric data will be utilized, ensuring ethical and secure handling. In the absence of biometrics, incorporate other integrity elements in the planning.
 6. **Methods and Technologies:** Identify the registration methods and technologies to be used, tailored to the unique needs and constraints of the operation.
 7. **Locations and Site Location Designation:** Designate the locations where registration will take place, ensuring accessibility, efficiency, and safety in the site layout.

The strategy must also analyze these elements to determine staffing and technical support needs, stakeholder roles and responsibilities, and financial and equipment requirements. The Registration Officer may request assistance from regional Data Identity Management and Analysis (DIMA) colleagues or Digital Identity and Registration Section (DIRS) in HQ to align with best practices and organizational policies.

- **Select and prepare registration sites and facilities.** Registration sites should be located away from areas affected by armed conflict, insecurity, and violence. The sites

must be accessible for both refugees and personnel. Design the site layout allowing people to move rapidly through the registration process in a one-way flow. Keep in mind, security screening, crowd control, queue system, waiting areas, shade, toilets and sanitation, lighting, interview space with privacy, etc.

- **Determine household and individual data needs.** Data needs are primarily informed by the purpose of registration. Group pre-registration is the collection of core data on a group travelling together. It is not generally accepted as formal registration. Group pre-registration is primarily used to organize movements of population, facilitate initial assistance distribution (including cash), and schedule individual registration. In situations where infrastructure, literacy, and computer skills permit, contemplate implementing digital or remote (pre-)registration methods. This can include online self-service tools to pre-register and take appointments, issuing digital proof of registration, and providing information in advance of the registration interview online. These technologies can enhance accessibility, reduce redundancy, and expand reach, especially in complex mass displacement situations. Integrating digital strategies with traditional registration methods can ensure a comprehensive approach.
- **Register all persons individually as soon as possible.** See the Guidance on Registration for details on the minimum data set for different levels of individual registration.
- **Prepare Standard Operating Procedures (SOP)** to describe how to conduct each step in the registration process, how to record the data, roles and responsibilities, referral mechanisms, etc.
- **Establish fraud management and complaint mechanisms.** Strong supervision and an effective complaint mechanism are also important components of procedures to identify and prevent fraud. Responsibilities should be separated clearly in the SOPs.
- **Prepare data sharing agreements and define the conditions and terms of data sharing.** Host governments and partners often need access to certain registration data elements for planning purposes and to implement their own activities. Before concluding a data sharing agreement (DSA) or signing partnership agreements, UNHCR must assess the level of data protection afforded by the government or other partners involved in registration. It may do this by means of a data protection impact assessment (DPIA), to ensure that the systems and tools of the government or other third party provide a level of data protection that is comparable to that provided by UNHCR's [General Policy on Personal Data Protection and Privacy](#) (GDPP) and [Policy on Protection of Personal Data of Persons of Concern to UNHCR](#).
- **Design and conduct an information campaign to explain the benefits and risks of registration.** People may be unfamiliar with UNHCR, and the reasons for registration may not be well understood. To provide information related to the registration process, organize an information campaign using multiple media and message delivery formats. Accurate information improves access to registration, reduces anxiety, avoids misunderstanding, and promotes voluntary participation. Ensure language and formats are culturally appropriate, take account of overall literacy levels and the diversity of languages spoken, and use images that portray underlying messages accurately.
- **Train registration staff. Provide guidance on protection principles and registration procedures.** Good training is an essential precondition of effective registration and protection. Formal training should be followed by on-the-job coaching

when registration activities commence.

- **Undertake registration interviews and meet every individual.** Interviews may take place either face to face or, where conditions allow, remotely. Together with protection colleagues, specify the content of registration interviews. Include appropriate guidance on questioning. Guidance must be specific to the operational context of the emergency operation. Scheduling of appointments may be conducted through a self-service application and can reduce the number of times people have to travel to a registration site. Providing information in advance of the registration interview, e.g. online, can reduce the time of the registration interview.
- **Data Quality and Integrity.** Maintaining the highest standards of data quality is essential during the registration process. Key considerations include:
 1. **Accuracy and Validation:** Data capture should be reviewed by dedicated staff. Direct validation by checking the accuracy of names and dates of birth with the data subject after collection is required before documentation is issued. As a separate effort, undertake routine data validation queries and reports to augment quality assurance.
 2. **Avoiding Duplicate Registrations:** Ensuring unique identities is vital, especially when linking assistance to the registration process. Duplication can result in unintended consequences, such as providing excessive benefits to the same individuals. Measures to avoid duplicate registrations include:
 - Preventing duplicates both within a specific UNHCR operation or regionally.
 - Managing external duplicates where individuals might be registered both with UNHCR and other organizations.
 - Implementing digital strategies and technologies to enhance identity uniqueness and reduce redundancy.
 - **Establish referral mechanisms.** Identify and prioritize persons with specific needs. Emergency registration processes should always include procedures for recording, referring, and tracking persons with specific needs. This is a key protection objective of registration.
 - **Unaccompanied and separated children** are particularly vulnerable. They must be registered as soon as they are identified, and cases should be reported immediately to the UNHCR Protection Officer.
 - **Provide Documentation.** Collaborate with protection colleagues and senior management to determine the most suitable type of documentation to be issued and by whom. Consider the operation's capacity when determining the period of validity for documents, such as ID cards, proof of registration, certificates, and attestations (with or without a government logo). As there is a growing trend towards digital identity, it's crucial to explore potential digital means for individuals to verify and authenticate their identities, thereby facilitating their access to services.

Key Management Considerations

Managers of field operations, including Representatives and Heads of Office, are responsible for ensuring that registration and population data management activities are undertaken, that the highest possible standards are maintained, and that operational requirements are covered and continue to be met.

Registration activities have a direct impact on both the overall protection response and

programme planning and execution. From the onset of an emergency, registration expertise is vital to ensure oversight, formulate and execute the registration strategy, and to bolster the operational response.

Resources and partnerships

External Partners. Key stakeholders include the host government, displaced individuals, other UN agencies, and NGOs, both those carrying out activities and those offering resources. From the outset of the emergency response, UNHCR should engage all relevant stakeholders and strive to build and sustain collaboration and a sense of ownership of shared goals. In that spirit, UNHCR and its partners should cooperate to reduce duplication and increase transparency and communication. Relevant coordination forums include protection working groups or interagency cash working groups, amongst others. UNHCR generally supports its partners under project partnership agreements (which include data sharing agreements), through training and performance management.

Internal Resources. Registration staff usually need to coordinate with many internal partners in UNHCR, including PI/Communications, Information Management and ICT colleagues, Field Protection, SGBV and other specific protection work units, Supply/logistics, and Administration/HR. They may also need to obtain support and advice from the regional bureaux or headquarters. The Identity Management and Registration Officer may establish coordination and communication mechanisms to ensure registration activities achieve their purpose and have their intended impact on protection and assistance.

Database. In emergencies, staff can use the Population Registration and Identity Management EcoSystem (PRIMES) tools, including Rapid Application (Rapp) to collect reception and registration data quickly, this should then be synchronized to the UNHCR's corporate registration, identity and case management tool proGres. Collection of biometrics data with Biometric Identity Management System (BIMS) is also recommended should the operational context allow. Depending on the operational context government and partners may be granted access to the PRIMES tools. Also consider tools for pre-registration and self-service tool for taking appointments. Seek advice from DIRS in HQ or from Regional DIMA colleagues.

Registration supplies. Prepare a list of all the items required (including specifications). DIRS maintains a stockpile of registration materials in Copenhagen for rapid deployment to the field. Requests to DIRS for registration materials should be limited to materials that cannot be purchased locally in a timely manner. See more about the stockpile, stocks and ordering procedures [here](#) (accessible to UNHCR staff only).

Staffing. If expertise is not available locally, experienced, and qualified staff should be requested to join the operation on mission or short assignments. Contact DESS for requests to deploy registration officers to plan and oversee registration staff. For more information see the entries [Requesting emergency deployments from UNHCR internal deployment mechanism | UNHCR](#) and [Requesting deployments from emergency standby partners | UNHCR](#).

Staffing requirements may be calculated by estimating the size of the population concerned, the planned throughput at each registration site, and the anticipated registration approach, including datasets, tools, and process. Take account of the scale and type of the emergency response. In

large operations, for instance, team leaders should be assigned to each step in the registration process to coordinate staff; mobile or shelter-to-shelter registration may require more staffing than registration at a fixed location. Where the host government leads emergency registration, UNHCR may need to allocate fewer and different staff.

Determine what additional staff is required, including how many of each category. Depending on the urgency, the operation may consider international staff on mission, emergency response team (ERT), temporary assignments or appointments, affiliate workforce arrangements, etc. Local staff can be recruited initially on individual contractor agreements as well as through partners. All staffing arrangements will need to be regularly reassessed as the emergency evolves.

The staff functions include:

- Entry and security
- Reception and admission
- Data collection and interview
- Assessment by protection or community services staff
- Data quality control
- Photo/biometrics' capture
- Document issuance
- Supervisory (Registration Officer, operations data management, team lead)
- Refugee helpers, security guards and crowd control personnel, interpreters, administrative and filing clerks, drivers

All the staff will need to be trained in their functions. Hold regular staff meetings and establish mechanisms for feedback and complaints; listen to your staff's suggestions.

Budgets Once all aspects of resourcing described above are built into an agreed Registration strategy and methodology, a detailed budget should be prepared. In doing so liaise with programme colleagues to confirm that funds are available. The budget should cover (as applicable):

- All the equipment required to support registration activities
- Personnel, staff meals, DSA, and incentives for government and security personnel
- Personnel accommodation and infrastructure
- Rental fees for registration locations (community halls, schools, other premises)
- Staff transport, including vehicle rental and fuel

Post emergency phase

Emergency Registration typically serves as an initial step in supporting UNHCR's response to an emergency influx, leading to a more detailed individual registration, such as for determining refugee status or exploring long-term solution pathways. Consequently, registration processes evolve over time, and the stakeholders may shift, as seen when registration responsibilities transfer from UNHCR to the Government. Recognizing these dynamics early on is crucial.

4. Links

[Guidance on Registration and Identity Management Registration Stockpile \(UNHCR Intranet\) \(accessible to UNHCR staff only\)](#) [Checklist for Registration in Emergencies](#)

5. Main contacts

GDS DIRS Functional Mailbox hqdirs@unhcr.org

Prima facie approach to recognition of refugee status

06 December 2023

Key points

- Refugee status may be recognized using a prima facie approach based on an assessment that there are readily apparent, objective circumstances in the country of origin which satisfy any of the applicable refugee definitions, including the 1951 Refugee Convention
- Refugees who are recognized using a prima facie approach have the same status and rights as refugees recognized through any other procedures
- A prima facie approach to recognition of refugee status is particularly suitable to humanitarian emergencies and large-scale arrivals of refugees fleeing from situations in their countries of origin that include conflict, massive human rights violations, generalized violence, or events that seriously disturb public order as well as persecution of groups of similarly situated individuals
- The profile of the caseload, as well as security, legal factors and/or operational considerations may make a prima facie approach inappropriate even in large-scale arrival situations
- When a prima facie approach to recognition is implemented, people are usually granted refugee status in the course of registration, however, a prima facie approach can also be used in individual procedures
- A prima facie approach can only be used to recognize refugee status. Decisions to reject require an individual assessment

1. Overview

When a prima facie approach is implemented, refugee status is recognized on the basis of readily apparent, objective circumstances in the country of origin or former habitual residence (hereinafter country of origin), such as persecution, conflict, generalized violence, or events that seriously disturb the public order, as opposed to an individual's specific circumstances. A prima facie approach is generally implemented in so called "group procedures" with the individual component of case processing being minimal and undertaken during registration. This is often seen as the default option when a prima facie approach is discussed, particularly in emergencies. However, it is equally possible to apply a prima facie approach during individual refugee status determination (RSD) procedures, most often outside of the emergency context.

A prima facie approach to the recognition of refugee status is most often used in situations of large-scale displacement in which individual status determination is impractical, impossible or unnecessary, for example during large-scale movements when the refugee character of a group is apparent and the need to provide protection and assistance is urgent.

A prima facie approach to the recognition of refugee status is most often used by States but may in certain circumstances also be used by UNHCR. The adoption of a prima facie approach requires an assessment as to whether readily apparent, objective circumstances exist in a country of origin to apply a refugee definition to a particular group e.g., all individuals from a country or to particular profiles. In almost all emergency contexts where a prima facie approach is used, countries issue a declaration defining the profile to which the prima facie approach will apply, and the procedures are implemented at registration and refugee status is granted immediately thereafter.

Refugees recognized on a prima facie basis benefit from refugee status in the country of asylum and enjoy the rights contained in the relevant instrument on the same terms as refugees recognized using a different non-prima facie approach.

2. Relevance for emergency operations

In many emergencies there are large scale arrivals, and the refugee nature of these arrivals is clear. In such a context, conducting individual [RSD](#) is impractical and unnecessary (see [Entry on Refugee status determination](#)). Where there are grounds for considering that the large majority of those in a group meet the eligibility criteria set out in one of the [refugee definitions](#), a prima facie approach implemented through group procedures during initial registration will allow refugees to have security of status and immediately benefit from the rights contained in the applicable conventions and instruments. Implementing a prima facie approach to refugee recognition can also prevent an asylum backlog from accumulating during emergencies and contribute to the effective functioning of the asylum institution.

A prima facie approach will not be appropriate for all situations of large-scale arrivals. The profile of the caseload, based on available information, as well as security and legal factors (including potential for exclusion from refugee status) and operational considerations should be taken into

account. Alternative responses may be more suited to such situations, including screening and related procedures (see the Entry on [Temporary protection](#) and civilian and humanitarian character of asylum) and, in certain circumstances, individual status determination.

3. Main guidance

General

A prima facie approach to refugee recognition is particularly suited to situations of large-scale arrivals of persons seeking international protection which renders individual determination of their claims impracticable and, in many cases, unnecessary because a detailed personalized account is not needed to determine that a person in a group is a refugee. A prima facie approach may also be applied in relation to groups of similarly situated individuals whose arrival is not on a large scale (or who are already in a country of asylum), but who share a readily apparent common risk of harm, for example their ethnicity, place of former habitual residence, religion, gender, political background or age, or a combination of these, which exposes them to persecution. Refugee status may be recognized on a prima facie basis in accordance with any of the applicable refugee definitions, including the 1951 Refugee Convention. A prima facie approach may be used in urban, rural, camp, and out-of-camp settings.

Each refugee recognized using a prima facie approach benefits from refugee status on the same basis as refugees recognized using a non-prima facie approach. Status granted using a prima facie approach should not be confused with an interim or provisional status, such as temporary protection or stay arrangements (see the entry on Temporary protection). Once refugee status has been determined, including through a prima facie approach, it remains valid in the country unless the conditions for cessation are met, or a status is otherwise cancelled or revoked.

Assessment of applicability of a prima facie approach

In emergency situations, the decision to adopt a prima facie approach to recognition should be made after an assessment of relevant and reliable country of origin information has confirmed that conditions in the country of origin are such that one or more groups of persons seeking international protection should be considered refugees.

The country of origin information should be combined with information about the population seeking international protection, gathered both through registration and protection interviews to the extent feasible, to allow a reasoned decision to occur as to whether advocating for a prima facie approach is appropriate. The results of an assessment of the applicability of a prima facie approach should be shared with the relevant Regional Bureau and the Division of International Protection and, if a decision is made to advocate for the adoption of a prima facie approach, with Governments. Data protection principles should always be observed (see the [Policy on Data Protection](#)). In countries where national asylum authorities are responsible for the asylum process, UNHCR operations often provide technical advice to support the analysis and decision-making process.

A prima facie approach may not be appropriate in all situations, taking into account security, legal or operational factors. Alternative protection responses may be more suited to these

situations, such as screening, alternative procedures, for example temporary protection (see entry on [Temporary protection](#)), and sometimes individual status determination.

Decision to adopt a prima facie approach

The decision for a State to adopt a prima facie approach needs to be made in accordance with the national legal framework. States have adopted various ways to recognize refugee status using a prima facie approach, the most common requiring a formal decision or declaration from a designated authority (e.g. the relevant Minister in government). The national legal framework usually provides guidance on the form of a published declaration, decree or order that a prima facie decision should take.

A decision to adopt a prima facie approach would generally specify the following:

1. the applicable domestic law that provides the authority for declaring a prima facie approach;
2. the legal instrument pursuant to which refugee status is recognized, along with the rights and duties accompanying this status;
3. a brief description of the events/circumstances in the country of origin or former habitual residence underlying the decision;
4. a description of the profile or group to which the prima facie approach to recognition will apply;
5. periodic review and modalities of termination.

UNHCR should only adopt a prima facie approach to the recognition of refugee status after prior consultation with the Regional Bureau and the Division of International Protection.

Application of a prima facie approach

Once in place, a prima facie approach applies to all those who belong to the beneficiary group, unless there is evidence suggesting that it would not be appropriate in individual cases. If a person is found not to be eligible for refugee recognition using a prima facie approach, this does not mean that the person should be rejected, rather, the person should be referred to individual refugee status determination procedures (see Entry on refugee status determination). In other words, a prima facie approach can be used only for the purpose of recognizing refugee status; decisions to reject refugee status require an individual assessment.

In emergency contexts a prima facie approach is almost always implemented during registration. It is important to carefully define the data to be gathered at registration, since such data will be used to identify which individuals should be granted refugee status as part of the prima facie group and where further individualized inquiries may be required (see the Entry on [Emergency registration](#)). Where a prima facie recognition approach is in place, protection colleagues should work closely with registration colleagues to implement robust registration procedures (using an appropriate accountability framework), facilitate their application, and ensure that persons who appear not to be suitable for recognition using a prima facie approach are identified, any relevant evidence recorded and they are properly referred to individual [refugee status determination](#).

Certain categories of persons should not, however, be included in the prima facie recognition of refugee status implemented on a group basis at registration:

- Active combatants/fighters, who should be disarmed and separated from civilians by the host country authorities. Such persons are not admissible into asylum procedures, as their status is incompatible with the civilian and humanitarian nature of asylum. (see Entry on [Civilian and humanitarian character of asylum](#)).

Former combatants/fighters wishing to submit refugee claims should always be channeled into individual RSD procedures. Such persons may be admitted into RSD procedures once it is established that they have genuinely and permanently renounced military activities.

Persons who do not fall within the above categories, but whose profile and/or past activities raise the possibility of exclusion, should in principle not benefit from group determination of refugee status on a prima facie basis. However, the operational context and potential repercussions of differentiated treatment of certain individuals among the arrivals on the ability to gather relevant information may require such persons to be included in the prima facie approach.

Refugees recognized using a prima facie approach should be provided with documentation to this effect.

Post emergency phase

It is appropriate to utilize a prima facie approach to refugee recognition as long as the circumstances prevailing in the country of origin continue to justify doing so. Decisions to adopt a prima facie approach should therefore be reviewed periodically. The asylum authority may opt to reintroduce individual RSD procedures if there is a change in the circumstances in the country of origin that had initially justified application of a prima facie approach. The asylum authority may also opt to apply individual RSD procedures if the volume of applications no longer exceeds the capacity of resources available to decide the claims on a case-by-case basis.

A decision to end a prima facie approach does not affect the refugee status of those who have already been recognized as refugees. Nor does it affect the right of asylum-seekers who are part of the group previously assessed using a prima facie approach to apply for asylum through individual [refugee status determination](#) procedures.

Checklist on application of the prima facie approach

- Assess if readily apparent, objective circumstances in the country of origin or former habitual residence causing persons to leave or stay outside their country satisfies any of the applicable refugee definitions.

- If not, assess if there are groups of similarly situated individuals who share a readily apparent common risk of harm.
- Consider if security, legal and/or operational factors support the adoption of a prima facie approach or if the application of alternative protection responses is required.
- Adopt a decision on the applicability of the prima facie approach following the national legal framework.
- In most emergency contexts, apply the prima facie approach through registration procedures to identify persons who should benefit from the prima facie approach.

Annexes

[UNHCR, Guidelines on International Protection No.11 Prima Facie Recognition of Refugee Status June 2015](#)

4. Links

[UNHCR, Handbook and Guidelines on Procedures and Criteria for Determining Refug...](#) [UNHCR, Risk Management Tool: Fraud Prevention](#) [UNHCR, Procedural Standards for Refugee Status Determination Under UNHCR's Mand...](#) [UNHCR RSD Practitioners' Platform Tools on Prima Facie/Group Procedures \(access...](#)

5. Main contacts

Contact in the Division of International Protection (HQ), the Asylum Systems and Determination Section for questions related to this entry.

UNHCR's Engagement in Situations of Internal Displacement

Key points

- UNHCR must be proactive in preparing for and acting to address emergencies that result in situations of internal displacement
- Our engagement is grounded in the UN Guiding Principles on Internal Displacement, Policy on UNHCR's Engagement in Situations of Internal Displacement and 2022-2026 UNHCR Strategic Directions
- Protection outcomes are central to UNHCR's work with IDPs and the core focus for pathways to solutions from the start of displacement, fostering local and national ownership, grassroots community engagement, and close collaboration with development, human rights, and peace actors
- Protection and solutions are the key drivers shaping UNHCR's work in internal displacement, as well as our distinct areas of expertise and comparative advantage

1. Overview

UNHCR has been involved with internally displaced persons (IDPs) since 1971 when the UN General Assembly initially requested its expertise and assistance, reaffirmed over time through resolutions to protect and assist IDPs. These recognize UNHCR's proficiency in addressing forced displacement and its ability to adapt to changing crises. They also emphasize the importance of addressing root causes and the plight of those displaced within their own countries as also an important element in resolving refugee situations.

UNHCR's IDP policy encompasses its involvement in internal displacement situations, from preparation to providing protection and supporting solutions within collective responses alongside states and affected populations. It is applicable to all UNHCR personnel across field, country, regional, and headquarters levels, with mandatory compliance.

2. Relevance for emergency operations

The IDP policy reaffirms UNHCR's commitment to engaging decisively and predictably in situations of internal displacement. This commitment is an integral element of our operations worldwide and our protection leadership role in humanitarian crises. The policy requires country, regional and global operations to mobilize and deploy their resources and capacities to support UNHCR's longstanding pledge to work in partnership with others to strengthen protection and secure solutions for internally displaced people (IDPs). The policy empowers and requires Representatives to be proactive in preparing for and taking action to address emergencies that result in significant internal displacement. They act as part of a humanitarian response under the UN country leadership, based on a sound protection and context analysis. Representatives will

be supported to: implement inter-agency commitments; place protection at the centre of humanitarian action; and design, implement and sustain a meaningful, solutions-oriented operational response to internal displacement that is backed up by global advocacy and resource mobilization.

3. Main guidance

The IDP policy provides guidance in situations where UNHCR engages with IDPs and wider displacement-affected communities. It covers: State responsibility; respect for human rights and international law; putting protection and solutions at the centre of humanitarian action; upholding humanitarian principles; safeguards and accountability; and contributing to a multi-stakeholder whole-of-society approach through partnerships.

The policy equally provides guidance on operationalizing UNHCR's commitments at country and global level, with respect to leadership, advocacy and coordination, and operations. The guidance covers the different phases of an IDP emergency, from preparedness, through delivery of a protection and solutions response, to responsible disengagement. To make the implementation of UNHCR's engagement effective, the guidance also addresses: integrated programming and area-based approaches; data and information management; identity management; resource mobilization and funding; and workforce management.

How to implement this at field level?

The IDP policy is accompanied by a Guidance Package for UNHCR's Engagement in Situations of Internal Displacement. The guidance package includes a checklist for UNHCR Representatives and discusses inter-agency coordination arrangements; programming; resource mobilization; communications; and considerations for responsible transitioning. It is complemented by an [Implementation Planning Tool for IDP Contexts \(Building Blocks\)](#) (accessible to UNHCR staff only) to support country operations during implementation planning as a practical tool in refining their plans and allocating resources for IDPs.

Post emergency phase

UNHCR, plays an important role as the protection lead organization in HCTs and should continue to advocate for common approaches and goals for IDPs. UNHCR should continue to invest and further enhance its engagement in longer term planning for internally displaced persons by building linkages between emergency responses and transition plans and platforms.

Checklist

- See the Checklist for UNHCR Representatives in the Guidance Package for UNHCR's Engagement in Situations of Internal Displacement for:

- 1.1. Preparing for emergencies
- 1.2. Delivering a protection and solutions response
- 1.3. Disengaging responsibly

Annexes

[UNHCR Engagement in Situations of Internal Displacement 2019-2021](#)

4. Learning and field practices

Accessible to UNHCR staff only

[IDP Law and Policy - Workday](#)

5. Links

[Guidance package for UNHCR's engagement in situations of internal displacement,... Policy on UNHCR's Engagement in Situations of Internal Displacement, 2019 Accessible to UNHCR staff only: Risk management tool: Internal Displacement Sit... Accessible to UNHCR staff only: Implementation Planning Tool for IDP Contexts \(...\)](#)

6. Main contacts

hqdipidp@unhcr.org

Protection from Sexual Exploitation and Abuse (PSEA)

13 June 2023

Key points

- Never engage in sexual exploitation and abuse and report any suspicion of sexual exploitation or abuse of forcibly displaced and stateless persons immediately to the IGO.
- Ensure that forcibly displaced and stateless persons are aware of their rights, services and where / how to access them, that sexual exploitation is not tolerated, and how they can report any concerns related to SEA.
- Ensure that effective, safe, and accessible feedback and response systems are in place to report any suspicions of SEA of forcibly displaced and stateless persons.
- Systematically integrate PSEA in information campaigns, awareness-raising, trainings and meetings with forcibly displaced and stateless persons.
- Ensure that victims of SEA have access without delay to the assistance and support that they require in line with a victim-centred approach.

1. Overview

Sexual Exploitation and Abuse (SEA) represent grave breaches of the right to safety, security and dignity of forcibly displaced and stateless persons . UNHCR is committed to taking all necessary action to prevent, mitigate the risks of and respond to sexual misconduct and to put the protection, rights and dignity of victims at the forefront, in line with our [policy on a Victim-Centered Approach in UNHCR's response to sexual misconduct](#) (hereafter referred to as “Victim-Centred Approach Policy”).

Sexual exploitation is defined as any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

Sexual abuse means the actual or threatened physical intrusion of a sexual nature, whether by force, or under unequal or coercive conditions. It includes sexual slavery, pornography, child abuse and sexual assault. All UN personnel and partners have **an obligation to report** whenever they have concerns or suspicions that SEA has occurred by a fellow worker, whether in the same agency or not and whether or not within the United Nations system, and including potential misconduct by government, NGO partners and other actors involved in delivery of assistance.

PSEA policies and practices aim to reduce the risk of, prevent and respond to SEA by UN personnel, NGO partners, or other entities and persons involved in providing humanitarian or development assistance, including government staff, contractors, and community volunteers and workers, to ensure that allegations of SEA are reported and responded to in a timely and appropriate manner, and that victims of SEA are referred to support and assistance needed in line with a victim centred approach.

2. Relevance for emergency operations

Protection from sexual exploitation and abuse and sexual harassment is a key principle in [UNHCR's Policy on Emergency Preparedness and Response](#), and PSEA must be systematically integrated into emergency preparedness and throughout all stages of the response. SEA can happen anywhere and at any time. UNHCR emergency operations take place in fragile environments with particularly high risks of abuse and exploitation of people affected by displacement and thereby exposed to heightened protection risks. For example, in an emergency displacement context, there is often a breakdown of the usual protective institutions such as the family, community, government and law enforcement structures, etc. Means of livelihood are severely affected, and there are usually considerable practical and psychosocial implications on the lives of those affected. The impacts of forced displacement are often particularly severe for affected women and children. Lack of awareness by forcibly displaced persons about their rights and entitlements in an unfamiliar environment also increase risks of exploitation and abuse. Furthermore, emergencies bring a rapid increase in the number of partners for the humanitarian response, rapid recruitments and staff turnover, high work pressures, and challenges to ensuring effective coordination and oversight, thereby increasing the risks of all forms of misconduct, including SEA.

It is therefore critical for staff in emergency operations to be mindful of these elevated risks of SEA and take measures from the outset of the emergency response to prevent and respond to SEA and mitigate risks thereof, and ensure that victims of SEA are provided with support and assistance in line with [UNHCR's Victim-Centred Approach Policy](#). Managers have a particular responsibility to ensure that the UNHCR Code of Conduct is upheld, and to create and sustain a respectful and inclusive environment that prevents sexual exploitation and abuse. Since the relationship between humanitarian personnel and those receiving assistance is inherently unequal in terms of power and authority, staff and partners must avoid any action that could suggest, imply or create the perception that engaging in sexual activity with humanitarian personnel might be expected in return for assistance or other services of any kind. PSEA Coordination structures need to be established if not already in place and PSEA must be treated as a priority in the operational strategy for the emergency response.

3. Main guidance

From the outset of the emergency, UNHCR and its partners must establish mechanisms that prevent and respond to sexual exploitation or abuse and mitigate risks thereof. Any act of SEA constitutes serious misconduct and allegations must be reported immediately to the Inspector General's Office (IGO). UNHCR personnel are encouraged to report suspected SEA directly to the IGO, which can be reached directly at inspector@unhcr.org, or via the IGO [online complaint form](#). Additionally, reports can also be made through the PSEA focal point, the Representative / Head of Office, or the [SpeakUp! Helpline](#) (accessible to UNHCR staff only), all of whom have the duty to report it to the IGO. For more information on reporting complaints of SEA, refer to *Reporting Misconduct* ([here](#)). Support and assistance must be provided to victims of SEA, in line with a victim-centred approach as outlined in UNHCR's [Victim-Centred Approach Policy](#).

In an emergency context, systems and structures (such as an interagency PSEA taskforce or network, or safe and accessible feedback and response systems through which SEA can be reported) may not be present and may need to be established. New staff and partners recruited for the emergency may not possess the knowledge or skills to handle SEA issues, and may lack dedicated policies and training on PSEA. In the context of cross-border and onward movements by refugees, specific measures to respond and prevent SEA may need to be supported at the regional level.

It is critical that all related actions, processes and procedures adopt a victim-centred approach, which is defined in [UNHCR's Victim-Centred Approach](#) Policy as "a way of engaging with victim(s) that prioritizes listening to the victim(s), avoids re-traumatization, and systematically focuses on their safety, rights, well-being, expressed needs and choices, thereby giving back as much control to victim(s) as feasible and ensuring the empathetic and sensitive delivery of services and accompaniment in a non-judgmental manner". The afore-mentioned Policy outlines key principles that should guide all aspects of UNHCR's approach to SEA prevention, risk mitigation and response.

Steps to be taken

From the moment of arrival, and throughout their work at a duty station, senior managers and other staff must take action to ensure that SEA does not take place, if it does occur, provide victims with support and assistance and eliminate the risk of its recurrence. The following are key steps that must be followed in an emergency response:

- **Recruitment:** Ensure that all newly recruited local staff and members of the affiliate workforce are cleared by the [UN Clear Check database](#) before they are issued a contract or letter of offer, in accordance with the [High Commissioner's all staff message of 5 August 2019](#) (accessible to UNHCR staff only). Make sure that all staff have signed the Code of Conduct declaration and have completed the mandatory e-learning course on PSEA available on [Workday](#). Non-UN partners can make use of the [Misconduct Disclosure Scheme](#) for vetting to prevent perpetrators of sexual misconduct from moving between organisations.
- **Capacity-building and Awareness-raising:** Train and equip all staff, partners and other stakeholders in PSEA and take specific steps to prevent it. For example, discuss PSEA action plans in office meetings, meet with government officials to discuss prevention, organize capacity-building sessions with staff, partners, authorities, contractors, and other actors involved in the delivery of humanitarian assistance, etc. Ensure that all people involved in project activities (e.g. warehouse & distribution workers, cash assistance, enumerators, community mobilisers, incentive workers), etc., in particular those who come into contact with forcibly displaced persons, have received PSEA training, signed the Code of Conduct declaration (see, for example, [Code of Conduct used for service providers involved in the delivery of cash assistance](#), accessible to UNHCR staff only), and understand what SEA is and how to report it. Please refer to "[Learning and Resources](#)" [under the PSEA/SH Intranet page](#) (accessible to UNHCR staff only) to access learning tools

and materials for use by UNHCR personnel as well as partners, as well as the section "Learning and Resources" below.

- **Focal points:** Ensure a PSEA focal point and an alternate are appointed. For large operations, focal points and alternates may be appointed at the national level and in each office.
- **Coordination:** Establish an inter-agency PSEA network (where one does not already exist) to ensure effective coordination on PSEA amongst partners for prevention, risk mitigation and response. In a refugee response, UNHCR should take the lead in establishing and coordinating the PSEA network in close collaboration with partners, local authorities and affected communities. In IDP situations, UNHCR should jointly work with other agencies for the establishment and operationalization of a PSEA Network if one does not exist already, and actively participate in or co-lead the Network as appropriate. See also entry on [Coordination on Protection from Sexual Exploitation and Abuse \(PSEA\)](#), [UNHCR's Policy on Emergency Preparedness and Response](#), and [PSEA: A Collective Responsibility](#).
- **Assessment and Mitigation of Risks:** In collaboration with stakeholders, including affected people, assess and map potential risk areas by sector and discuss actions that can prevent and reduce the risks of SEA. Integrate SEA prevention, risk mitigation and response into protection analysis and multi-sectoral programming. A tool to assist field operations in ensuring that possible SEA risks are adequately identified and analysed and relevant treatments are thoroughly considered is available [here](#) (accessible to UNHCR staff only).
- **Community Engagement and Awareness-raising:** Strengthen community engagement and awareness-raising. Critical activities include systematically integrating PSEA messages in information campaigns and disseminating information related to PSEA through diverse channels that are adapted to the local context and are accessible to women, men, girls and boys of diverse backgrounds. These may include distribution of posters and leaflets, dissemination of audio-visual materials, social media, awareness-raising sessions and community meetings, focus group discussions, public address systems, mass media, dissemination at service delivery points, etc. To prevent SEA effectively, UNHCR has the responsibility to ensure that forcibly displaced persons know their rights and entitlements, including that all humanitarian assistance and services are free, that they should never be expected to provide any form of sexual favor, and that demands for such favors are strictly prohibited. Likewise, information should be provided to clarify that sexual relationships between beneficiaries of assistance and humanitarian personnel are generally prohibited. UNHCR should also ensure affected people know how and where to report SEA incidents safely and confidentially when they occur, and how and where they can access multi-

sectoral support and assistance.

- **Feedback and response mechanisms:** Collaborate with [Accountability to Affected People \(AAP\)](#) working group / actors on the ground to map existing feedback and response mechanisms that can safely and confidentially receive complaints related to SEA from communities and partners and design and establish feedback mechanisms to fill gaps if required. In particular, identify and support feedback channels that are preferred by communities and ensure that the design of any new mechanisms are informed by community feedback. Ensure that feedback mechanisms are sensitive to [age, gender and diversity](#) (AGD) and accessible to women, children, [persons with disabilities](#), [older persons](#), minority groups, and others at heightened risk. Steps must also be taken to ensure that all personnel staffing feedback mechanisms fully understand the definition of SEA (as forcibly displaced persons may not explicitly use the terms "sexual exploitation" or "sexual abuse"), and be trained to appropriately refer individuals to support services and report SEA allegations, in line with the obligation of all aid workers to report any concerns or suspicions regarding SEA through established reporting mechanisms. (See: [Secretary-General's Bulletin: Special Measures for Protection from Sexual Exploitation and Sexual Abuse, 9 October 2003 \(ST/SGB/2003/13\)](#), Section 3.2(e); [IASC Six Core Principles regarding PSEA](#) (2019), Principle 5.) To enhance accessibility and uptake, collaborate with [AAP](#) working group / actors to promote multiple mechanisms rather than relying on a single channel, in order to address the diverse preferences, needs and capacities of persons within the community. Clarify complaint collection procedures and responses with partners and establish clear tasks and duties (who will do what, where, and how). It is critical to put in place an effective interagency complaints referral mechanism that permits and encourages individuals to report instances of SEA easily, confidentially, and safely, even if they do not know the organization the alleged perpetrator is affiliated with. An effective interagency complaints referral mechanism aims to ensure that a complaint can be made (by a member of the affected community or by humanitarian personnel) to any existing complaints and feedback mechanism or organization involved in the response, and that the complaint will be promptly and reliably referred for assistance based on the victim/survivor's consent and to the appropriate entity whose personnel is implicated as the potential perpetrator.
- **Survivor / Victim Assistance:** Work with the GBV and child protection sub-sector / cluster to ensure that existing response services have been mapped and that survivors of SEA can access the multi-sectoral support that they require through existing [GBV](#) and [child protection](#) referral pathways, in line with a survivor/ victim-centred approach, [GBV Guiding Principles](#), and the best interests principle in the case of children. Support available includes GBV case management / child protection case management / Best Interests Procedure and other psychosocial services, medical assistance (including clinical management of rape), safety services (including police, safe shelters as well as appropriate alternative care for child survivor) and legal services. Support can also include cash or in-kind assistance as well as economic empowerment interventions. Ensure collaboration with

relevant coordination structures and actors, including [GBV](#) and [child protection](#), which are to take the lead in mapping services under their respective areas of responsibility and liaising with PSEA Focal Points to ensure SEA considerations and specificities are duly incorporated into their SOPs and ways of working. PSEA focal points must be trained on GBV safe disclosure (GBV coordinators / focal points to support).

- **Partner Capacity Assessment and capacity-strengthening implementation plan:** Assess PSEA capacity of prospective implementing partners that are engaged in the emergency response, in accordance with the [UN Protocol on Allegations of Sexual Exploitation and Abuse involving Implementing Partners](#) (UN Protocol, April 2018) and the [Administrative Instruction on Procedures on Partnership Management](#) (accessible to UNHCR staff only). All assessments are carried out using the PSEA Module on the [UN Partner Portal \(UNPP\)](#). Under the [UNHCR Policy on Emergency Preparedness and Response](#) paragraph 8.17, when an emergency has been declared, the PSEA capacity assessment for new partners should be completed as soon as possible and no later than three months after signing the partnership agreement. If a UNHCR Office finds that a prospective partner lacks satisfactory PSEA capacity (with low or medium capacity), it must justify the decision to select that partner and establish, together with the partner, a capacity strengthening implementation plan (CSIP) that builds the partner's capacity appropriately, monitor its performance in the course of programme activities, and manage associated risks. The implementation of the plan must be continuously monitored, and the capacity of partners with CSIP in place are eventually re-assessed. Irrespective of their level of capacity, partners are monitored regularly for measures they take to mitigate risks of and respond to sexual exploitation and abuse. Please refer to the [Procedures](#) and the [Programme Handbook](#) (PLAN – Section 9, and GET – Sections 2 and 4), as well the relevant repository items for further details about the partners' PSEA capacity assessment process and useful resources (accessible to UNHCR staff only). In addition, the UNPP ([IP Protocol for PSEA Resources](#)) has useful resources that can be helpful for partners as well as the UN staff when conducting the assessment.
- **Reporting:** Report allegations of SEA without delay. Personnel who have concerns or suspicions that SEA is occurring or who are aware of SEA allegations have an obligation to bring such information immediately to the attention of the IGO. IGO reporting channels may be used by forcibly displaced persons or anyone else who is aware of SEA allegations. Staff should not investigate SEA allegations themselves, because to do so might compromise confidentiality, put victims and witnesses at risk, disrupt due process and negatively impact the integrity of the investigation process. Personnel who report a complaint to the IGO or who cooperate in an IGO investigation are protected from any form of retaliation by [UNHCR's Administrative Instruction on Protection against Retaliation \(UNHCR/AI/2018/10/Rev.1\)](#) (accessible to UNHCR staff only).

Learning and resources

It is mandatory for all staff to complete the updated on-line UN PSEA training module every three

years. The e-learning on Workday can be accessed at this [link](#). Partners can access this e-learning in various languages after registration [here](#). A short introductory learning module on addressing sexual misconduct in emergencies, is also available [here](#).

In 2021, UNHCR launched the [internal PSEA/SH Learning Package](#) (accessible to UNHCR staff only), an interactive and innovative programme that aims to develop the skills, knowledge and behaviour of all members of UNHCR personnel (staff, affiliate workforce and interns) to define, detect, prevent and respond to sexual misconduct. The package contains two face-to-face courses, as well as an adapted version for virtual delivery, which have been developed specifically for UNHCR internal use. For training partners and external audiences, the [IASC Saying No to Sexual Misconduct package](#) the [e-learning on Investigating Allegations of SEA](#) and accompanying [resource toolkit](#), and the [Gouta Case Conference](#) (a case study tool to facilitate peer-to-peer exchange among PSEA Focal Points) are also available as resources. A full list of learning resources are available on the PSEA/SH UNHCR Intranet [here](#) (accessible to UNHCR staff only), including short videos for facilitating staff dialogues, and the [Gouta Case Conference](#) (UNHCR version [here](#), version for partners [here](#)) .

UNHCR PSEA Focal Points and other colleagues involved in PSEA work participate in a community of practice forum called the PSEA Community Network. This community is a space to exchange, access resources, learn about UNHCR's commitment to PSEA, and get inspired by good practices and examples. It includes a discussion board, and a resource library where you can search by language, category (e.g., outreach materials, ToRs) and other criteria. You can request access to the group [here](#) (accessible to UNHCR staff only). Additional resources are included in the sections below.

Related UNHCR management system(s)

In March 2018, the High Commissioner appointed a Senior Coordinator to lead and coordinate UNHCR's work on SEA and SH. A UNHCR Working Group on SEA and SH was also formalized in May 2018 with multifunctional representation. Currently the Working Group is comprised of representatives from the Ethics Office, the Legal Affairs Service (LAS), the Inspector General's Office (IGO), the Division of External Relations (DER), the Division of Human Resources (DHR) including the Staff Health and Wellbeing Services (SHWS), the Ombudsman's Office, the Division of Emergency, Security and Supply (DESS), the Division of International Protection (DIP), the Innovation Service, the Division of Strategic Planning and Results (DSPR) and Enterprise Risk Management.

Annexes

[Secretary-General's Bulletin. Special Measures for Protection from Sexual Exploitation and Sexual Abuse](#)

[Policy on a Victim-Centred Approach in UNHCR's response to Sexual Misconduct](#)

[UN Protocol on SEA allegations involving implementing partners](#)

4. Links

[UNHCR, Dedicated intranet page \(covering SEA and sexual harassment - accessible...](#) [UNHCR, intranet page covering SEA and SH - resources \(accessible to UNHCR staf...](#) [Generic Terms of Reference templates for PSEA in Refugee Emergencies \(accessibl...](#) [Resources and Tools to support UNHCR Bureaux and Country Operations \(accessible...](#) [PSEA Community Network - Home \(sharepoint.com - accessible to UNHCR staff only\)](#) [UNHCR/AI/2021/06 Administrative Instruction on Implementing Partner PSEA Capaci...](#) [Visualizing our journey to tackle sexual misconduct \(accessible to UNHCR staff ...](#) [UNHCR website: Tackling sexual exploitation, abuse and harassment](#) [IASC PSEA website and resource library](#) [UN website: preventing sexual exploitation and abuse](#) [Interagency PSEA Community Outreach and Communication Fund Tackling sexual exploitation and abuse and sexual harassment: 2023-2025 Strateg...](#)

5. Main contacts

- Office of the Senior Coordinator for Prevention of and Response to SEA / SH, hqpseash@unhcr.org
- Inspector General's Office (IGO). At: inspector@unhcr.org. Fax: 0041 22 7397380. Telephone: 004122 739 8844.

Refugee Status Determination (RSD)

25 January 2024

Key points

- Refugee Status Determination (RSD), is the legal or administrative process by which governments or UNHCR determine whether a person seeking international protection is considered a refugee under international, regional or national law
- In the context of a mass influx emergency, prima facie or group approaches to RSD are often preferable, especially in contexts where there is a national asylum system in place
- How or if individual RSD is considered as part of an emergency response will depend on the context:
 - When there is a national asylum system, large scale arrivals can quickly overwhelm national processing capacity. Support should be provided to assess options such as a prima facie or simplified approach to refugee recognition or temporary protection, to ensure prompt access to protection and services, as well as to prevent backlogs from accumulating.

- Where a national asylum system is not operational, UNHCR mandate RSD case processing is usually not the most effective intervention in an emergency context. Prior to embarking on a UNHCR mandate RSD response, it should be assessed if this is the best tool to protect individuals or groups in the country

- In order to ensure that an effective RSD response, by using group or individual approaches, or an alternative status approach can be implemented (including after the emergency phase) it is critical to ensure appropriate data is collected during reception and registration procedures

1. Overview

In an emergency context, a key priority is to ensure access to territory and to provide immediate protection and assistance, which is often done initially through registration (see the Entry on [Emergency Registration](#)).

Once this initial access to protection and assistance has been assured, it is important to consider how a secure legal status will be provided to new arrivals and the process for granting the legal status. Such a status could either be a non-refugee status (such as temporary protection) or refugee status through a group /prima facie approach or through eventual individual RSD processing (including through a variety of processing modalities). Given the relatively time-intensive nature of individual RSD processing, if this is the approach adopted for granting status, it will be a longer-term initiative extending beyond the initial emergency phase.

Considering the issues of status at the early stages of an emergency will help to ensure that:

- National asylum systems do not become overwhelmed,
- That any eventual individual RSD processing can be done efficiently, including through a group based or prima facie approach (see the Entry on [Prima facie approach to recognition of refugee status](#)),
- UNHCR will be in a position to conduct mandate RSD if required.

The type of RSD considerations and response appropriate in an emergency context will depend on many factors, including the existence and effectiveness of a national asylum system.

2. Relevance for emergency operations

Even though RSD may not be the first element of an emergency response, the effectiveness of national asylum procedures have an impact on the broader protection space, including the willingness and ability of the authorities to receive new arrivals. An effective national asylum procedure may also allow the prompt implementation of prima facie or group-based status determination procedures which will enable refugees to have security of status and immediately benefit from the rights contained in the applicable conventions and instruments (see the Entry

on [Prima facie approach to recognition of refugee status](#)).

Inefficiencies in the identification, registration and RSD response for individuals or groups with urgent protection risks or vulnerability, including those who are part of mixed movements, may compromise their access to protection and a durable solution. Efficient RSD procedures and accurate information about the purpose, scope and duration of RSD procedures or other forms of case processing may help to mitigate the risk of misuse of the asylum system, may reduce pull factors or discourage onward movement from the host country for other reasons, as well as reducing the insecurity of individuals or groups and UNHCR staff.

When national asylum procedures do not exist, mandate RSD recognition may be necessary to advocate against refoulement, protect refugees' rights or provide access to services. This can happen through individual case processing using differentiated case processing modalities, as feasible and desirable (see [Aide-Memoire & Glossary of case processing modalities, terms and concepts applicable to RSD under UNHCR's Mandate](#)).

3. Main guidance

Refugee status determination (RSD) is the process to assess and decide whether an asylum-seeker is or is not a refugee. To be classified as a refugee, asylum-seekers must meet the eligibility criteria set out in the 1951 Convention or the 1967 Protocol, the regional refugee instruments, or national asylum legislation (See the Entries on [Refugee definition](#), [Stateless person definition](#), [UNHCR's mandate for refugees, stateless persons, and IDPs](#)). RSD is primarily the responsibility of States. In countries where national asylum authorities are responsible for the asylum process, UNHCR operations are often consulted and provide technical advice to support the analysis and decision-making process relating to the determination of refugee status including during emergency response situations. Under its mandate, UNHCR may determine refugee status in the absence of a fair and efficient national asylum system, where there is a protection benefit in so doing, either for the individual involved, a particular group or for the larger protection environment.

RSD status can be conducted in many ways including group (often prima facie) procedures, simplified, merged or accelerated procedures.

RSD Response in Mass Influx Emergencies

In mass influx emergencies, the goal is to ensure access to protection and assistance as quickly as possible. In such circumstances, a focus on initial registration is of primary importance (see entry on emergency registration). Then, consideration should be given as to whether recognition of refugee status through the application of a prima facie approach is possible if relevant conditions are met (see the Entry on [Prima facie approach to recognition of refugee status](#)) or providing temporary protection (see the Entry on [Temporary protection](#)) may be better options if these are available within the national legal framework. Since individual RSD procedures are likely to take time, they are often not the most efficient and strategic protection tool to prioritize in the initial onset of an emergency.

Immediate response in the emergency phase

After access to territory is assured, it is important to quickly assess and define whether, and what type of, RSD response will be advocated or implemented at a later stage to ensure adequate planning. The decision about whether and what type of RSD response should be made based on a situational analysis. The information required for a situational analysis includes relevant and reliable country of origin information, information about the population(s) seeking international protection and causes of flight as well as information on the national legislative framework. This information can be obtained from a desk review, country of origin information research, and through registration and protection interviews.

A decision about the modality to be used to establish legal status requires a consideration of the following parameters amongst others:

- National legal framework for RSD (including the available of group-based recognition of status), other protection mechanisms as well as applicable legal framework for migration.
- The profile of the population, including reasons for flight, and their international protection needs.
- Uniformity of the need for international protection and the possibility to differentiate between persons in need of international protection and others, or otherwise the possibility to differentiate between broad categories of persons in need of international protection.
- Political and practical willingness to adopt a prima facie approach to recognition, a temporary protection arrangement, or an individual RSD response using differentiated case processing modalities.
- The capacity (human, material and infrastructure) available to implement the different responses and what sort of enhancements would be necessary.

Activities to be implemented in all approaches to the determination of status

Regardless of the modality for the determination of status chosen, protection colleagues should work closely with relevant authorities in the national asylum systems or UNHCR colleagues in mandate UNHCR operations to undertake the following activities:

- Identify and appropriately channel persons unable to request asylum or otherwise inadmissible for asylum, including:
 - Persons who may be nationals of the receiving country.
 - Active combatants/fighters, who should be disarmed and separated from civilians by the host country authorities. Such persons are not admissible into asylum procedures, as their status is incompatible with the civilian and humanitarian nature of asylum. (See Entry on [Civilian and humanitarian character of asylum](#)).
- Support registration procedures to appropriately collect, record and analyze information to facilitate the implementation or planning of an RSD response. The data collected during registration can either lead to a recognition of refugee status (if using a prima facie approach) or will facilitate the decision making about the case processing modalities to be implemented.
- Design and implement an effective and confidential data and individual case management system, through close coordination with the registration team (See the Entry on

Emergency registration.) The system should be coordinated appropriately with the authorities and other relevant actors to ensure alignment with existing government or UNHCR case management systems.

- Design and implement referral and prioritization procedures for referrals including to and from RSD. Such procedures need to be developed with other functional units and external partners, including [community-based protection](#) teams, medical teams, protection counsellors, family tracing staff, and those responsible for BIA and BID procedures, to make sure that cases are promptly referred.
- Ensure there are suitable facilities for case processing that provide confidentiality. Facilities for case processing should possess at minimum: individual interview and counselling rooms; support equipment (including computers and internet access); arrangements for security of the process; a child-friendly waiting area; and controlled access.
- Ensure that asylum-seekers and refugees are regularly informed of the purpose, scope and duration of RSD activities. In planning for information activities, cooperate with other UNHCR teams, the national asylum authorities and external partners to design and implement mass information campaigns and to determine which messages are passed when and by who. The information activities should include anti-fraud and integrity messaging which should progressively be worked into an anti-fraud plan. In addition to an information campaign, establishment of individual and group counselling should be considered. It is further important to keep all relevant partners well informed about asylum, refugee and migration processes. (See the Entry on [Emergency information management coordination](#) and [Accountability to Affected Populations \(AAP\)](#)).

Specific Considerations for an Individual RSD Response

In contexts where a prima facie approach is not feasible and individual RSD processing is required, an RSD strategy and a budgeted operational plan need to be developed. These documents would require close support to government counterparts and/or close liaison with management and programme to ensure it is included in general operational plans, budgets and staffing and funding mechanisms.

The strategy and processing plan should:

- address all or selected individuals or groups taking into account the context and broader protection response framework.
- indicate the applicable processing modality in order to gain efficiency as provided under the States' regulatory framework or in UNHCR mandate operations the procedures found in [Procedural Standards for Refugee Status under UNHCR's Mandate](#) and the [UNHCR Aide-Memoire and Glossary of Case Processing Modalities](#).
- include first instance, appeals, and the reopening of cases.
- align with the overall protection, durable solution and RSD strategy in the country.
- include clear but realistic results and outcomes and the linked staffing component, including the need for sufficient management to ensure adequate supervision and coaching.
- include measures to avoid burnout of staff.
- include priority anti-fraud measures, including integrity messaging, in the general RSD strategy and plan.

In developing and implementing an RSD response for UNHCR or providing advice to national asylum authorities, protection staff can consult the [Procedural Standards for Refugee Status under UNHCR's Mandate](#) or its checklist to ensure that all critical elements of an RSD response are being considered.

Specific Considerations in a Mandate RSD Context

UNHCR Mandate RSD case processing is only conducted if it is the best tool to protect individuals or groups in the country of asylum or to implement a solution (see the Entry on [Resettlement](#)) and it is not possible for them to have their case determined by a national asylum procedure. The decision on whether conducting RSD under UNHCR's mandate is required, is taken based on the situational analysis, particularly considering the protection context.

Post emergency phase

The implementation of RSD processing will in most situations continue in the post emergency phase in line with the strategy and processing plan defined during the emergency phase.

RSD checklist

- Collect information about the causes of the population movement.
- Define whether, and what type of, an RSD response (group-based / prima facie approach or individual) or temporary protection response will be advocated for or implemented at a later stage to ensure adequate planning.
- In situations where individual RSD processing is required, draft an RSD strategy and a budgeted operational plan.
- Operationalize individual RSD processing.

4. Standards

Average processing time (in days) from registration to first instance asylum decision

This Core Outcome indicator measures the average number of days from the date of completion of registration of the asylum application to the date of notification of first instance asylum decision for all persons who were notified of a first instance RSD/asylum decision during the

reporting period.

Proportion of people undergoing asylum procedures who have access to legal representation

This Core outcome indicator is defined as the proportion of people undergoing asylum procedures who can exercise the right to engage the services of qualified legal representatives to represent them in asylum procedures, at their own cost or on a pro bono basis, where such services are available.

Proportion of people undergoing asylum procedures who have access to an effective appeal mechanism after first instance rejection of their claim

This Core Outcome indicator is defined as the proportion of individual applicants undergoing asylum procedures who have access to an effective appeal mechanism after first instance rejection of their claim.

5. Policies and guidelines

Annexes

[UNHCR, Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, 2011](#)

[UNHCR, Procedural Standards for Refugee Status Determination under UNHCR's Mandate, 2020](#)

[UNHCR, Aide-Memoire & Glossary of case processing modalities, terms and concepts applicable to RSD under UNHCR's Mandate, 2017](#)

6. Main contacts

Contact in the Division of International Protection (HQ), the Asylum Systems & Determination Section for questions related to this entry.