

**PROCEDURAL STANDARDS** for Refugee Status Determination under UNHCR's Mandate

# AIDE-MEMOIRE & GLOSSARY

OF CASE PROCESSING MODALITIES, TERMS AND CONCEPTS APPLICABLE TO REFUGEE STATUS DETERMINATION [RSD] UNDER UNHCR'S MANDATE

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# INTRODUCTION

The variety of terms and concepts in use by UNHCR in the context of determining, individually, refugee status under its mandate (mandate RSD) has grown in recent years, commensurate with the introduction of new case processing modalities.<sup>1</sup> Other terms and concepts have been in use for a number of years but their use has not been uniform across operations.

In accordance with UNHCR's strategic thinking on Refugee Status Determination and in coordination with the revision of the Procedural Standards for Refugee Status Determination under UNHCR's Mandate, operations are required to consider the role RSD plays in a broader protection environment and strategy. Where mandate RSD provides the best means of achieving protection improvements or outcomes for individuals (that cannot be achieved more efficiently or successfully through other means), operations must evaluate what case processing modalities are most appropriate. Such case processing modalities must seek to achieve the best protection impact for the largest number of persons of concern, by ensuring efficiency in decision-making while maintaining high quality RSD that results in fair individual decisions, in accordance with procedural safeguards set in the Procedural Standards for Refugee Status Determination under UNHCR's Mandate (RSD Procedural Standards).<sup>2</sup> Key procedural safeguards include: the right to be heard, in a personal interview or otherwise<sup>3</sup>; the right to information regarding the asylum process; to interpretation enabling the applicant to receive information and take part in the procedure in a language that she or he understands; the right to legal aid and legal representation; and the right to an effective remedy.

This Aide-mémoire & glossary of case processing terms and concepts applicable to RSD under UNHCR's mandate ("the Glossary") is issued as an Annex to the RSD Procedural Standards with the intention of promoting consistent and common understanding and use of RSD-related terminology across UNHCR operations in which RSD is carried out under UNHCR's mandate, and to provide clarification and cautions on their appropriate application in any particular operational context. It is important not only that there is a common practice in reliance on specific case processing related terms to describe case processing modalities currently in use, but also a common understanding of how case processing modalities can be best deployed. A common understanding and awareness of where certain case processing modalities might not be suitable is also of importance. Care should be taken when locally developing criteria and systems for referral to any case processing modality, in order to ensure consistent and appropriate case referral practice.

<sup>&</sup>lt;sup>1</sup> For the purpose of this document, a case-processing modality is defined as any individual procedure that results in a determination of whether or not the individual concerned is a refugee. Case-processing modalities are differentiated on the basis of **how** refugee status is determined, not by **who** does so (as is the case in "joint" or "parallel" or "state" RSD procedures), or **why** (as in "residual" RSD procedures, see also footnote 9).

<sup>&</sup>lt;sup>2</sup> UNHCR, Procedural Standards for Refugee Status Determination Under UNHCR's Mandate, 20 November 2003, <u>http://www.refworld.org/docid/42d66dd84.html</u>. New or updated chapters available at: <u>http://www.refworld.org/rsdproceduralstandards.html</u>.

<sup>&</sup>lt;sup>3</sup> Note a conscious move away from the absolute requirement that the interview be the mechanism by which the applicant is afforded the "right to be heard" as reflected at section 4.3.1 of RSD Procedural Standards ("Applicant's right to an individual RSD interview") towards an acceptance that, in Simplified RSD where – and only where – based on the written application UNHCR's intention is to recognize the claim, the written application can be considered as having afforded the right to be heard. The applicant shall be informed of this intention and offered the opportunity for interview should s/he so desire.

Where operations are using case processing modalities, terms and concepts that are not listed in this Glossary which match, or are substantially similar to, the descriptions in this Glossary, they are encouraged to bring their terminology in line with the terms used herein. Where case processing modalities, terms and concepts are not otherwise defined in this Glossary, they have the meaning set out in the RSD Procedural Standards.<sup>4</sup> Further, where case processing modalities, terms and concepts are covered by other UNHCR guidance materials, the latter remain the primary source of reference. In this respect, UNHCR Guidelines on International Protection remain the primary source of reference for concepts such as temporary protection<sup>5</sup> and prima facie recognition.<sup>6</sup> This document does not refer to the specific modalities put in place by States to process resettlement and/or humanitarian admission on a large scale, in particular in the context of the Syria crisis, such as e.g. Identification Based Methodology (IBM) and Humanitarian Admissions Program (HAP), since these methodologies do not necessarily entail / contain an element of determination of refugee status.

## Scope

While acknowledging that State asylum systems are faced with similar challenges to those faced by UNHCR mandate RSD operations, this Glossary covers UNHCR processing of applications for international protection. This Glossary does not cover State asylum or RSD procedures, or UNHCR *participation in State* procedures, or situations where UNHCR implements a procedure to give effect to a prima facie declaration *on behalf of* a State.<sup>7</sup>

It should also be noted that there are a number of terms which are not included in this Glossary as they do not specifically refer to case processing modalities or related concepts *in the strict sense* (as defined in footnote 1). These include terms such as 'joint', 'parallel' and 'residual RSD'.<sup>8</sup>

<sup>&</sup>lt;sup>4</sup> UNHCR, Procedural Standards for Refugee Status Determination Under UNHCR's Mandate, 20 November 2003, <u>http://www.refworld.org/docid/42d66dd84.html</u>. New or updated chapters available at: <u>http://www.refworld.org/rsdproceduralstandards.html</u>.

<sup>&</sup>lt;sup>5</sup> UNHCR, *Guidelines on Temporary Protection or Stay Arrangements*, February 2014, <u>http://www.refworld.org/docid/52fba2404.html</u>.

<sup>&</sup>lt;sup>6</sup> UNHCR, Guidelines on International Protection No. 11: Prima Facie Recognition of Refugee Status, 24 June 2015, HCR/ GIP/15/11, http://www.refworld.org/docid/555c335a4.html.

<sup>&</sup>lt;sup>7</sup> UNHCR operations advising national asylum or RSD institutions are encouraged, where possible, to adopt the terms used in this Glossary in their advice to such institutions in order to promote a consistent understanding of case processing terms globally.

<sup>&</sup>lt;sup>8</sup> In UNHCR's statistical reports, decisions are reported based on whether they are decisions based on "G" (Government procedure), "U" (UNHCR procedure) or "J" (Joint procedure).

This Glossary contains two categories of terms which are organized according to the frequency of their usage:

- ▶ terms which describe case processing modalities; and
- related concepts (not in themselves case processing modalities in the strict sense, but relevant for the choice of a particular case processing modality).

A third category of terms included are terms which were used in the past (or may still be used at present) but the use of which is discouraged.

This Glossary should be read in conjunction with the RSD Procedural Standards and any revisions thereto.

#### **OVERARCHING CONSIDERATIONS**

- All case processing modalities listed in this Glossary represent an RSD process with a substantive determination of eligibility for refugee status to which the RSD Procedural Standards apply.
- Every RSD process, irrespective of the case processing modality applied, must be implemented with integrity and with a view to maintaining the standards of quality and fairness, as well as efficiency.
- Case processing modalities must be deployed with sufficient flexibility to adapt to changes in caseloads, profiles or operational context, but also with flexibility 'from within', so that individual cases which are deemed not suitable for a particular modality can and will be appropriately identified and channeled to regular RSD (or another more appropriate case processing modality).

# CASE PROCESSING MODALITIES

## i. Regular RSD<sup>9</sup>

**DESCRIPTION:** Regular RSD refers to an RSD procedure where the applicant's claims are comprehensively examined on an individual basis by a trained Eligibility Officer, in accordance with the UNHCR RSD Procedural Standards. In this respect, it is RSD conducted without necessarily any forms of simplification (see <u>Simplified RSD</u>), acceleration (see <u>Accelerated RSD</u>) or without merging of procedural steps (see <u>Merged Registration – RSD</u>, and <u>Merged RSD – Resettlement</u>) and using the RSD Assessment Form annexed to the UNHCR RSD Procedural Standards.

**USED FOR:** A strategic approach to case processing requires UNHCR operations to consider implementing case processing modalities which are adapted to the needs of the operation and which maintain both efficiency and quality of RSD. Regular RSD is the reference point for assessing which case processing modality to deploy. Given the resources needed to conduct Regular RSD, the appropriateness of using any differentiated case processing modality is an important assessment for each operation to make.

Even if other case processing modalities are in use, Regular RSD should be used in all sensitive cases or cases that raise complex eligibility considerations, credibility issues or exclusion concerns; or for whom resettlement States require Regular RSD as a precursor to resettlement. For the large part, Regular RSD is used for individuals whose eligibility for refugee status cannot adequately be determined in simplified, accelerated or merged procedures.

Cases can be processed in Regular RSD procedures from the outset or can flow from other case processing modalities if it is determined in the individual case that the issues raised by the case cannot be accurately determined under the case processing modality applied.

**CAUTIONS:** UNHCR offices should carry out an assessment of their current caseload and identify which case processing modalities would be best suited to achieving both case processing efficiency and high quality and fair decision making. Regional RSD Officers should be involved in such assessments, and the RSD Section can be consulted. All Eligibility Officers should be trained to carry out Regular RSD as it is the form of RSD from which other case processing methodologies derive.

AUTHORITY: Regular RSD does not require any form of clearance prior to implementation.

<sup>&</sup>lt;sup>9</sup> The term "Regular RSD" is preferred to "Classic" or "Full" RSD.

#### ii. Accelerated RSD

**DESCRIPTION:** Accelerated RSD refers to an RSD procedure which involves a substantive and individualized examination/assessment of the refugee status claim, but with an acceleration applied to all or some timelines in the RSD process. This may mean that the timeline before an applicant is interviewed for RSD after registration is shortened, or that the time period between interview and issuance of decision is shortened (or a combination of the above). The acceleration could also occur at the appeal stage through a shortening of timelines for submitting an appeal application or processing an appeal.

Accelerated RSD procedures can be combined with <u>Simplified RSD</u> procedures. However, Accelerated RSD does not, on its own, imply a simplification of any aspect of the substantive determination or the RSD procedure, nor a reduction of procedural fairness guarantees. Accelerated RSD does not, in itself, involve the merging of RSD with other possible individual case processing steps (whether registration, or resettlement processing). Accelerated RSD is not the same as <u>Prioritization</u> although cases which have been prioritized can be subjected to an acceleration of case processing timelines.

**USED FOR:** Accelerated RSD procedures are used in three main situations:

- 1. For individuals with specific needs or manifestly in need of a protection intervention (e.g. applicants with identified heightened physical/legal protection needs, including person who may be subject to a risk of immediate *refoulement* or arbitrary arrest or detention in the host country);<sup>10</sup>
- 2. Where there are indications of a claim being <u>Manifestly Well-founded</u> (often in conjunction with <u>Simplified RSD</u>) and/or a <u>Presumption of Inclusion</u> applies; or,
- 3. Where there are indications of a claim being <u>Manifestly Unfounded</u> (possibly in conjunction with <u>Simplified RSD</u>).

For cases that are manifestly in need of a protection intervention or for which there are indications that they are <u>Manifestly Well-founded</u>, using Accelerated RSD procedures (especially in conjunction with <u>Simplified RSD</u> procedures) can lead to faster recognition of refugee status and faster access to associated rights / protection benefits. Equally there may be instances where the timelines for processing of cases are accelerated or shortened for other reasons, such as where recognition of refugee status is required to secure release from detention or to prevent *refoulement*. In instances where it becomes apparent during the process of determination of a claim that it presents complex factual or legal issues, including exclusion concerns, which cannot be dealt with in a shortened timeframe, the file may be referred to <u>Regular RSD</u> procedures. Where used appropriately, Accelerated RSD can be used for claims which present indications of being <u>Manifestly Unfounded</u> and in this respect can contribute to the perceived credibility and integrity of procedures and assist in the management of current and future applicants' expectations.<sup>11</sup>

<sup>&</sup>lt;sup>10</sup> See Unit 4.6.3, UNHCR, Procedural Standards for Refugee Status Determination Under UNHCR's Mandate, 20 November 2003, <u>http://www.refworld.org/docid/42d66dd84.html</u>. New or updated chapters available at: <u>http://www.refworld.org/rsdproceduralstandards.html</u>.

<sup>&</sup>lt;sup>11</sup> Unit 4.6.4 of UNHCR's Procedural Standards do not at present allow for referral of claims that appear to be manifestly unfounded to Accelerated RSD. This Glossary supersedes the provisions of UNHCR's Procedural Standards until such time as Unit 4 is updated.

**CAUTIONS:** As with all modalities, care should be taken when developing criteria and systems for referral to Accelerated RSD procedures to ensure consistent and appropriate case referral practice. This caution arises particularly in operations experiencing processing delays, where applicants for international protection may resort to misrepresentations and/or fraud or applicants may deliberately place themselves at risk in order to meet specific needs-based criteria (which they would not otherwise meet) in an effort to ensure that their claim is dealt with in a more expeditious manner. Particular caution should be exercised where applications likely to be <u>Manifestly Unfounded</u> are processed through Accelerated RSD and <u>Simplified RSD</u> to ensure that the key procedural safeguards in accordance with the RSD Procedural Standards remain in place.

Timeframes should not be shortened beyond what is reasonable so as not to undermine the fairness of the process and applicants and their legal representatives should be informed of the applicable timeframes in a timely and clear manner.

**AUTHORITY:** Accelerated RSD does not require any form of clearance prior to implementation. Forms or templates used to facilitate Accelerated RSD should be shared with the designated focal point for RSD in the Regional Bureau and relevant entities in the Division of International protection (DIP), including RSD and/or PNSS, as appropriate, along with the relevant Standard Operating Procedures (SOPs).

#### iii. Simplified RSD<sup>12</sup>

**DESCRIPTION:** Simplified RSD refers to a RSD procedure where either the interviewing or assessment writing or both are simplified in comparison to <u>Regular RSD</u>. The ways in which simplification is implemented can include *inter alia*, the development of RSD Assessment Forms with pre-populated legal analysis and/or pre-populated country of origin information (COI), or through interviews focusing only on core issues of the claim, such as area of origin, ethnicity or religion. Noting these examples of ways in which <u>Regular RSD</u> can be simplified, Simplified RSD is essentially a process whereby one or more aspects of <u>Regular RSD</u> are simplified with a view to obtaining efficiency gains in terms of case processing times. Simplified RSD remains a fully individual RSD procedure, which includes an individual examination of the merits of the claim and affords applicants all the procedural safeguards in accordance with the RSD Procedural Safeguards. (As reflected in the introduction to this glossary, where – and only where – based on the written application UNHCR's intention is to recognize the claim, the written application may be considered as having afforded the procedural standard of the applicant's 'right to be heard' and the interview may be foregone. The applicant shall be informed of this intention and offered the opportunity for interview should s/he so desire.)

<sup>&</sup>lt;sup>12</sup> The term "Simplified RSD" is preferred to "Focused" RSD.

**USED FOR:** Simplified RSD can be used to increase the efficiency of RSD processing and is most commonly used for caseloads / profiles:

- to whom a Prima Facie approach applies;
- with high recognition rates (such as caseloads/profiles where a <u>Presumption of Inclusion</u> can be applied) and a high prevalence of similar claims, which allows for focused interviewing and/or the use of templates with pre-populated legal analysis and/or COI;
- with very low recognition rates and a high degree of similarity in claims, which allows for focused interviewing and/or the use of templates with pre-populated legal analysis and/or COI.

**CAUTION:** The adoption of Simplified RSD procedures is premised on a high degree of familiarity with a particular caseload/profile and therefore can only be implemented where an operation has experienced decision-makers with knowledge of the specific caseload, and where adequate oversight mechanisms are in place. Furthermore, Simplified RSD procedures should not be used for caseloads which do not have a high degree of homogeneity. Prior to implementing Simplified RSD procedures, operations will be required to develop focused interview guidance for the caseload or profile concerned, and/or caseload/ profile-specific templates for assessing claims, in accordance with UNHCR issued country-related guidance, where applicable, which require regular updating. Review mechanisms in Simplified RSD procedures should be in accordance with the RSD Procedural Standards, in particular to ensure that the quality and fairness of decision-making is not affected by the adoption of Simplified RSD procedures. Applicants whose claims raise credibility concerns and/or Exclusion Triggers, or are otherwise considered to be complex (or whose claims raise elements that make it clear that the claim does not fit within the homogeneous caseload to whom the Simplified Procedures apply), should be referred to Regular RSD.

**AUTHORITY:** A decision to implement Simplified RSD procedures for a new caseload or profiles requires, in the first instance, a consultation with the designated focal point for RSD in the Regional Bureau(s). Forms or templates used to facilitate Simplified RSD should be shared with the designated focal point for RSD in the Regional Bureau and with DIP (RSD and/or PNSS) along with relevant SOPs.

### iv. Merged Registration – RSD<sup>13</sup>

Description: Merged Registration – RSD refers to an RSD procedure that aims to capture in one interview (1) bio data and other information normally collected during a registration interview (including e.g. basic information relating to the applicant's reasons for leaving his/her country), as well as (2) information relating to the eligibility of the applicant for international protection that goes beyond the usual dataset collected at registration, with the aim of recognition of refugee status. This one interview<sup>14</sup> is conducted at, what would usually be, the registration stage.<sup>15</sup> The registration and RSD steps of the process are effectively merged, since the (slightly expanded) registration interview serves as the basis for an RSD decision. Merged Registration – RSD procedures usually seek to record **additional information detail beyond the usual dataset collected at registration**, on (i) eligibility issues, e.g. regarding place of origin or nationality, reasons for flight, elements relevant to possible exclusion considerations (e.g. military service, rank, affiliation with particular political parties or groups, position within government, any indications of past criminal conduct etc.), and/or (ii) regarding vulnerabilities or specific needs.<sup>16</sup>

**USED FOR:** Merged Registration-RSD processing is generally used for:

- caseloads for which a Prima Facie approach is applied; the Merged Registration RSD procedures serve to confirm that the individual falls within the scope of the Prima Facie approach.
- caseloads for whom a <u>Presumption of Inclusion</u> applies but where based on eligibility considerations, it is feasible and/or advisable to conduct a form of verification of the information provided that is more stringent than the usual level of verification taking place at the registration stage, particularly with respect to place of origin, ethnicity, religion or other elements that are relevant to the <u>Presumption</u> of Inclusion, and/or elements that may amount to <u>Exclusion Triggers</u>.

Information gathered and recorded during merged Registration – RSD procedures, including in particular the merged interview, is generally used to recognize persons as refugees in an individual process, even if this individual process is implemented in the context of a group designation in the context of a prima facie declaration. The individual element is comparatively light in comparison to other case-processing modalities. Information is also used to identify cases presenting credibility problems and/or potential exclusion concerns with a view to referring them to <u>Regular RSD</u> for more in-depth examination. Depending on the context, the operation may "flag" such cases in proGres for possible future review or <u>Deprioritization</u>. Merged Registration – RSD can also be used to facilitate referral to other forms of protection interventions, when the need for such action arises during the merged Registration – RSD interview.

<sup>&</sup>lt;sup>13</sup> This term is to be distinguished from the term "**Individual Enhanced Registration**" which will be defined by IMRS in the upcoming revision of the Registration Handbook and/or in related documents, as follows: "Collection of data in addition to individual registration data elements for the purposes of facilitating specific protection case management and/or programming interventions that does not result in an individualized recognition of refugee status." Individual enhanced registration may include additional questions relevant for RSD processing, durable solutions or protection intervention; or additional questions to determine eligibility for targeted assistance or programming.

<sup>&</sup>lt;sup>14</sup> In exceptional circumstances, a short complementary interview may be required.

<sup>&</sup>lt;sup>15</sup> Merged Registration – RSD was formerly referred to as "Enhanced Registration". This term is no longer in use. The purpose of what is now referred to as "Individual Enhanced Registration" is broader than Merged Registration– RSD in that it does not involve an RSD decision.

<sup>&</sup>lt;sup>16</sup> Although the above mentioned are the most common categories, in principle, additional information can be gathered for any protection or programme related purpose (not limited to RSD).

**CAUTIONS:** In comparison with <u>regular RSD</u>, merged Registration – RSD procedures reduce the number of personal interviews with an applicant and, therefore, the time spent processing the applicant's claim. This, in turn, may reduce the ability of UNHCR to detect and examine credibility issues or exclusion concerns or fraud, and/or cover all aspects of an applicant's claim.

Merged Registration – RSD procedures should not be used unless there is a high <u>Presumption of Inclusion</u>. Furthermore, merged Registration – RSD procedures should be nationality/caseload/profile specific.

Caseworkers conducting interviews and drafting recommendations in individual cases should have appropriate experience in RSD because Merged Registration – RSD procedures can lead to recognition of refugee status. When considering if a registration personnel can conduct merged Registration – RSD interviews, full consideration should be given to the person's knowledge of and experience with the caseload concerned, training in RSD and interviewing skills. Registration staff must have received at least basic training on RSD and interview skills. Operations should put in place strong oversight, including spotchecks and shadowing of interviews. Decisions following a merged Registration – RSD interview should be reviewed/co-signed by RSD personnel (or in the absence of RSD personnel, as may be the case in prima facie contexts, by senior Registration personnel who preferably have been trained in RSD). Decisions to reject an application should not be taken in a Merged Registration – RSD procedure; cases where rejection would appear appropriate (or where exclusion triggers have been identified) should generally be referred to other appropriate case-processing modalities (such as Simplified RSD, or Regular RSD).

**AUTHORITY:** A decision to implement Merged Registration – RSD procedures for a new caseload or profile (outside the context of implementing a prima facie declaration by a State on behalf of a State, a scenario not covered by this Glossary) requires, in the first instance, consultation with the designated RSD and registration focal point(s) in the Regional Bureau. Prior to implementation of Merged Registration – RSD procedures, consultation with relevant HQ entities in DIP (RSD Section and PNSS as appropriate) and the IMRS<sup>17</sup> is required. A final decision on the introduction of Merged Registration – RSD procedures can only be taken after a thorough analysis of the key considerations (as set out above under 'Cautions'), ensuring adequate resource allocation. SOPs for Merged Registration – RSD procedures must be reviewed by designated focal point(s) in the Regional Bureau(s) and shared with DIP (RSD and/or PNSS).

<sup>&</sup>lt;sup>17</sup> According to the Data Transformation Strategy (2020-2025), a new Data Transformation Service will be created. The new official name of the service and the structure of the service, including the new title of IMRS, is yet to be determined and will be officially launched in the course of 2020.

#### v. Merged RSD – Resettlement

**DESCRIPTION:** Merged RSD – Resettlement procedures<sup>18</sup> are a case processing modality in which the RSD and resettlement process are merged, most commonly by only conducting one, combined, RSD and resettlement interview resulting only in a completed Resettlement Registration Form (RRF) instead of both an RSD Assessment Form and an RRF. Merged RSD – Resettlement procedures eliminate the need for a separate write-up of the RSD assessment, but still involve a formal recognition of refugee status by UNHCR for cases referred for resettlement by UNHCR.<sup>19</sup> For this reason, it is important to ensure that, before engaging in Merged RSD – Resettlement procedures, appropriate safeguards are put in place, through SOPs specifically designed for Merged RSD – Resettlement procedures, and by ensuring that all procedural safeguards including, amongst others, in relation to review of the RRF, are fully adhered to in practice.

**USED FOR:** The implementation of Merged RSD – Resettlement procedures is premised on:

- The existence of a large caseload that has a high <u>Presumption of Inclusion</u>, and a resettlement quota agreed with Resettlement States specifically for that caseload;
- The resettlement States' endorsement of the decision to submit cases for resettlement on the basis of RRFs prepared through Merged RSD – Resettlement procedures;
- The existence of identification and/or screening mechanisms to identify within the larger caseload the cases which are [i] most in need of and meeting all criteria for resettlement, and [ii] suitable (by not containing indications of e.g. complications or exclusion triggers) for processing in Merged RSD – Resettlement processing.
- The existence of referral mechanisms to facilitate referral to <u>Regular RSD</u>, or <u>Deprioritization</u> where applicable, of cases that are identified for this form of processing but subsequently found not to be suitable for such processing for reasons relating to credibility concerns, complexity, unresolved family unity issues, potential <u>Exclusion Triggers</u> or other reasons.
- The existence of appropriate review, oversight and clearance procedures for each individual case, given that merged RSD – Resettlement processing does involve the recognition of refugee status by UNHCR.
- ▶ SOPs which are specifically designed or adjusted for the operational context; and
- Appropriate staffing profiles and staffing levels, training and competencies to ensure that all safeguards as contained in the SOPs will be fully implemented.

Merged RSD – Resettlement being primarily aimed at resettlement, where it becomes apparent that the case is not suitable for resettlement, it should be referred to <u>Regular RSD</u> or <u>Deprioritised</u>. Merged RSD – Resettlement need not be the only case processing modality in use in a particular operation. It can be implemented in parallel to other forms of case processing including <u>Accelerated RSD</u> and <u>Simplified RSD</u>, but these modalities should remain distinct.

<sup>&</sup>lt;sup>18</sup> Formerly referred to in some contexts as Collapsed RSD and Resettlement. Collapsed RSD – Resettlement has no defined meaning and therefore the use of the term is discouraged.

<sup>&</sup>lt;sup>19</sup> Other simplified resettlement processes which do not require a formal determination of refugee status by UNHCR before a resettlement referral is made, do not fall within the definition of merged RSD – Resettlement procedures (precisely because they do not entail a determination of refugee status).

In rare instances, for reasons relating to UNHCR's lack of geographical proximity to persons of concern or other reasons severely limiting UNHCR's access to individuals for whom resettlement is deemed the most appropriate durable solution, Merged RSD – Resettlement can be used for smaller caseloads or individual cases. The latter category would include for example, persons in detention to whom UNHCR has limited access.

**CAUTIONS:** Taking into account these prerequisites it is clear that Merged RSD – Resettlement processing will remain an exception, rather than the norm.

In comparison with <u>Regular RSD</u>, Merged RSD – Resettlement procedures reduce the number of personal interviews with an applicant and, therefore, the time spent on processing the applicant's claim. This, in turn, may reduce the ability of UNHCR to detect and adequately examine credibility and/or possible exclusion concerns. It would also reduce the possibility for UNHCR to cover all aspects of an applicant's claim, including UNHCR's ability to present strongly supported credibility findings and mitigate fraud risks. Against this background, appropriate recording of interviews (preferably verbatim transcript and high quality audio-recording; one of both recording methods as a minimum) in the Merged RSD – Resettlement procedure should be ensured.

Merged RSD – Resettlement procedures should not be used in the absence of a high <u>Presumption of</u> <u>Inclusion</u> and the availability of resettlement places dedicated to that particular caseload.<sup>20</sup> Furthermore, Merged RSD – Resettlement procedures should be nationality/caseload specific and should thus not be used to submit cases representing a mix of different nationalities and profiles for resettlement.

Even when the conditions for introducing Merged RSD – Resettlement procedures are met and when the use of such procedures has been approved for a specific nationality/caseload (see Authority below), Merged RSD – Resettlement procedures should not be used for determining complex claims for international protection, sensitive cases, claims with credibility issues or exclusion concerns. Cases in merged processing streams that are found not to be suitable for merged processing for any of these (or other) reasons should either be Deprioritized in accordance with pre-agreed criteria (as is done in the context of the merged processing for Syrians and Iraqis in the MENA region, for example), or referred for processing through Regular RSD.

**AUTHORITY:** Given that Merged RSD – Resettlement procedures involve merging the RSD and Resettlement interview, it should not be introduced without prior consultation in the first instance with the designated focal point for RSD and resettlement in the Regional Bureau(s) and the functional sections in DIP, including the Resettlement and Complementary Pathways Service. A *final* decision on the introduction of Merged RSD – Resettlement procedures can only be taken after a thorough analysis of the key considerations (as set out above in the 'Used For' and 'Cautions' Sections), including the need to ensure adequate resource allocation. The introduction of Merged RSD – Resettlement and relevant DIP entities (RSD Section, Resettlement and Complementary Pathways Service, PNSS). SOPs for Merged RSD – Resettlement must be reviewed by the designated focal point(s) for RSD and Resettlement in the Regional Bureau(s).

<sup>&</sup>lt;sup>20</sup> Save for in the rare instances where Merged RSD – Resettlement of individual cases would be appropriate.

# RELATED CONCEPTS

This section of the Glossary groups together terms which *inform* case processing modalities and how they are applied, but are not case processing modalities per se.

In order for differentiated case processing modalities to function effectively, cases will need to be identified and, in some instances, prioritized for case processing. Criteria for Identification and Prioritization of cases must be elaborated with the specific context and caseloads in mind. Further, cases can be identified with a view to processing them with a particular modality or, equally with a view to *not* processing them or deprioritizing them.

## i. Identification

#### **RSD-driven Admissibility Assessment**

**DESCRIPTION:** RSD-driven Admissibility Assessments are carried out in some operations to determine whether UNHCR should register an individual who has approached UNHCR as an asylum-seeker for the purposes of conducting RSD. The term "RSD-driven Admissibility Assessment" does not cover decisions on whether or not to register an individual for reasons unrelated to RSD, for example for other forms of protection and assistance. Such assessments are to be distinguished from <u>Case ID for RSD</u> in that RSD-driven Admissibility Assessments concern individuals who are not yet registered with UNHCR. By carrying out an RSD-driven admissibility assessment, UNHCR is assessing whether such individuals should be registered and admitted to UNHCR RSD procedures.

**USED FOR:** Unlike in State RSD procedures,<sup>21</sup> UNHCR does not generally have admissibility procedures to determine whether or not to allow an individual into the RSD procedure. However, there are situations in which UNHCR may carry out an RSD-driven Admissibility Assessment resulting in a decision about whether or not a person will be registered as an asylum-seeker by UNHCR for the purposes of RSD. Such situations include, for example:

Where there is a functioning national asylum system including State registration procedures and the asylum procedures are (generally) fair and efficient, but the national asylum system is not accessible or does not lead to fair outcomes for certain categories of asylum-seekers. In such cases, the RSD-driven Admissibility Assessment would seek to confirm if there are reasons to assess eligibility for

<sup>&</sup>lt;sup>21</sup> Formal admissibility procedures are most often conducted in Government procedures to determine which State has the responsibility to determine the applicant's claim for international protection. Such procedures are adopted in situations where States have procedures dealing with onward movement, for example.

refugee status under UNHCR's mandate (in so-called "parallel" or "residual" RSD under UNHCR's mandate, see footnote 1 and 9);

- Where there is a strong indication that the person does not fulfil the "being outside his/her country of nationality" criteria of the refugee definition (i.e. is a national of the host State) (and this information was not available at the registration stage as it would have affected eligibility for registration with UNHCR);
- Where there are reasons to believe that the individual may be a combatant/fighter actively engaged in [or not having permanently renounced engagement in] military activities or hostilities (and this information was not available at the registration stage as it would have affected eligibility for registration with UNHCR, or there were reasons not to address this issue in full at the registration stage).

**CAUTIONS:** RSD-driven Admissibility Assessments should only be applied on a case-by-case basis as they may result in the individual not having access to mandate RSD procedures and, thus, may have grave consequences for the life and security of that individual. Criteria used to determine admissibility should be set out clearly in relevant SOPs (covering registration, but also SOPs for RSD) and should allow for admissibility if changes in the individual's circumstances or in the individual's country of origin so warrant. RSD-driven Admissibility Assessments should never be used to deny access to RSD for individuals whose claims for international protection appear to be Manifestly Unfounded. In instances where it is determined that certain individuals will not be registered as asylum-seekers, the individual's bio data should nonetheless be recorded as well as the reasons for non-admission to UNHCR's procedures; it may be appropriate to register them in the office's proGres database in accordance with [the Registration Handbook<sup>22</sup>] as "other of concern" or "not of concern". Individuals should be referred to partners or Government services, as appropriate.

**AUTHORITY:** UNHCR operations should not carry out RSD-driven Admissibility Assessments without consulting, in the first instance, with the designated RSD and registration focal point(s) in the Regional Bureau, in particular on the criteria used for such assessments. SOPs that include RSD-driven Admissibility Assessments must be reviewed by the focal point for RSD in the regional Bureau(s) in consultation with DIP, RSD Section (in relation to access to RSD), PNSS, and IMRS (in relation to registration).

#### Case ID for RSD / Case Identification for RSD

**DESCRIPTION:** Case ID for RSD is a new term, adapted from a term currently in use in the MENA region and in that context used to triage cases for Merged RSD – Resettlement. The terms 'Case ID' and 'Case Identification' were originally developed in UNHCR operations that conduct RSD for portions of the asylum-seeker caseload only, for example for persons with certain profiles, or who have pre-defined specific protection needs, or who are likely to meet resettlement criteria. It refers to the process of identifying which cases should be processed (or prioritized). The term Case ID for RSD covers RSD specifically and does not cover Case ID for other protection interventions.

<sup>&</sup>lt;sup>22</sup> The Registration Handbook is presently being updated and will include guidance on registering persons as "other of concern" or "not of concern".

**USED FOR:** Identification of cases for the purposes of referral to RSD in general or to a particular RSD case processing modality. It is essentially a form of triage for RSD case processing. Some other individual operations outside MENA have similar (often highly context-specific) mechanisms in place.

**CAUTIONS:** Case ID for RSD must be done in a fair and transparent manner according to pre-defined, protection-based criteria. Both the selection as well as the decision not to select (or <u>Deprioritize</u>) for RSD (and other individual case-processing steps) may have major consequences for individuals concerned. It is an area vulnerable to fraud as individuals may attempt to influence the process so that they meet any criteria developed by an operation to triage cases for RSD. As such, it must have effective oversight including when partner organizations play a role in case identification. SOPs containing clear and verifiable criteria as well as appropriate checks and balances must be devised and implemented. Effective complaints mechanisms must be in place. Ideally, operations should use multiple different methodologies for case identification in parallel, so as to ensure there are different pathways for individual case consideration. Operations seeking to put in a place a Case ID for RSD / Case Identification for RSD process should ensure close coordination at the operations level and should have a communications and outreach strategy in place to ensure that consequences of selection and non-selection are fully understood by persons of concern.

**AUTHORITY:** As implementing Case ID for RSD / Case Identification for RSD is most often a precursor to the adoption of other case processing modalities, it is subject to the clearance requirements of the particular case processing modality as set out in this Glossary.

## ii. Prioritization [for RSD]

The concept of Prioritization must be distinguished from acceleration or <u>Accelerated RSD</u> as prioritization does not affect processing timelines per se, but involves giving preference to the processing of certain types of cases over others, for example based on specific needs or persons manifestly in need of a protection intervention (e.g. applicants with identified heightened physical/legal protection needs, including person who may be subject to a risk of immediate *refoulement* or arbitrary arrest or detention in the host country).<sup>23</sup> However, as indicated in this Glossary in relation to <u>Accelerated RSD</u>, cases that have been prioritized can also be processed in accelerated manner.

<sup>&</sup>lt;sup>23</sup> See also Unit 4.6.3, UNHCR, Procedural Standards for Refugee Status Determination Under UNHCR's Mandate, 20 November 2003, <u>http://www.refworld.org/docid/42d66dd84.html</u>. New or updated chapters available at: <u>http://www.refworld.org/rsdproceduralstandards.html</u>.

## iii. Deprioritization [for RSD]

**DESCRIPTION:** Although this term has come into use in relation to some caseloads that are being processed for RSD and resettlement using a <u>Merged RSD – Resettlement</u> procedure,<sup>24</sup> it is a concept that is relevant to inform an operation's case processing strategy whether resettlement is the desired outcome or not. Deprioritization of cases is not limited to <u>Merged RSD – Resettlement</u> and can occur in <u>Merged Registration – RSD</u> procedures as well as other procedures.

Deprioritizing a case means the case will not be processed until such time as the protection situation changes or the Deprioritization criteria change. In this respect, Deprioritization should not be seen as a pronouncement on or a determination of eligibility for refugee status. Deprioritization does not as such affect other protection interventions nor does it pre-empt the outcome of any decision-making process, which may or may not take place at a later stage. The consequences of Deprioritization can be that the case is no longer in line for a specific processing outcome or that the case is put on hold until such time as the situation changes or the Deprioritization criteria change.

**USED FOR:** Within an operational context as described above, cases which are, on the basis of predefined approved criteria, considered unsuitable for resettlement, or which would require in-depth examination and assessment in a Regular RSD procedure, can be Deprioritized.

**CAUTIONS:** It is important to note that a decision to deprioritize a particular case or an entire caseload must be taken with a particular protection objective in mind and based on a clear analysis of the consequences of Deprioritization for those persons whose cases are deprioritized. Deprioritizing of cases that would otherwise be processed should only occur in the circumstances agreed for the particular context. SOPs which have been cleared by the Regional Bureau, PNSS and the RSD Section should always be in place and set out the criteria and procedures by which Deprioritization will occur.

If a case that would otherwise be deprioritized gives rise to urgent or particularly acute protection concerns that can only/best be addressed by resettlement or that requires Regular RSD, it may nevertheless be necessary to process the case. The SOPs should set out clear procedures for the review and clearance of such cases. In such situations, the case should not be processed in a <u>Merged RSD</u> – <u>Resettlement procedure, but rather in Regular RSD</u>.

**AUTHORITY:** Criteria for Deprioritization should be developed (and updated) in consultation with designated focal point(s) for RSD and Resettlement in the Regional Bureau(s) and require prior approval by the DIP RSD Section, PNSS and, where Deprioritization is carried out with a desired resettlement outcome, the Resettlement and Complementary Pathways Service.

<sup>&</sup>lt;sup>24</sup> This has meant in practice, cases that will be difficult or unsuitable or are unwilling to resettle, and/or require significant additional processing, for reasons relating to credibility concerns, complexity, unresolved family unity issues, or potential Exclusion Triggers are deprioritized for processing according to pre-defined criteria.

## iv. Exclusion Trigger

**DESCRIPTION:** An Exclusion Trigger refers to elements in a person's profile, (past) activities, role and responsibilities etc. that give rise to concerns that he or she may fall within the application of the exclusions clauses in Article 1F(a), (b) or (c) of the 1951 Convention. The issue(s) giving rise to such concerns can be case or profile specific and may arise at any point during the examination of a claim.

**USED FOR:** The concept of Exclusion Trigger can be used in any case processing modality as a means of indicating that the case presents exclusion concerns that warrant further examination. Depending on the context, including the protection situation of the individual, cases which raise an Exclusion Trigger should either be referred to Regular RSD, or be Deprioritized.

**CAUTIONS:** The presence of an Exclusion Trigger does not, in itself, indicate whether or not the individual falls within the scope of an Article 1F exclusion clause and should, thus, be excluded. In other words, it does not foreshadow a particular outcome of a refugee status application in a case. Rather, an Exclusion Trigger is an indication that a particular issue related to the possible application of Article 1F of the 1951 Convention must be looked at with more scrutiny during further RSD processing in a <u>Regular</u> <u>RSD</u> procedure. Depending on the context, it may mean that the case should be <u>Deprioritized</u> and/or flagged in proGres for future review.

**AUTHORITY:** Where processing modalities involve reliance on Exclusion Trigger lists, these should be developed in consultation with the designated focal point(s) for RSD and Resettlement in the Regional Bureau(s). Prior to reliance on any such lists, approval of the DIP RSD Section, PNSS and the Resettlement and Complementary Pathways Service is required.

# v. Concepts implying a degree of foreshadowing of case outcomes

#### Manifestly Unfounded<sup>25</sup>

**DESCRIPTION:** The term 'Manifestly Unfounded' is defined in existing UNHCR guidance as covering applications for refugee status "clearly not related to the criteria for refugee status" or which are "clearly fraudulent or abusive".<sup>26</sup> It should be noted that only if the applicant makes what appear to be false allegations of a material or substantive nature relevant for the determination of his or her status and the claim clearly does not contain other elements which warrant further examination, could the claim be considered "clearly fraudulent". The mere fact of having made false statements to UNHCR does not, however, mean that the criteria for refugee status may not be met, nor would it obviate the need for asylum. False statements do not in themselves make the claim "clearly fraudulent".

A claim that is deemed likely to be Manifestly Unfounded should be distinguished from asylum claims that are likely to be unsuccessful but that are genuinely made. Claims submitted by applicants from a particular country or profile may have, in the past or at present, very low recognition rates. This does not, however necessarily imply that such claims are 'clearly' not related to the criteria for refugee status or that applicants from that country or profile are not acting in good faith.

The concept of Manifestly Unfounded does not refer to a procedure but rather to a concept which informs the routing of claims based on certain well defined criteria, into <u>Accelerated RSD</u> or <u>Simplified</u> <u>RSD</u> procedures.

**USED FOR:** The concept of Manifestly Unfounded can be a useful tool for case management in that on the basis of indications a case presents that it is likely to be Manifestly Unfounded it can be allocated to the appropriate case processing modality in order to improve efficiency. In practice, if properly applied, the concept of Manifestly Unfounded serves to operate a presumption that a claim is likely to be Manifestly Unfounded if it presents certain characteristics. Subject to the cautions below, and with clear criteria for referral from registration, <u>Simplified RSD</u> and/or <u>Accelerated RSD</u> can be applied to claims that are deemed to be Manifestly Unfounded in order to gain efficiencies in case processing and preserve the integrity of UNHCR's procedures.<sup>27</sup> It is however recommended that such claims not be channelled through <u>Merged Registration – RSD</u>, as the reduced time for interview may compromise the decision maker's ability to cover all aspects of the claim.

<sup>&</sup>lt;sup>25</sup> UNHCR Executive Committee, The Problem of Manifestly Unfounded or Abusive Applications for Refugee Status or Asylum, 20 October 1983, No. 30 (XXXIV) – 1983, <u>http://www.refworld.org/docid/3ae68c6118.html</u>; and UN High Commissioner for Refugees (UNHCR), Follow-up on Earlier Conclusions of the Sub-Committee of the Whole on International Protection on the Determination of Refugee Status, Inter Alia, with Reference to the Role of UNHCR in National Refugee Status Determination Procedures No. 28 (XXXIII) – 1982, 20 October 1982, No. 28 (XXXIII) – 1982, <u>http://www.refworld.org/docid/3ae68c439c.html</u>.

<sup>&</sup>lt;sup>26</sup> UNHCR, UNHCR's Position on Manifestly Unfounded Applications for Asylum, 1 December 1992, 3 European Series 2, p. 397, <u>http://www.refworld.org/docid/3ae6b31d83.html</u>.

<sup>&</sup>lt;sup>27</sup> Supra footnote 14.

Cases which are considered likely to be Manifestly Unfounded and which, upon further examination during case processing, present indications of being well-founded, can remain in an <u>Accelerated RSD</u> procedure, if the criteria for applying an <u>Accelerated RSD</u> Procedure are otherwise met. Equally, a claim that presents complexities such that <u>Accelerated RSD</u> is not deemed appropriate, the case should be referred to <u>Regular RSD</u>.

**CAUTIONS:** If the criteria designed to inform the routing of cases presenting indications of being Manifestly Unfounded into <u>Accelerated RSD</u> and/or <u>Simplified RSD</u> are not carefully designed, there is a risk of incorrectly foreshadowing the outcome of an assessment of the claim for international protection.

The concept of Manifestly Unfounded should not be equated with claims that simply have low recognition rates nor should claims presenting such indications be processed with any lesser degree of procedural safeguards.

**AUTHORITY:** Applying the Manifestly Unfounded concept to a caseload or profile requires, in the first instance, consultation with Regional RSD Officer. Prior to reliance on the concept of Manifestly Unfounded to justify the processing of such caseloads through Accelerated RSD and/or Simplified RSD, consultation with the designated focal point for RSD in the Regional Bureau(s) and other relevant DIP entities (RSD Section and/or PNSS) is required. Manifestly Unfounded being a concept that *informs* the choice of case processing modalities, there are no specific forms or templates applicable.

#### Manifestly Well-founded

**DESCRIPTION:** Manifestly Well-Founded refers to an asylum claim, which, on its face, clearly indicates that the individual meets the definition of a refugee under the 1951 Convention or under UNHCR's broader refugee criteria. This may be because the individual falls into the category of people for which a <u>Presumption of Inclusion</u> applies, for which a <u>Prima Facie approach</u> applies, or because of particular facts arising in the individual's application for international protection.

**USED FOR:** Depending on the situation, <u>Simplified RSD</u> and/or <u>Accelerated RSD</u>, group based processing, <u>Merged RSD – Resettlement</u> or <u>Merged Registration – RSD</u> procedures can be used to quickly process these claims.

**AUTHORITY:** A decision to process a claim that is deemed likely to be Manifestly Well-founded through Simplified and/or Accelerated RSD or through Merged Registration – RSD or Merged RSD – Resettlement procedures should be in accordance with the authorities set out for those case processing modalities. As a general rule, case processing for Manifestly Well-Founded Applications should not proceed without a review of the relevant SOPs by the designated focal point for RSD in the Regional Bureau.

#### **Presumption of Inclusion**

**DESCRIPTION:** A Presumption of Inclusion (sometimes referred to as presumption of eligibility) may be said to exist where the objective evidence on the situation in the country of origin indicates that applicants with a particular profile will likely meet the eligibility criteria in Article 1A(2) of the 1951 Convention or the UNHCR broader refugee criteria. It means that if it is established that a person belongs to a specified group or falls within a specified profile, s/he will benefit from a rebuttable presumption that they are a refugee. Asylum claims for which there are indications that they are <u>Manifestly Well Founded</u> would benefit from a Presumption of Inclusion.

**USED FOR:** A Presumption of Inclusion is used for caseloads for which there is objective evidence that suggests that applicants with a particular profile will likely be in need of international protection. A Presumption of Inclusion will generally exist if up-to-date UNHCR Eligibility Guidelines or UNHCR Protection Considerations state that persons with a specific profile "are *likely* to be in need of international protection", but may also be applied in relation to caseloads for which UNHCR has not published country-specific guidance. A Presumption of Inclusion may be applied within individualized RSD procedures as well as within the context of a Prima Facie approach.

An individualized case processing approach premised on a Presumption of Inclusion for a particular caseload can take the form of <u>Simplified RSD</u> which may also be <u>Accelerated</u> or <u>Merged Registration</u> – <u>RSD</u> procedures or <u>Merged RSD</u> – <u>Resettlement</u>.

**CAUTIONS:** A Presumption of Inclusion is rebuttable so it does not mean that every applicant within the profile or belonging to a specified group will automatically be recognized as a refugee. If there are indications that a particular applicant does not have international protection needs, or that an Exclusion Trigger might apply, they will need to be referred to Regular RSD.<sup>28</sup>

As a Presumption of Inclusion can be a justification for the use of <u>Simplified RSD</u>, <u>Accelerated RSD</u>, <u>Merged Registration – RSD</u> and <u>Merged RSD – Resettlement</u> procedures, it is important to ensure that appropriate safeguards are in place to avoid its application to profiles that do not lend themselves to such forms of processing such as complex cases, those with credibility concerns or those with <u>Exclusion</u> <u>Triggers</u>. Depending on the context, it may mean that such cases should be <u>Deprioritized</u>, referred to <u>Regular RSD</u> and/or flagged in proGres for future review.

**AUTHORITY:** A decision to process a claim for whom a <u>Presumption of Inclusion</u> exists through <u>Simplified and/or Accelerated RSD</u> or through <u>Merged Registration – RSD</u> or <u>Merged RSD – Resettlement</u> procedures should be in accordance with the authorities set out for those case processing modalities. As a general rule, case processing for cases with a <u>Presumption of Inclusion</u> should not proceed without a review of the relevant forms or templates along with the relevant SOPs by the designated focal point for RSD in the Regional Bureau.

<sup>&</sup>lt;sup>28</sup> Or the case will be 'deprioritized', if relevant in the operational context.

#### vi. Prima Facie Approach

**DESCRIPTION:** A Prima Facie approach means the recognition of refugee status on the basis of readily apparent, objective circumstances in the country of origin (or, in the case of stateless asylum-seekers, their country of former habitual residence) indicating that individuals fleeing these circumstances are at risk of harm which brings them within the applicable refugee definition, rather than through an individual assessment.<sup>29</sup> A Prima Facie approach through a group-based designation operates only to recognize refugee status; decisions to reject require an individual RSD assessment.

**USED FOR:** A Prima Facie approach is particularly suited to situations of large-scale arrivals of refugees but also may be appropriate in relation to groups of similarly situated individuals whose arrival is not on a large-scale, but who share a readily apparent common risk of harm.

In practice, once a Prima Facie policy or declaration is made to apply to a group of applicants who belong to that category of persons eligible for recognition on a Prima Facie basis, applicants will be recognised on the basis of pre-existing registration data in a group-based RSD approach, individually in a <u>Merged</u> <u>Registration – RSD</u>, or, more exceptionally, after <u>Simplified RSD</u>, depending on the circumstances.

The case processing modality should determine and record<sup>30</sup> as appropriate and/or necessary additional detail on identity, place of origin (or other readily apparent characteristic that brings them within the Prima Facie approach) and Exclusion Triggers.

**CAUTIONS:** Procedures should be set up to identify individuals who may fall in the remit of the exclusion criteria in Article 1F or whose claims give rise to credibility problems, and referred to Regular RSD procedures.<sup>31</sup> Depending on the context, it may mean that the case should be Deprioritized and/or flagged in proGres for future review.

**AUTHORITY:** Irrespective of the chosen case processing approach, a Prima Facie approach should only be implemented by operations following consultation with the Regional Bureau, the DIP RSD Sections and PNSS and IMRS. The authorities relevant to the case processing modality selected will apply.

<sup>&</sup>lt;sup>29</sup> UNHCR, Guidelines on International Protection No. 11: Prima Facie Recognition of Refugee Status, 24 June 2015, HCR/ GIP/15/11, http://www.refworld.org/docid/555c335a4.html.

<sup>&</sup>lt;sup>30</sup> In addition to the minimum registration data set as determined by the type of registration being conducted.

<sup>&</sup>lt;sup>31</sup> UNHCR, UNHCR Guidelines on the Application in Mass Influx Situations of the Exclusion Clauses of Article 1F of the 1951 Convention relating to the Status of Refugees, 7 February 2006, <u>http://www.refworld.org/docid/43f48c0b4.html</u>. In situations where UNHCR conducts procedures on behalf of the State in the context of a prima facie declaration, exclusion triggers should, as a minimum, be flagged, allowing, amongst others, a close review if the case were to be considered for resettlement.

# DISCOURAGED CASE PROCESSING TERMS AND CONCEPTS

## i. Classic RSD

Classic RSD is a term that has been used to refer to <u>Regular RSD</u>. Classic RSD does not have a standardized meaning and use of the term is therefore discouraged.

#### ii. Collapsed RSD – Resettlement

Collapsed RSD – Resettlement is a term that has been used to refer to <u>Merged RSD – Resettlement</u>. For clarity and consistency, the term <u>Merged RSD – Resettlement</u> should be used.

#### iii. Focused RSD

Focused RSD is a term that has been used to distinguish <u>Regular RSD</u> from other case processing modalities in use in a particular operation. As this term does not have a standardized meaning and use of the term is therefore discouraged.

#### iv. Full RSD

Full RSD is a term that has been used to refer to <u>Regular RSD</u>. Full RSD does not have a standardized meaning and use of the term is therefore discouraged.

#### v. Enhanced Registration

The purpose of Individual Enhanced Registration is broader than Merged Registration – RSD in that it does not involve an RSD decision. As there is a need to reflect current practices in RSD where the Registration and RSD stages of the process are merged, and an RSD decision is reached, this Glossary introduces a new term <u>Merged Registration – RSD</u> to describe such situations and discourages the use of Enhanced Registration where RSD registration processes lead to an RSD decision being made as part of Registration.

#### Presumption of Non-Eligibility / No Semblance of Claim

These terms have been used by some operations to refer to a processing approach taken to caseloads with very low recognition rates or individual cases that are not admissible to the RSD procedure or are likely to be <u>Manifestly Unfounded</u>. These are not concepts that have an established meaning in UNHCR mandate RSD procedures and their use is strongly discouraged. The concepts of <u>Manifestly Unfounded</u> and <u>RSD-driven Admissibility Assessment</u> may be of use in contexts where these discouraged terms were in use.

