

Wealthy states and the international community as a whole have failed to equitably share responsibility for managing the ongoing global refugee crisis. Currently, such responsibility lies disproportionately with poorer countries: 86% of the world's 20 million refugees are in developing states.¹ More than one million refugees urgently need resettlement,² yet global resettlement commitments are just over 100,000 per year.³ Only around 30 countries offer any resettlement places at all.⁴ Moreover, wealthier countries are not doing nearly enough to share the financial burden for the global refugee crisis, with humanitarian appeals for refugees consistently – and often severely – underfunded.⁵ A new, global approach is urgently required: an approach predicated on sustained and committed international cooperation and an equitable sharing of responsibilities.⁶

In 2016, several international meetings will provide states with opportunities to make pledges to address the global refugee crisis and provide relief to refugees and to the main host countries: the World Humanitarian Summit, the Annual Tripartite Consultations on Resettlement, the UN General Assembly High-Level Plenary on addressing large movements of refugees and migrants, the US-led Summit on the global refugee crisis.

Amnesty International is calling on all countries to use these occasions to move from short-term stop-gap measures to long-term, proactive and globally coordinated solutions. To solve the current refugee crisis and adequately respond to future crises, a new responsibility-sharing paradigm is needed.

The international community must share the responsibility for both hosting and assisting refugees. At the 2016 meetings states should urgently take the measures needed to respond to the current refugee crisis by making and immediately implement pledges to:

- Resettle all refugees who are identified by UNHCR to be in need of resettlement;
- Establish or increase safe and legal routes (“alternative pathways”) for the admission of refugees;
- Significantly increase their contribution to humanitarian financing, including to the full financing of UN humanitarian appeals.

Committing to a new Global Compact on refugee responsibility-sharing

At the UN General Assembly High-Level Plenary on addressing large movements of refugees and migrants in September 2016, states should adopt a new Global Compact on predictable and equitable refugee responsibility-sharing, based on international human rights and refugee law. The Global Compact should include:

- A permanent distribution system of resettlement places, based on objective criteria;
- In cases of large movements of refugees, an additional distribution system to admit refugees through expedited safe and legal routes (“legal pathways” for admission) based on objective criteria;
- Guaranteed full, flexible and predictable funding for refugee protection and meaningful financial support to countries hosting large numbers of refugees, over and above existing development assistance programmes;
- Strengthened refugee status determination systems and increased use of prima facie recognition of refugee status;
- Respect, protection and fulfilment of the rights of refugees in their country of asylum, including the enjoyment of an adequate standard of living, access to education, healthcare and other services, and economic self-reliance.

The principles of a new Global Compact on refugee responsibility-sharing

A new Global Compact on refugee responsibility-sharing should be firmly based on international human rights and refugee law and must respect, protect and fulfil the rights of refugees and asylum-seekers. In particular, Amnesty International believes that the 1951 Convention Relating to the Status of Refugees and the other international and regional instruments of refugee law remain the main framework for the protection of refugees worldwide.

An effective responsibility-sharing framework should both ensure a managed and proactive response to displacement crises, based on pre-established principles and mechanisms, and guarantee the financial resources required. States' contributions should be fair and proportionate. Objective criteria, such as GDP, population, unemployment rate, refugee population, number of asylum applications received, etc., should be used to evaluate each state's relative contribution to responsibility-sharing.

Although a flexible approach to responsibility-sharing may allow states to contribute in different ways to a common response, financial support to the countries hosting large numbers of refugees and asylum-seekers in times of crisis should not be considered as a substitute for, or come at the expense of, contributions to resettlement and relocation, the admission of asylum-seekers at the border or their protection.

All countries should:

- **Uphold their obligation to provide asylum and protect refugees:** ensuring the right to seek and enjoy asylum to individuals on their territory or under their jurisdiction, including at their border and irrespective of how those individuals entered the territory; providing protection to those who need it, including through provision of adequate reception conditions, fair and effective refugee status determination procedures and respect for the principle of *non-refoulement*.
- **Share the responsibility for hosting refugees:** fulfilling all resettlement needs through traditional resettlement or humanitarian admission; in situations of large refugee movements, admitting refugees through expedited safe and legal routes ("legal pathways" for admission), in addition to resettlement.
- **Share the responsibility for assisting refugees financially:** providing funding, including in the form of funding for humanitarian appeals and additional development assistance, to support local inclusion and self-reliance initiatives in countries hosting large numbers of refugees; when there has been a substantial change in circumstances in the refugees' country of origin, providing financial support to enable safe and dignified voluntary repatriation.
- **Be accountable.** The new Global Compact should be predictable and equitable, clearly defined and effectively implemented and monitored, including through the support and oversight of an institutional mechanism.

The elements of a new Global Compact on refugee responsibility-sharing

A new Global Compact on refugee responsibility-sharing should include:

1. A permanent distribution system of resettlement places, based on objective criteria.

For particularly vulnerable refugees who cannot receive the protection and assistance they need in the host country (for example survivors of violence and torture, women and girls at risk, and those with serious medical needs), resettlement provides a lifeline to fully enjoy their human rights in a third country. Other forms of humanitarian admission, such as through humanitarian visas, can be used for the same purpose.

2. In cases of large movements of refugees, an additional distribution system to admit refugees through expedited safe and legal routes ("legal pathways" for admission) based on objective criteria.

In situations of large movements of refugees, such as the Syria refugee crisis, resettlement is not sufficient. Countries like Turkey, Lebanon and Jordan are hosting very large numbers of refugees, which they cannot reasonably be expected to cope with. The result is that hundreds of thousands of refugees are living in destitution or risking their lives to reach Europe. A pre-agreed distribution system

is necessary to both ensure the human rights of refugees and share the responsibility for their protection with countries of first asylum. A distribution system should rely on protected entry procedures and/or the mutual recognition of refugee status. It can also be complemented by other pathways to admission, such as enhanced family reunification and work and student visas.

3. Guaranteed full, flexible and predictable funding for refugee protection and meaningful financial support to countries hosting large numbers of refugees, over and above existing development assistance programmes.

States should ensure that humanitarian appeals are fully funded. States hosting significant numbers of refugees should receive adequate support from the international community, in the form of funding that is both dependable and oriented to enabling refugees' local inclusion and self-reliance. As short-term displacement emergencies often turn into a long-term development challenge for the host country, displacement should be integrated into the development plans of the countries hosting refugees.

4. Strengthened refugee status determination systems and increased use of *prima facie* recognition of refugee status.

Refugee status determination (RSD), whether carried out by state authorities or the UN High Commissioner for Refugees (UNHCR), must ensure that individuals who are in need of international protection are recognized as such and given the protection they deserve. Access to fair and effective RSD procedures must be granted to all asylum seekers under a state's jurisdiction. Where persons seeking international protection arrive in large numbers and at a sustained rate, individual determination of their claims for refugee status may become impracticable or ineffective. If most of those arriving in the group can be deemed to be refugees on the basis of objective information related to the circumstances in the country of origin, states should accord refugee status to members of a particular group on a *prima facie* (presumptive) basis. *Prima facie* recognition of refugee status may be used in combination with subsidiary or temporary protection and converted to long-term status based on individual status determination.

5. The respect, protection and fulfilment of the right of refugees in their country of asylum, including the enjoyment of an adequate standard of living, access to education, healthcare and other services, and economic self-reliance.

Refugees need to be able, and supported, to be self-reliant and actively participate in their local inclusion. Camp accommodation for refugees should be a temporary measure used in emergencies; it should not become a way of isolating refugees or restricting their freedom of movement. Residence in camps should not be a precondition to access shelter and fundamental services such as healthcare, education, etc.

¹ UNHCR, *Global Trends 2014*, p2, <http://unhcr.org/556725e69.html>

² Resettlement is the transfer of refugees from the country in which they have sought asylum to another State that has agreed to admit them as refugees and grant them permanent settlement and the opportunity for eventual citizenship. UNHCR, *Resettlement Handbook*, p36, <http://www.unhcr.org/4a2ccf4c6.html> Resettlement is normally coordinated by UNHCR, which refers cases of recognized refugees to countries that have offered resettlement places.

³ UNHCR, *Refugee Resettlement Trends 2015*, p2, <http://www.unhcr.org/559e43ac9.html>; UNHCR, *Global Trends 2014*, p3.

⁴ The following countries offer resettlement or humanitarian admission: Argentina, Australia, Austria, Belarus, Belgium, Brazil, Bulgaria, Canada, Chile, Czech Republic, Denmark, Finland, France, Germany, Hungary, Iceland, Italy, Ireland, Japan, Republic of Korea, Liechtenstein, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Romania, Spain, Sweden, Switzerland, United Kingdom, Uruguay and United States of America. UNHCR, *Resettlement Fact Sheet 2015*, <http://www.unhcr.org/524c31a09.html>

⁵ *Global Humanitarian Assistance Report 2015*, p22, http://www.globalhumanitarianassistance.org/wp-content/uploads/2015/06/GHA-Report-2015_-Interactive_Online.pdf

⁶ The international refugee regime is predicated on cooperation between states. The principle of responsibility-sharing, i.e. that effective protection for refugees requires international cooperation, is based on international obligations to protect refugees and find safe and durable solutions for them. First reflected in the Preamble to the 1951 Refugee Convention, the principle of responsibility-sharing was then included in the 1967 UN General Assembly Declaration on Territorial Asylum and the 1969 OAU Convention on Specific Aspects of Refugee Problem in Africa, currently ratified by 45 states. See also: European Union Temporary Protection Directive, Council Directive 2001/55/EC of 20 July 2001.