



## Meeting the moment

70 years after the Refugee Convention, how the EU and the US can renew humanitarian leadership

International Rescue Committee | July 2021

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The International Rescue Committee responds to the world's worst humanitarian crises, helping to restore health, safety, education, economic wellbeing, and power to people devastated by conflict and disaster. Founded in 1933 at the call of Albert Einstein, the IRC is at work in over 40 countries and 26 US cities helping people to survive, reclaim control of their future and strengthen their communities.

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**Front cover:** A family reunites after five years. After Americans spoke up, President Biden agreed to lift a Trump-era limit on refugee admissions, reuniting families like Patrice, Wanyema and Mauwa's. The family was forced to flee war and violence in the Democratic Republic of Congo in 1997 and spent decades in a refugee camp in Tanzania before Patrice and Wanyema were able to resettle in the United States. It took 30-year-old Mauwa and her children another half decade to negotiate the exhaustive resettlement application process, which includes extensive background checks and medical screenings.

*Photo: Jonathan McBride/IRC.*

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# Executive summary

Seventy years ago, **145 countries signed the 1951 Refugee Convention** in the wake of World War II, when the displacement of millions of people across Europe shed light on the need for humanitarian protections for those forced to flee violence and persecution. The Convention was developed on the heels of the Universal Declaration of Human Rights and a recognition that the protection of individuals and their rights and liberties is grounded in moral, humanitarian, and strategic imperatives. In 1967, those provisions were strengthened with the Protocol Relating to the Status of Refugees. Today, 149 states are party to one or both.

The Convention and Protocol obligate states to standards of treatment and protection of asylum seekers and refugees, including the principle of non-refoulement, which precludes states from returning people to a place where they risk persecution. Since 1951, 50 million people have been protected under the Convention's umbrella.<sup>1</sup> Yet, today, the consensus that forged the Convention and the international cooperation that underpins it are being increasingly undermined.

Over the past several years, we have seen a **precipitous decline in resettlement, a hardening of refugee inclusion and asylum policies, and humanitarian aid lagging behind needs**, across the regions that once most firmly upheld these protections:

- Only 34,400 refugees were resettled globally in 2020, a mere one-third of those resettled in 2019 (107,800) and resulting in a 97% gap between global resettlement and actual needs.<sup>2</sup> The number of countries receiving resettled refugees worldwide, likewise, has been falling steadily – from 34 countries in 2017, to 27 in 2018, 26 in 2019, and merely 21 countries in 2020.
- Moreover, across Europe and the US, the protection of refugees has been eroded in recent years, with a growing number of states resorting to detention, deterrence, and the denial of the right to asylum, including through illegal pushbacks.
- Lastly, humanitarian aid has failed to keep pace with growing needs and the increasingly protracted nature of displacement. There are 235.4 million people in need worldwide today, which represents a 40% increase since 2020 and an 88% increase since 2016. Humanitarian assistance has lagged far behind, having only increased by 8.3% from 2016 to 2020.



Yasmin Ara is a Community Volunteer at Cox's Bazar Refugee camp. During the COVID-19 pandemic, Yasmin is continuing community volunteering work in Cox's Bazar refugee camp. Yasmin is running awareness sessions for the community on how to prevent the spread of COVID-19 and is referring patients with COVID-19 symptoms to the hospital. She is a refugee from Myanmar who fled to Bangladesh in 2017. Bangladesh. *Picture: Maruf Hassan/IRC.*



IRC staff distributing cards as part of emergency cash transfer program in Ciudad Bolivar, Bogota, to help 140 Venezuelans pay for shelter and food, during the pandemic. This emergency assistance is made possible with OFDA support. Colombia. Photo: The IRC.

Faltering action by the EU and the US is having **serious consequences for displaced people** around the world. Fewer than 1% of refugees are ever resettled,<sup>3</sup> less than 4% of displaced people returned home in 2020,<sup>4</sup> and the vast majority of people are stuck in protracted limbo. UN High Commissioner for Refugees Filippo Grandi recently warned that refugee movements have “**never before been met with such hostility**” and limited durable solutions as they face now, with host countries becoming less willing to host refugees and increasingly undermining the availability of local integration as an option.<sup>5</sup> This gap in protection for displaced populations leaves refugees in **precarious circumstances and economic hardship**. Without access to basic services and opportunities for employment in host countries, refugees are even more vulnerable to exploitation, gender-based violence, trafficking, extortion, and food insecurity.

This retreat also has **strategic consequences for the US and EU’s credibility, soft power, and influence beyond their borders**. Reneging on global commitments has had a clear impact on the US and EU’s relationships with international partners and their ability to generate increased responsibility-sharing worldwide.<sup>6</sup> With the US retreat from resettlement, global efforts plummeted by nearly 50% from 2016 to 2019, even before the COVID-19 pandemic curtailed this further.<sup>7</sup> The extension of the legal rights to work and to education in host countries has also slowed, with few countries making meaningful progress since the 2016 Leaders’ Summit on Refugees.

Reneging on resettlement commitments not only eliminates leverage to secure refugee-friendly policies. It also **risks forced and premature returns of refugees to volatile areas**, which in turn could foment new conflicts and crises in fragile countries. According to the World Bank’s analysis, of the 15 largest refugee returns between 1991 and 2017, roughly one-third were shortly followed by renewed conflict.<sup>8</sup>

**Seventy years after the Refugee Convention, its tenets thus remain critical.** The US and Europe were key players at the time of its creation, and now is the time for these same actors to reinvigorate it. Current partnership and financing structures are decades behind trends, with protracted displacement the new norm and renewed attention required for durable solutions. At a recent High-Level Resettlement Forum, hosted by the European Commission in July 2021, global leaders declared their commitment to step up their resettlement efforts to bring “tangible contributions to the overall global needs,” and to promote exchanges, cooperation, and closer partnerships.<sup>9</sup> This commitment to humanitarian leadership is laudable. However, it must translate into concrete actions that honour the spirit of the Refugee Convention.

The EU and US should, first, jointly commit to a **significant and sustained boost to resettlement efforts** over the coming years by setting and meeting ambitious targets for 2022 and beyond, while urgently implementing existing pledges. Second, the commitment to protection must extend beyond resettlement solutions, and involve **strengthened asylum regimes**. Violations of the right to asylum must be condemned in the strongest terms wherever they take place, barriers to accessing safety must be swiftly removed, and ongoing reforms across both regions must place refugee protection firmly at the forefront. Third, the US and EU must increase aid and support more **flexible, multi-year financing** for refugee-hosting governments and implementing partners. A combination of diplomacy and assistance can be leveraged to incentivise greater refugee protection, rights and integration measures. Fourth, the US-EU partnership, leadership and convening power should be engaged to **mobilise international commitments to refugee protection** and pave the way for more states to scale up their resettlement programmes.

# Global context

## Unprecedented forced displacement and humanitarian needs

Recent UNHCR figures paint a stark picture of **unprecedented forced displacement**. At the end of 2020, there were 82.4 million individuals forcibly displaced worldwide as a result of persecution, conflict, violence, and human rights violations, including 11.2 million newly displaced.<sup>10</sup> 30.3 million were refugees, displaced across borders.<sup>11</sup> One million children were born as refugees between 2018 and 2020.<sup>12</sup> The compounding factors of increased and protracted conflicts, the COVID-19 pandemic, and the devastating impacts of climate change have all contributed to this unprecedented situation.

In Syria, a decade of war has produced the largest displaced population worldwide, at 13.5 million.<sup>13</sup> In the Western Hemisphere, displacement has increased fiftyfold in the Northern Central American countries of Guatemala, Honduras, and El Salvador in the last 10 years,<sup>14</sup> and Venezuelans now comprise the second largest population displaced abroad at four million.<sup>15</sup> In Afghanistan, natural disasters and one of the world's deadliest conflicts have displaced 2.6 million people, the third largest displaced group worldwide.<sup>16</sup> Lastly, in Yemen, a severe humanitarian crisis has internally displaced more than four million people.<sup>17</sup> These conflicts have a devastating human toll and are tragically not unique in their prolonged nature: more than three quarters of all refugees were in a protracted displacement situation at the end of 2020.<sup>18</sup>

In addition, **low-income countries still host the vast majority of the world's refugees**. The need for greater responsibility-sharing to better protect refugees, create durable solutions, and support host communities is thus increasingly urgent. Low- and middle-income countries host over 80% of all refugees and of them, the Least Developed Countries host 27%, despite the latter accounting for just 1.3% of the global GDP.<sup>19</sup> Many of these states are managing pre-existing civil unrest and violence, which has only been deepened by the pandemic, further diminishing capacity to provide refuge to those who are already immensely vulnerable. In Lebanon, for example, where some 900,000 refugees are hosted among 6.8 million nationals, a severe economic and financial crisis has dramatically affected refugees' access to basic needs and future prospects. 89% of Syrian refugee families are now reported to live below the extreme poverty line, while COVID-19 has crippled the health system.<sup>20</sup>

Three countries currently host nearly a quarter of the world's refugees. For the seventh consecutive year, Turkey hosted the largest number of refugees worldwide (3.7 million people, nearly all Syrian), followed by Colombia (1.7 million, nearly all Venezuelan) and Pakistan (1.4 million, nearly all Afghan).<sup>21</sup> Meanwhile, high-income countries have consistently hosted just 17% of refugees, with Germany being the only EU country in the top 10 refugee-hosting states.<sup>22</sup>



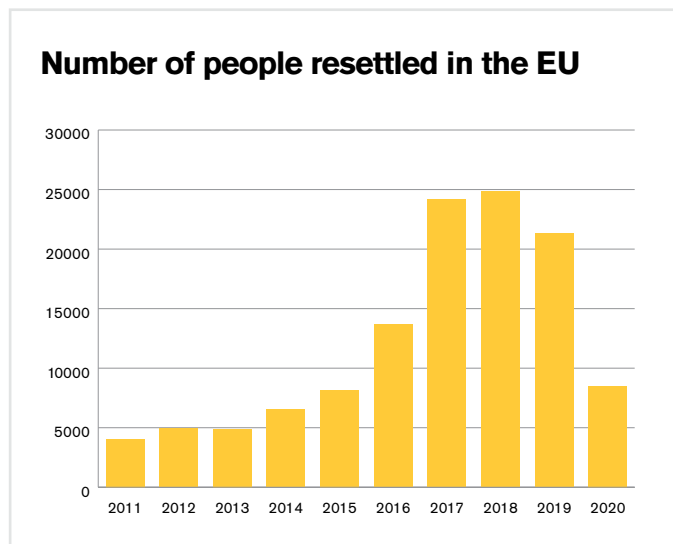
IRC Staffs, members of a nutrition group and mothers talking about how to prevent malnutrition at Awaridi refugee camp. Niger. Photo: Mamadou Diop/IRC.

## A retreat from resettlement

Against the background of growing global needs, resettlement efforts hit their lowest point in two decades last year. This was largely due to the COVID-19 pandemic and related travel restrictions, which triggered a dramatic drop in protection efforts. Only 34,400 refugees were resettled globally in 2020, a mere one-third of those resettled in 2019 (107,800).<sup>23</sup> This stands in contrast to the 1.47 million refugees estimated to be in need of resettlement, marking an **over 97% gap between global resettlement and projected needs**.<sup>24</sup> The number of countries receiving resettled refugees worldwide, likewise, has been falling steadily – from 34 countries in 2017, to 27 in 2018, 26 in 2019, and merely 21 countries in 2020.<sup>25</sup>

### A defining moment for resettlement in Europe

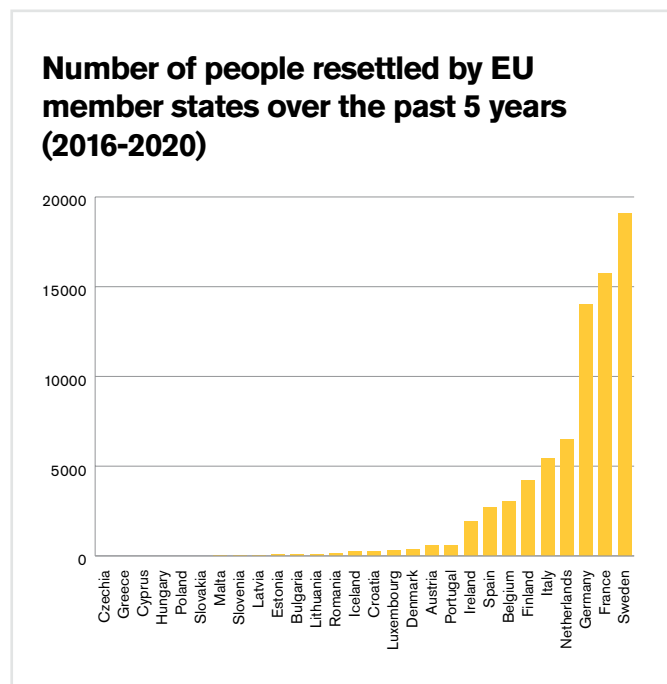
Europe’s commitment to resettlement is at a critical juncture. EU member states’ resettlement commitments had been hailed as a success as they grew steadily over the past 10 years.<sup>26</sup> However, **this momentum has faced mounting obstacles**. The COVID-19 pandemic had a considerable impact: according to UNHCR, EU member states and the UK took in only 9,119 refugees through this route in 2020, falling far short of their commitment to resettle 30,000 refugees last year and representing only 0.6% of global resettlement needs (see graph below).<sup>27</sup> By the end of May 2021, still less than half of these pledges had been fulfilled.



Source: Eurostat [migr\_asyresa]. Figures up to 2018 include the UK. Figures for 2019 and 2020 are for the EU27 member states, excluding the UK.

Yet, **Europe’s resettlement efforts were already falling short before the pandemic**, not only of the overall need, but also of the EU’s capacity. Even at their most ambitious, the percentage of global resettlement needs met by EU states has never exceeded 2%.

For a start, the commitment to resettlement among member states still varies widely. Whereas some, such as Sweden, France and Germany have well-established programmes, several other countries have downscaled or suspended their schemes in recent years, and others still are not involved at all (see graph below). Moreover, long before pandemic-related travel restrictions, the implementation of existing pledges was proving uneven in practice. Often, this involved considerable delays that created uncertainty, hopelessness and anxiety for refugees stuck in transit, while contributing to – rather than alleviating – the pressure on host countries.<sup>28</sup>



Source: Eurostat [migr\_asyresa]. Only current EU member states are included.

Lastly, beyond total numbers, there is still a long way to go with regards to **maximizing the protection outcomes of resettlement to Europe**. Large discrepancies remain between resettlement arrivals and the countries of origin and asylum in greatest need, and new mechanisms created to evacuate and provide safety for especially vulnerable refugees and asylum seekers have fallen short of their promise. Specifically, the Central Mediterranean Route and the (largely EU-funded) Emergency Transit Mechanisms (ETMs), which evacuate vulnerable individuals from Libya to Niger and Rwanda, continue to receive insufficient resettlement pledges. Since the ETMs were established in November 2017 and September 2019 respectively, only 3,059 refugees have been resettled onward from Niger, and 237 from Rwanda (as of spring 2021).<sup>29</sup> UNHCR estimates that almost 367,000 refugees along the Central Mediterranean route and Rwanda will need resettlement in 2022.<sup>30</sup> The low rates of commitments leave refugees with few credible options to increasingly deadly journeys in the Sahel, through the desert and at sea, and appalling detention conditions in Libya.<sup>31</sup>

The limited scale of resettlement also has implications for Europe's **credibility and influence beyond its borders**. Efforts to forge comprehensive migration partnerships with countries of origin and transit have often been undermined by the growing perception that the EU's priorities lie in externalizing its responsibilities and keeping other countries' citizens outside its territory.<sup>32</sup> Whereas European leaders often express their commitment to expanding legal migration pathways, in practice these have not always manifested in a credible or accessible scale.<sup>33</sup> Similarly, although the importance of resettlement as a responsibility-sharing tool on the international sphere is often stressed, EU efforts remain a drop in the ocean. Even in Turkey, from which most resettlement to Europe takes place, EU states have resettled fewer than 30,000 Syrian refugees since March 2016, amounting to less than 1% of the Syrian refugee population remaining in Turkey.<sup>34</sup> This considerable **mismatch between rhetoric and the reality of the commitments** creates unnecessary friction in the EU's partnerships with third countries and hampers political will for cooperation.

Against this background, EU leaders have repeatedly stressed their ambition for Europe to "take a **global leadership role on resettlement**", including in the European Commission's New Pact on Migration and Asylum, a complex package of proposals released in September 2020.<sup>35</sup> However, this Recommendation also enabled member states to transfer the pledges to resettle nearly 30,000 refugees in 2020 over to 2021, citing the COVID-19 pandemic. The delay in implementing 2020 pledges not only had a considerable impact on refugees who saw their transfer to Europe suspended, but also meant that no new

pledges were made for 2021 at a time when global needs are greatest. Ambitious pledges are critical to signalling commitment and partnership with major refugee-hosting states, galvanizing global cooperation on refugees, and organizing resources and capacity. This was evidenced by the new US administration's actions to increase its resettlement commitment in 2021 from 15,000 to 62,500.

Most recently, the Commission hosted a **High-Level Resettlement Forum on 9 July 2021**, at which EU leaders declared their commitment to step up resettlement as a vital protection tool.<sup>36</sup> By mid-September, EU member states will be making pledges for the number of refugees to resettle in 2022. UNHCR, the IRC and other NGOs have stressed that a collective commitment of 36,000 resettlement places should be the minimum, in line with the spirit of growth in the multi-stakeholder Three Year Strategy (2019-2021) on Resettlement and Complementary Pathways, and that the Commission must provide sufficient targeted financing and support to meet this goal.<sup>37</sup>

At the Forum, European countries were also urged to advance negotiations on a Union Resettlement and Humanitarian Admission Framework after a longstanding deadlock.<sup>38</sup> Whereas this Framework could pave the way for more predictable, systematic and long-term resettlement efforts in Europe, the file has remained stuck in negotiations since 2018 as part of the 'package' of Common European Asylum System (CEAS) reform proposals. The commitment to advance the Framework as expressed by leaders at the Forum was commendable. The challenge will be to translate this momentum into practice.



Refugee camp in Awaridi village, 4km from downtown Diffa, where IRC teams operate. Niger. Photo: Mamadou Diop/IRC.



A Salvadorian family in the capital city San Salvador. The family received cash support from the IRC after being in desperate need of support. The father was running a small business when gangs tried to extort him for money. Unable to pay, the gang shot him nine times leaving him with life-long health issues. To support the family, the mother and youngest child (now 5, then 3) left to the United States. Once they crossed the border they were separated and detained for three months. Once reunited they vowed never to separate again. El Salvador. *Photo: Jessica Wanless/IRC.*

### Rebuilding resettlement in the US after four years of retreat

In the US, the **Biden administration assumed office following an unprecedented retreat from refugee protection in the US**. Four years of Trump administration policy left the US Refugee Admissions Program (USRAP) in shambles. Overly restrictive and discriminatory admissions criteria shut the door on thousands of refugees fleeing the world's worst crises; all-time low admissions goals slashed resettlement by over 80% over four years; and the cynical application of "extreme vetting"<sup>39</sup> measures slowed admissions to a crawl and acted as a de facto ban on refugees from several Muslim-majority countries.

Yet, **over the course of the Trump presidency, public support of refugees never faltered**: opinion polling by Pew in 2016 found that 61% of Americans supported welcoming refugees fleeing violence and war. In 2019, the number grew to 73%, driven in large part by an 18 percentage point increase in support of refugee resettlement among Republicans.<sup>40</sup> Over the past half-decade, we also saw states and communities advance policies to promote the integration and inclusion of refugees and immigrants, demonstrating the significant interest, commitment, and capacity across the country to welcome more refugees. In 2021, 80 bills supporting refugees were introduced.

While restoring the longstanding US tradition of refugee resettlement will take time, **the Biden administration has already taken critical steps to rebuild the USRAP**. Key actions include President Biden's recalibration of the program to focus on global needs; goals to reduce pain-points in

processing that needlessly slow resettlement; and orders to revoke the discriminatory refugee admissions categories installed by his predecessor<sup>41</sup> and to increase the refugee admissions goal to 62,500 refugees for the remainder of this fiscal year.<sup>42</sup> The Biden administration has also taken steps to develop expanded eligibility for resettlement, with initiatives to formalise and expand opportunities for communities to sponsor the resettlement of refugees. At the High-Level Resettlement Forum, the US Secretary of Homeland Security affirmed that the US is "committed to rebuilding [its] resettlement programme and creating additional legal pathways for people in need of protection" and recognised the USRAP as a "critical component of the full array of US global humanitarian leadership."<sup>43</sup> As a direct result of these policy changes, **June saw a 463% increase in refugee arrivals to the US over April**, including a 301% increase in admissions from the Middle East and an 1479% increase in admissions from Africa.

Yet, much is left to be done. The administration's months-long delay in revising this year's refugee admissions goal was an unnecessary impediment that will have a significant negative impact on progress toward this objective. Refugee vetting processes remain burdened by overly cumbersome, ineffectively applied techniques and egregious processing delays that remain a barrier to admissions for all refugees, and especially those from majority Muslim countries and those seeking to reunify with family members in the US. Further, the US's withdrawal from global leadership and lack of any affirmative policy vision on refugee protection under the previous administration will not be easily forgotten by its international partners.



## Hardening of asylum policies

The US and the EU have a **longstanding history of upholding their domestic and international commitment to protecting the legal right to seek asylum**. The future of their roles as humanitarian leaders relies on their ability to develop fair, credible and protection-centred asylum systems. Yet, as with the general retreat from global resettlement cooperation, policies on asylum have been rapidly hardening in recent years. Both actors have increasingly relied on tactics of exclusion, detention, deportation, or externalisation, which have proven vastly insufficient for providing safety and due process of individuals' asylum claims.

Across both territories, **obstacles have been mounting to people's access to safety**. COVID-19-related border closures and travel restrictions had a grave impact on global mobility and are estimated to have thwarted the submission of 1.5 million asylum claims.<sup>44</sup> In 2020, 1.1 million asylum applications were newly registered, a 45% decrease from the year prior.<sup>45</sup> However, more concerning, the pandemic may have provided cover for pernicious practices that are far more long-lasting. Across European states, these included the months-long suspension of asylum procedures, the further securitisation of the EU's borders, the denial of safe harbour to search and rescue vessels, or the disproportionate detention of asylum seekers on public health grounds.<sup>46</sup> The situation in Greece remains a case in point, where undignified reception conditions,<sup>47</sup> a failure to assess and cater to specific needs,<sup>48</sup> growing restrictions on procedural rights for asylum seekers,<sup>49</sup> and inaction against alleged rights violations at the border<sup>50</sup> compound to deny individuals meaningful access to asylum in practice.

In line with these trends, the number of **dangerous and illegal pushbacks** reported<sup>51</sup> across the EU's territory has risen sharply – whether from Greece to Turkey, across the Balkan route (notably from Croatia to Bosnia), or from Spain to Morocco – and sometimes with the alleged involvement or awareness of Frontex, the European Border and Coast Guard Agency.<sup>52</sup> This grave increase in reported human rights violations has not yet been followed by credible accountability mechanisms for perpetrators. As these allegations continue to mount, pressure is also growing on EU institutions to forcefully react to such threats to the right to asylum in Europe, and on member states to establish truly independent, empowered monitoring mechanisms to help identify, address and prevent future violations.

In Europe, several governments are increasingly externalizing their asylum and migration management responsibilities beyond their borders. In the absence of political progress or consensus on the internal dimension of asylum policies, the EU's reliance on deals aimed at stemming arrivals with countries of origin and transit, such as Turkey, Libya, and Morocco, is only becoming more entrenched, including through renewed funding. The immense costs of these arrangements – for human rights, economically, and politically – have become increasingly apparent.<sup>53</sup> In addition to harming access to asylum in Europe, these agreements appear to increasingly securitise borders and undermine the protection landscape in countries of origin and transit themselves.<sup>54</sup>

In the US, the **protection of people seeking asylum was similarly eroded** through a steady stream of regulatory and policy changes that narrowed eligibility and created insurmountable barriers for applicants, culminating in a policy of summary expulsion<sup>55</sup> that shut the door on all



A refugee camp in Lesbos, Greece, taken in October 2020. Photo: Louisa Gouliamaki/IRC.



An IRC-supported shelter for asylum seekers in Juarez. Approximately 60,000 people had been stuck awaiting asylum on the border thanks to the "Migrant Protection Protocols" otherwise known as "Remain in Mexico", leaving centres like this one overstretched and underfunded. Mexico.  
Photo: Chiara Trincia/IRC

asylum seekers. Over the last four years, inhumane policies and practices, such as the separation of children from family members at the US southern border under the Zero Tolerance Policy and the implementation of the Migrant Protection Protocols (MPP) greatly impacted access to territory, often forcing individuals back into harm's way. To adequately address the increase in arrivals at US ports of entry and provide support and services for asylum seekers, the US must act swiftly in implementing safe, orderly and humane policies for asylum seekers.

The Biden administration has committed to addressing the challenge of reversing and ending anti-asylum policies that limited protection pathways for asylum seekers. With over **1.4 million people** internally displaced in Honduras, Guatemala and El Salvador due to gang and gender-based violence, poverty and climate change, the US has begun to take an active role in addressing the root causes of migration in the Northern Central America region, and must continue to implement policies that create durable solutions.<sup>56</sup>

The COVID-19 pandemic has not only exacerbated the humanitarian crisis in the Northern Central American region, but also served as the continued justification for a Centers for Disease Control (CDC) order, known as Title 42, which has barricaded access to protection for asylum seekers at the US-Mexico border, under the pretext of public health

concerns.<sup>57</sup> In June 2021, **more than 180,000 people were apprehended** by Border Patrol agents from Customs and Border Protection (CBP).<sup>58</sup> Due to Title 42, with the exception of unaccompanied children, asylum seekers at the US-Mexico border have been expelled and denied access to seek protection in the US, in violation of the terms of the Refugee Convention. In addition to expulsions, detention measures and deportations continue to be threats to due process, access to protection and the implementation of a humane asylum and immigration system.

Despite their historical defence of refugee protection and their strong rhetoric of upholding human rights norms, **the US and EU alike are falling short in their asylum policies.** The damage done to asylum norms requires an urgent and forceful response, and existing reform processes must be leveraged to secure a greater focus on protection.

The complex package of proposals contained in the New Pact on Migration and Asylum currently under negotiation presents a critical juncture to establish a European asylum system based on solidarity and a shared commitment to refugee protection. Likewise, with an expectation of an increase in arrivals in the US, the Biden administration has both a vital opportunity and a key responsibility to protect the right to seek asylum, address the root causes of migration and strengthen and expand support for asylum seekers.

## International aid and durable solutions for refugees have not kept pace with trends

Humanitarian aid has not kept pace with the growing scale of displacement, crisis, and thus humanitarian need. There are 235.4 million people in need worldwide today, which represents a 40% increase since 2020 due to the interplay of conflict, climate change, and COVID-19. This is an 88% increase since 2016. However, **humanitarian assistance has lagged far behind**, having only increased by 8.3% from 2016 to 2020.

Aid also remains short-term and unpredictable, which makes it **ill-suited for the increasingly protracted nature of displacement**.<sup>59</sup> In 2020, 22 of the 25 Humanitarian Response Plans were for humanitarian crises lasting five years or more. Three of those countries – Sudan, Somalia, and the DRC – have had humanitarian plans and appeals for at least 22 years. Yet, UN agencies typically provide funding in grants ranging from three months to one year, introducing tremendous disruptions in programme planning and implementation. Evidence has shown that multi-year, flexible funding can lead to more cost-efficient delivery of assistance, improve predictability and stability for implementing partners, and align with the needs of refugees and host communities alike.<sup>60</sup>

Further, the move away from short-term financing structures and toward durable solutions could put refugees on a path from dependency on aid to greater self-reliance, especially when paired with **diplomacy and incentives to allow refugees to thrive together with host communities**.<sup>61</sup> Of the 145 countries that have signed the Refugee Convention, which affords refugees the right to work, barely half actually grant refugees some rights to work – and nearly all have large de facto barriers to work. Refugee children are



Moses Lomoro, a Village Health Team (VHT) member in the Bidi Bidi refugee settlement, walks to inform members of his community about the availability of the COVID-19 vaccine at the health centre. Uganda. Picture: Esther Mbabazi/IRC.

five times less likely to attend school than other children in host countries. These are extraordinary barriers to refugee self-reliance and leave displaced populations vulnerable to abuse and exploitation.

Notably, the US and EU have been at the forefront of the humanitarian response to the world's gravest crises, such as Syria, Yemen, or Ethiopia, while being a driving force behind a more coordinated international response to ongoing conflicts. The €10.2 billion devoted to humanitarian aid under the Global Europe heading of the new EU budget (2021-2027) represents a 44% increase from the €7.1bn allocated by the previous budget (2014-2020), and the Biden administration has proposed a similar increase in humanitarian aid. However, these resources are still not proportionate to needs, which have nearly doubled since 2016 and have been further exacerbated by the COVID-19 pandemic. In the absence of strong US and EU leadership, the pool of international donors has remained limited.

Further, while the **US and EU have shown some promise in modernizing humanitarian assistance**, including a firm commitment to reforming and strengthening EU aid, as reflected in the recently published Communication on the EU's humanitarian action, much still needs to be done to implement such commitments.<sup>62</sup> They must continue advocating for multi-year, flexible, timely and accountable financing, while ensuring that resources reach frontline responders, especially women-led organisations.

Moreover, the **coherence of EU external action as a whole must be strengthened**, so that humanitarian assistance and development cooperation are consistently in line with the principles enshrined in EU Treaties, have a clear-sighted focus on lifting people out of poverty, and are guided by the Sustainable Development Goals and Agenda 2030. However, instead of ensuring that EU aid maximises the protection and economic prospects of refugees, migrants and host communities alike, recent proposals and new instruments point to an increasing divergence of aid towards deterring migration, rather than poverty alleviation being the primary objective. The New Pact on Migration and Asylum, together with the EU's new development cooperation instrument, Global Europe, appear to consolidate the principle of conditionality between migration management and broader policies, including resettlement, visas, development aid, and labour migration pathways.<sup>63</sup> The misallocation of official development assistance could hinder essential progress in partner countries and divert funds away from those states where they are most urgently needed or most effective.

Likewise, while the Biden administration took a turn away from such policies in revising the Asylum Cooperative Agreements with El Salvador, Guatemala, and Honduras that were established by the previous administration, it must now ensure that **new commitments to aid in Northern Triangle countries are responsive to the humanitarian and development needs** of communities in crisis.

# Recommendations: The need for EU and US leadership

**This moment demands decisive US-EU leadership.** The US and the EU, as two of the world's largest economies and influential global actors, should lead by example and work in lockstep to reaffirm global commitment to the international refugee protection regime. They have a duty to share responsibility with those states disproportionately shouldering the task of providing protection to vulnerable refugees, and if they take the lead, others will follow. Crucially, if they instead evade their responsibilities, worse equipped states can only be expected to do the same.

As countries begin to recover from the COVID-19 pandemic and international mobility slowly resumes, the opportunity to build back better and reinvigorate global humanitarian commitments should not be wasted. The commitments expressed at the High-Level Resettlement Forum on 9 July demonstrate what can be achieved: this must now be translated into concrete actions. The EU and US should:

1. **Give a significant and sustained boost to resettlement efforts. The EU and US must jointly commit to sustaining increased resettlement efforts over the coming years. A strong transatlantic partnership founded on shared humanitarian commitments will inspire lasting momentum on both sides, while holding each other accountable against future backsliding.**
  - **Beyond this pledging process, the EU must plan for a sustainable increase in refugee resettlement.** The IRC believes that it is still realistic and achievable for member states resettle 250,000 refugees by the end of 2025. To this end, states should start investing into expanded reception capacity, facilitate multi-year funding, and make full use of the available EU funding and capacity-building initiatives. All European countries can contribute to this goal.
  - **EU member states must urgently fulfil existing resettlement pledges** to resettle 30,000 people in 2021, and commit to **significantly increased pledges for 2022** by this September, with a collective and additional pledge of at least 36,000 resettlement places. To jumpstart processing and minimise the risk of COVID-19 complications, states should employ the successful and innovative practices developed and upscaled throughout the pandemic.<sup>64</sup>
  - **EU states under the Slovenian Presidency of the Council and the European Parliament should promptly restart negotiations and adopt the **Union Resettlement and Humanitarian Admission Framework**.** A long-term, predictable and protection-centred framework for EU resettlement would smoothen the path for a sustainable increase in efforts. This file should be decoupled from the broader package of CEAS reforms, as was successfully done with the European Union Asylum Agency (EUAA) Regulation in June 2021.<sup>65</sup>



London, UK. Photo: Andrew Oberstadt/IRC.

- The European Commission must support these efforts to scale up programmes, while ensuring that **resettlement remains a humanitarian, protection-oriented tool first and foremost, rather than a migration management instrument**. It should encourage and incentivise member states to prioritise situations identified by UNHCR as being in greatest need of resettlement, including the largely EU-funded emergency transit mechanisms (ETMs) in Niger and Rwanda. Moreover, whereas other complementary pathways may prioritise refugees with specific skills or greater integration prospects, resettlement must remain focused on protecting the most vulnerable, as a humanitarian rather than migration management tool.
- The US, in turn, must also **reaffirm its commitment to refugee protection by setting a Presidential Determination on Refugee Admissions for Fiscal Year 2022 at 125,000 refugees – and meet that goal**. Ambitious steps to rebuilding the USRAP will be a strong signal to other nations deliberating their own commitments and are a critical way to rebuild US credibility on refugee protection with international partners.
- **It must also accelerate momentum** on improvements to the USRAP processing infrastructure and the expansion

of referral pathways into the programme. The Biden administration should expedite and reform the Security Advisory Opinion process, including the countries and criteria requiring this check, and implement reforms to address these bottlenecks. The administration should also seek to increase transparency and accountability with Congress and the public by sharing reports generated after reviews and should regularly engage NGO stakeholders.

- Lastly, the **US and EU must closely coordinate resettlement efforts**, including on the regions from which resettlement takes place, and how joint efforts can be strategically leveraged to maximise protection and strengthen host countries' capacity and willingness to support people within their territory. **A structural transatlantic resettlement dialogue will be crucial to jointly strengthen and future-proof resettlement systems**. This would enable mutual learning, coordinated approaches to shared challenges, as well as exchanges of good practices and rapidly multiplying examples of innovative, protection-oriented programming. A structural dialogue can also foster the sharing of successful resettlement stories, strengthening public support for refugee resettlement while inspiring political will on the part of local, national, and state governments.



Phoenix, Arizona. Photo: Andrew Oberstadt/IIRC.

**2. Strengthen protection-forward asylum regimes. The US, EU and its member states must uphold the universal right to seek asylum, whatever the means of travel or arrival.**

- In line with the tenets of the Refugee Convention, the commitment to protection must extend beyond resettlement solutions. States must ensure that **resettlement and asylum are protected and strengthened at the same time, not placed in opposition to each other**. Resettlement is a tool for protection of vulnerable refugees, solidarity, and responsibility-sharing; it is not an alternative to states' responsibilities to give people seeking asylum access to their territories.
- As the guardian of the Treaties, it is vital for the **European Commission to protect and take a consistent stance against violations of the right to asylum in Europe**, including systematic monitoring, investigating and sanctioning of member states' practices where necessary. Pushbacks or externalisation proposals that deny asylum at the border must be condemned in the strongest terms wherever they take place.<sup>66</sup> A truly **independent border monitoring mechanism**, which is expanded in scope and can consider cross-border events, whose independence and accountability are guaranteed, and which includes reporting, investigation and sanctions mechanisms following reported abuses or non-compliance, will also be paramount in addressing pushbacks and other fundamental rights violations at the border.
- The EU's New Pact on Migration and Asylum must establish a **sustainable, tangible and predictable solidarity system** that assures the protection of asylum seekers and prompt support for states facing greater migratory pressure, with relocations as the primary form of solidarity within Europe. **Several aspects of the EU's New Pact on Migration and Asylum also pose considerable risks** and must be reconsidered. Among others, accelerated asylum and return procedures **must not overshadow the need for a fair and full asylum process**. The fair individual assessment of protection claims, the right to appeal for those rejected, and safeguards to ensure that the most vulnerable do not fall through the cracks, will be paramount. At the same time, the human rights implications of the proposed border screening procedures must be evaluated. The experience in Greece has shown the significant **risk of bottlenecks trapping asylum seekers in undignified living conditions with dire mental health consequences**, including de facto long-term detention while they await the outcome of supposedly accelerated procedures.
- Similarly, the **US must uphold the legal right to seek asylum by eliminating existing policy barriers that prevent vulnerable individuals from seeking safety and protection**. Policies such as Title 42 and the overuse of detention must end in order to rebuild and restore a humane, safe, and orderly asylum system.

- With a protection-forward approach, **the US should also invest in a comprehensive case management programme with scalable funding that provides wrap around services, support, and legal assistance to asylum seekers**. Such a programme must include consistent coordination with non-governmental organizations and community-based partners, leveraging these entities' wealth of expertise and experience working with refugees and asylum seekers.
- Finally, it should **increase humanitarian reception capacity through increased funding for the border shelter network**. Border shelters are instrumental in providing asylum seekers access to information, services, and transportation upon leaving ports of entry and government custody.



Mo lives with his little daughter in Halle (Saale). Mo's Story is part of the "5 Years We Can Do This" (5 Jahre "Wir schaffen das") project, telling the stories of refugees who came to Germany in 2015. Germany. Photo: David Debrah/IRC.

**3. Increase aid and support more flexible, multi-year financing to strengthen refugee inclusion measures by host governments. Recent trends in conflict and forced displacement require a shift from year-to-year provision of aid to support basic needs to a more forward-looking approach that includes diplomacy and incentives to allow refugees to thrive together with host communities.**

- With little hope of return, few having access to resettlement, and humanitarian aid levels declining, the US and EU must lead the international community in **elevating inclusion and integration as a durable solution for refugees.**
- The US and EU should **provide more and better-quality funding for protracted displacement situations**, including by increasing multi-year, flexible financing to implementing partners and host governments, through direct funding, UN agencies, and the multilateral

development banks. This would better align with trends in protracted displacement and the needs of refugees and hosts.

- They must **leverage increased aid and resettlement commitments**, diplomatic leadership, as well as engagement with UN and multilateral financing institutions to incentivize host government policy reforms **to secure rights for refugees to work, access regular social services, and contribute to their host communities.**
- Lastly, they should **support new and existing refugee compacts for the largest displacement situations in the world.** This includes refreshing existing compacts in countries like Jordan and Lebanon, as well as launching new compacts in places like Colombia and Bangladesh that codify multi-year funding, policy reforms and accountability for outcomes for displaced populations. Addressing the needs of vulnerable refugee and host populations in the largest refugee-hosting countries could improve the lives of over 50 million people.



Muyambo Marcel Chishimba is a Congolese refugee resettled by the IRC in Elizabeth, New Jersey. As a young boy, he was taught to paint by his uncle, acclaimed Congolese artist Kabemba Albert Stounas. For three decades, Chishimba worked at his art before he was forced to flee his war-torn country in 1991, first to Zambia, then to Elizabeth, New Jersey. Staff members at the NJ resettlement office instantly fell in love with his “phenomenal” work and, with the help of staff, supporters and the Refugee Assistance Partners of New Jersey, helped Chishimba make his artistic debut in his new home with an exhibition at the Maplewood Memorial Library. *Photo: Andrew Oberstadt/IRC.*



Domitila Kaliya is a Congolese refugee living in Kampala, Uganda. She started her own clothing business after joining an IRC Village Savings and Loan Association (VSLA) group, and helped other women, many of them refugees, start their own VSLA groups. She is now referred to by the all the group members by her nickname "President" since she has been a leader for them. Domitila Kaliya sews dresses in her shared workspace in Kampala, Uganda. *Photo: Andrew Oberstadt/IRC.*

#### 4. Leverage the US-EU partnership, leadership and convening power to mobilise international commitments to refugee resettlement.

- Beyond their own programmes, the US and EU have an opportunity to **invest in the global resettlement infrastructure**. For a start, they should cooperate and engage proactively with UNHCR, IOM and NGOs facilitating resettlement operations. They should ensure that key actors have adequate funding, support, and information to meet the rising resettlement needs, and to ensure that referrals for ambitious targets by the US and EU alike can be processed simultaneously.
- Likewise, the US and EU should **urge other wealthy nations to start or scale up their resettlement programmes**. In addition to encouraging and inspiring political leadership by governments, both the US and the EU have substantial expertise and best practices to offer, as well as considerable operational and financial support to provide, to make resettlement more accessible and affordable for new countries. This would contribute to expanding the number of regions involved in resettlement

and foster truly global responsibility-sharing, in the spirit of the multi-stakeholder Three Year Strategy. The Biden administration could start by supporting a regional approach to resettlement in the Western Hemisphere. This includes working with Canada to **secure resettlement commitments from a larger number of countries in the Western Hemisphere and providing more technical capacity** through the Latin America Resettlement and Integration Technical Assistance (LARITA) programme.

- Next year, as the **2022 Annual Tripartite Consultations on Resettlement (ATCR) Chair, the Biden administration will have a powerful opportunity to advance an ambitious diplomatic strategy to reinvigorate global ambition on resettlement, refugee protection, and inclusion**. The State Department's Bureau of Population, Refugees and Migration should use this forum to demonstrate renewed US commitment to fundamental norms on refugee protection and responsibility-sharing at a global level, including through sustained engagement with Refugee Council USA, the ATCR Co-Chair.

In 2016, US leadership drew powerful commitments from countries to support refugees at the Global Summit on Refugees under President Obama, including increases in financing for refugee-hosting countries by 30 percent; a doubling of the number of resettlement spots available worldwide; an increase in the number of refugees in school worldwide by one million; and an increase in the number of refugees granted the legal right to work by one million.

Today, the **EU and the US have a renewed opportunity to lead in a time of great global crisis. Their leadership must begin with upholding the commitments made as signatories to the Refugee Convention, and reiterated at the recent High-Level Resettlement Forum**. Together, the US and EU committed to jointly show up and promote humanitarian cooperation on the international stage, inspiring states around the world to narrow the gap between words and action, so as to meaningfully address growing needs.<sup>67</sup> By leading by example and ensuring refugee protection is central to their foreign policy, the US and EU can turn the tide on rapidly growing displacement and humanitarian needs, and support the safety, security, and human potential of millions.



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