




# LOCAL SOLUTIONS FOR REFUGEES

## Key Considerations

 Uganda. Sophie during a chemistry class at Highland Secondary School. She is one of over 230,000 South Sudanese refugees currently living in Bidibidi settlement after fleeing the civil war. © UNHCR/Jjumba Martin

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# PURPOSE OF THE DOCUMENT

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More than ever, ensuring refugees' access to durable solutions requires concerted efforts and shared responsibility among all stakeholders. For this reason, the Global Compact on Refugees outlines as one of its primary objectives to facilitate access to durable solutions through a mix of solutions, encompassing the three traditional durable solutions as well as other local solutions and complementary pathways for admission to third countries.

This paper aims to contribute to this objective by developing a better understanding of how local solutions may contribute to offering additional avenues to durable solutions for refugees. It defines and describes local solutions, highlighting the notion of transitional arrangements, as well as the protection guarantees and standards they should be accompanied with. In doing so, it also aims at outlining elements useful for developing pledges and contributions for the second Global Refugee Forum of 2023.

# INTRODUCTION

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Achieving durable solutions that enable refugees to rebuild their lives and live in safety and dignity is the ultimate outcome of international protection. It is at the core of UNHCR's mandate and work in coordination with States and partners.<sup>1</sup> Following the provisions in the 1951 Convention relating to the Status of Refugees (hereinafter 1951 Convention), as well as the 1967 Protocol and the UNHCR Statute, the international community has long recognized three traditional durable solutions, i.e., voluntary repatriation to the country of origin, resettlement to a third country and local integration in a country of asylum.

However, a growing number of refugees remain in precarious protracted protection situations with little hope of a durable solution.<sup>2</sup> Over the last decade, record numbers sought refuge in other countries, but those who have been displaced had fewer options for rebuilding their lives. The world has clearly shifted from a decade of solutions to a decade of new and protracted displacement.<sup>3</sup> The onset of the COVID-19 pandemic reinforced this trend, with a significant decline in the number of refugees who could access any durable solutions compared to previous years.<sup>4</sup>

Therefore, more than ever, ensuring access to durable solutions requires concerted efforts and shared responsibility among all stakeholders. In doing so, the international community can build on constructive dynamics and on the commitments made by the UN General Assembly. Over the last decade, a growing recognition has emerged that humanitarian and development partners must come together with refugees to facilitate access to durable solutions. This was evident in the 2030 Agenda for Sustainable Development,

the New York Declaration, the Comprehensive Refugee Response Framework (CRRF), and the 2018 Global Compact on Refugees, which provide renewed opportunities and approaches to enhance refugees' access to durable solutions. In particular, the Global Compact on Refugees outlines that *one of its primary objectives*:

*“is to facilitate access to durable solutions, including by planning for solutions from the outset of refugee situations”. This is to be done through “a mix of solutions”, encompassing the three traditional durable solutions of voluntary repatriation, resettlement and local integration, as well as other local solutions and complementary pathways for admission to third countries, which may provide additional opportunities”.*<sup>5</sup>

Within the context of the Global Compact on Refugees, developing a better understanding of local solutions may contribute to offering more avenues to durable solutions for refugees. The paper aims to define and describe local solutions, which protection guarantees they should be accompanied with, and demonstrates how they may provide avenues for or complement durable solutions. In doing so, it also aims at outlining elements useful for developing pledges and contributions for the second Global Refugee Forum of 2023.

The first section defines the concept of local solutions for refugees and their objectives, emphasizing how they can offer avenues to durable solutions. The second section outlines protection considerations and safeguards that are critical for local solutions to succeed. The last section reflects on how local solutions can be expanded.

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1 See in particular: United Nations General Assembly, *Statute of the Office of the United Nations High Commissioner for Refugees*, 14 December 1950, A/RES/428(V), available at: <https://www.refworld.org/docid/3ae6b3628.html> [accessed 28 November 2021] and United Nations General Assembly, *Global Compact on Refugees*, December 2018, A/73/12 (Part II), , available at: [https://www.unhcr.org/gcr/GCR\\_English.pdf](https://www.unhcr.org/gcr/GCR_English.pdf) [accessed 28 November 2021]

2 UN High Commissioner for Refugees (UNHCR), *Global Trends, Forced Displacement in 2020*, June 2021, p.44, available at: <https://www.unhcr.org/flagship-reports/globaltrends/> [accessed 28 November 2021]

3 UN High Commissioner for Refugees (UNHCR), *Global Trends, Forced Displacement in 2019*, June 2020, pp.11-12, available at: <https://www.unhcr.org/globaltrends2019/> [accessed 28 November 2021]

4 UN High Commissioner for Refugees (UNHCR), *Mid-Year Trends 2020*, December 2020, p.27, available at: <https://www.unhcr.org/5fc504d44.pdf> [accessed 28 November 2021]

5 *Global Compact on Refugees*, Op. cit., Para. 85.

# WHAT ARE LOCAL SOLUTIONS FOR REFUGEES AND THEIR OBJECTIVES?

The Global Compact on Refugees clearly reaffirmed the commitment of Member States to facilitating access to the three traditional durable solutions, while also recognizing that local solutions and complementary pathways “may provide additional opportunities”.<sup>6</sup>

This notion of additionality is fundamental to understanding the concept behind ‘local solutions’ and operationalizing its potential. Indeed, in its paragraph 100, the Global Compact clarified that local solutions come “in addition to local integration” and “without prejudice to eventual durable solutions that may become available”. In that sense, reflecting a progressive approach, local solutions appear as arrangements that do not replace but complement and facilitate access to durable solutions, particularly local integration. This is to be done particularly through “interim legal

stay”, facilitating “the economic, social and cultural inclusion of refugees”, fostering “the peaceful and productive inclusion of refugees and the well-being of local communities”, while addressing “issues such as documentation and residence permits”.

In a similar manner, complementary pathways for admission to third countries have been described as arrangements which “may initially provide refugees with temporary stay arrangements” and help ensure “refugees are better able to contribute to their own future solutions”.<sup>7</sup>

Local solutions for refugees in countries of asylum can therefore be defined in relation to transitional solution arrangements aiming to assist and equip refugees on their path towards a durable solution, notably local integration. As such, local solutions aim to contribute to States meeting their legal



Germany. Syrian refugee, Mohammad Alkhalaf, on track to become a Deutsche Bahn engineer. © UNHCR/Gordon Welters

<sup>6</sup> *Global Compact on Refugees*, Op. cit., Para. 85.

<sup>7</sup> UN High Commissioner for Refugees (UNHCR), *Complementary Pathways for Admission of Refugees to Third Countries: Key Considerations*, April 2019, p.7, available at: <https://www.refworld.org/docid/5cebf3fc4.html> [accessed 28 November 2021]

obligations *vis-à-vis* the 1951 Convention and other international as well as regional human rights law instruments, to provide refugees with secure legal stay and allow their access to rights and services. Indeed, local solutions have strong protection underpinning, include protection safeguards and are part of protection as well as solutions strategies. Local solutions are therefore also tools that can contribute to strengthening refugee self-reliance, empowerment, and agency, benefiting refugees as well as host communities and fostering good relations and peaceful coexistence between those communities, thus contributing to conditions for attaining durable solutions.

Local solutions and local integration, therefore, have in common the notion of socio-economic and cultural inclusion of refugees. The main difference between the two resides in the former being a set of arrangements and tools to work towards a durable solution, while the latter is a durable solution. Moreover, a critical distinction resides in civil-political implications: although local solutions should include support from States and relevant stakeholders “to address issues such as documentation and residence permits”, local solutions may or may not lead as such, to the acquisition of permanent residence rights and ultimately to the acquisition of citizenship of the host country. This permanency of the solution is the main difference between local solutions and local integration.

In a similar manner, local solutions are connected to, but different from asylum. Local solutions contribute to overcoming legal and practical barriers allowing refugees access to rights and services. As such, they should complement existing asylum systems, contributing concretely and programmatically to a progressive approach to solutions.

Local solutions entail two main objectives. The first one is to reinforce access to rights; the second – and connected – objective is to ensure a progressive approach to potentially accessing one of the durable solutions. Local solutions should

not prevent or hinder States in their continued efforts to secure durable solutions for refugees.

While States have legal obligations to ensuring the rights of refugees as well as to fulfil their commitments to achieving durable solutions, local solutions do not carry additional obligations to existing rights. However, local solutions represent new tools to fulfil States’ responsibilities towards refugees and plan for durable solutions. In line with the Global Compact on Refugees, this is done on the basis of support and solidarity from the international community. Numerous international and regional legal instruments, together with soft law sources, whether focusing specifically on refugees, or on specific themes such as labour or human rights broadly, define refugee rights, and constitute the law and policy framework for the protection of refugees. Key rights include *inter alia* access to decent work and social protection; education; health; documentation and to legal status; freedom of movement; the right to marriage and family life; housing, land and property rights; the protection of artistic rights and industrial property; and of course, the right to be protected against *refoulement*.<sup>8</sup>

Ensuring refugees’ access to those rights requires a rights-based approach in the design, planning, implementation, monitoring and evaluation at each level of policy and programs, for instance through legal and practical mechanisms that facilitate the appropriate civil, political, economic, social, and cultural inclusion of refugees by national authorities and other stakeholders. In addition, efforts should be exerted to raise the awareness of service providers on refugees’ rights for equal treatment and opportunities.

Local solutions will aim to build and strengthen refugees’ capacities to attain durable solutions, through for instance economic and fiscal stimulus plans to support refugees’ access to decent work as well as housing, education and social protection plans. Other stakeholders’ capacities can also be strengthened to develop knowledge, mechanisms, and programmes within the scope of local solutions.

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<sup>8</sup> See for example: UN High Commissioner for Refugees (UNHCR), *UNHCR Guidelines on International Legal Standards Relating to Decent Work for Refugees*, July 2021, available at: <https://www.refworld.org/docid/60e5cfd74.html> [accessed 28 November 2021]

Promoting such plans, without discrimination or exploitation, will help refugees become self-reliant and contribute to host economies by providing a basis for equality, equity, and empowerment, hence reducing vulnerabilities and long-term aid dependency. Working towards local solutions can also offer alternatives to camps, reduce refugees' onward and irregular movements and prevent further displacement, while reducing the risk of frustration and tensions among displaced populations and host communities.

Further along, local solutions can also contribute to the achievement of durable solutions through equipping and preparing refugees, building conducive conditions for future (re)integration.

For instance, the acquisition of a legal status and ensuring refugees are economically and financially included in response and national plans as well as in social protection systems, can help equip displaced populations to contribute to peacebuilding processes, address root causes in the country of origin and access economic and entrepreneurship opportunities at home. The type of skills and experience gained through inclusion in the country of asylum influence the (re)integration prospects elsewhere.

## PROTECTION CONSIDERATIONS AND SAFEGUARDS

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**Local solutions need to be implemented having safeguards in place that protect the rights of refugees and help fulfil their protection needs. In particular, the following key protection considerations need to be taken into account by States when implementing local solutions for refugees:**

### **THE RIGHT TO SEEK AND ENJOY ASYLUM AND PROTECTION AGAINST *REFOULEMENT*:**

Systems and procedures need to be in place to guarantee that refugees benefiting from local solutions can apply for asylum, enjoy asylum when in need of international protection and are protected against *refoulement*.

### **PROTECTION-CENTRED CRITERIA AND PROGRAMME DESIGN:**

It is important that local solutions are non-discriminatory and do not make an unlawful distinction on the basis of nationality, race,

gender, religious belief, class or political opinion or any other ground. Local solutions need to be based on objective criteria, taking into account the specific situation of the refugees (e.g., ties with the host community).

### **LEGAL STATUS AND DOCUMENTATION:**

Refugees benefiting from local solutions shall have access to legal status and documentation, i.e., a lawful status to stay as well as identity and civil documentation in the country of asylum. In this respect, flexibility is required due to the specific situation of refugees as they are often not able to approach the authorities of their country of origin to authenticate or obtain personal documents.





📷 Colombia. Venezuelan refugee, Yohana Bracamonte, seize chance to register for legal status. © UNHCR/Diana Diaz

### PREVENTION OF STATELESSNESS:

It is important that local solutions do not increase the risk of statelessness but reduce it, registering for example the birth of children born to refugees and providing them with a legal status and documentation.

### ACCESS TO JUSTICE, RIGHTS, AND SERVICES:

Refugees benefiting from local solutions shall have access to institutional mechanisms and procedures that provide access to administrative and judicial processes, irrespective of their legal status. Support services such as health, education, legal aid and representation, housing, counselling and psycho-social services, and language support are also important.

### RESPECT FOR THE RIGHT TO FAMILY LIFE:

It is important that refugees are able to maintain their family life and preserve the unity of their family. As such, refugees must have access to family reunification, allowing for their family members to join the refugee, or the refugee to join their family. Particularly for unaccompanied and separated children, States must ensure reunification with their parents in a positive, humane and expeditious manner, in line with Best Interest of the Child determination.

### ALIGNMENT WITH PROTECTION AND SOLUTIONS STRATEGIES:

Where applicable, States are encouraged to work with UNHCR and partners to identify contexts and refugee populations where opportunities for local solutions can have a strategic impact on the protection environments and wellbeing of individuals and households in countries of asylum, in the context of comprehensive refugee responses.

### REFUGEES AT THE CENTRE OF PROCESSES:

Refugees and their communities must be active participants of their own protection and solutions. The integration of refugees' perspectives in the design and implementation of local solutions is key to ensuring that their specific situation and active contribution are taken into account. It is equally important to take an age, gender and diversity approach in designing and implementing local solutions. Regular feedback mechanisms and consultations with refugees on the barriers that may prevent local solutions as well as areas of improvement need to take place.

### CONFIDENTIALITY AND DATA PROTECTION:

The respect for refugees' right to the protection of their personal data is fundamental, bearing in mind the sensitive nature of refugees' personal data and information. Confidentiality is an important principle in the design and implementation of local solutions.



📷 Democratic Republic of Congo. Meeting with refugee committee and local authorities in Ndu, Bas Uele Province. © UNHCR/Vittoria Moretti

# EXPANDING LOCAL SOLUTIONS FOR REFUGEES

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## PROMOTING AND ADOPTING ENABLING AND INCLUSIVE LEGAL, POLICY, INSTITUTIONAL AND ADMINISTRATIVE FRAMEWORKS, AND PRACTICES

### **Securing legal residency arrangements:**

At a point where refugees transit to a durable solution, notably *de jure* local integration and in other situations, refugees need access to a secure legal status/legal residence regime, including through the issuance of a temporary, short- or long-term residence permit that allows them to progressively obtain permanent legal status and a pathway to naturalization. This, beyond providing a degree of protection, can enable refugees to rebuild their lives, access services and other opportunities likely to develop self-reliance and empower a degree of agency contributing to realizing durable solutions. In this regard, enabling accessible and fair legal, policy, institutional and administrative frameworks and practices are important.

### **Facilitating civil, social, economic and cultural inclusion:**

Given the minimum standards and rights enshrined in the 1951 Convention and through the 1967 Protocol, the 1969 OAU Convention, the principles of equal opportunity and treatment, and other relevant human rights and other instruments relating to civil, socio-economic and cultural rights, and given the obligations of States parties, it is important to facilitate the civil, social, economic and cultural inclusion of refugees in countries of asylum. Self-reliant refugees, through economic and social inclusion opportunities, contribute to the local economy and the development of the host country, and in turn strengthen the resilience of host and refugee communities. Favourable laws, policies and practices can grant refugees a wide range of rights, allowing freedom of movement (e.g., through out-of-camp policies), participation in income-generating activities, access to land, education, skills training, the labour market, financial services such as savings and loans,

public services and assistance and the acquisition of property. Social and cultural interactions between refugees and local communities allow refugees to live among or alongside host populations in a culturally diverse society. The adoption of integrated approaches to services and the inclusion of refugees in national development plans and programmes benefit both the host and refugee community. Outreach to urban refugees and asylum-seekers is also a facilitating factor of local solutions.

## BURDEN- AND RESPONSIBILITY-SHARING AND A WHOLE-OF-SOCIETY APPROACH

Beyond political will, the implementation of policies and laws that enable legal, social, economic, and cultural inclusion, and the creation of appropriate frameworks and institutions, require partnerships, resources and joint planning and monitoring as well as support from the international community through financial, technical and other assistance. In particular, timely, predictable, adequate, and sustainable humanitarian and development funding is crucial. At the national and local levels, a whole-of-government approach and the coordination and engagement of government actors at different levels is paramount, together with the mobilization of the private sector, academia and research institutions, training institutes, financial and business development service providers, and other actors. Efforts to promote inclusion and integration should also aim to build the capacity of different actors, including State institutions, refugees and their communities, and civil society. As part of the inclusion agenda, humanitarian and development assistance should be designed to benefit both refugees and host communities by promoting an integrated approach.

## ENHANCING DATA AND EVIDENCE

Bearing in mind the imperative of protecting refugees' personal data, advocacy efforts related

to the formulation/revision of laws and policies should be based on data and evidence, including refugee profiling and mapping of skills. Recognizing the contributions of host countries by measuring the impact of hosting refugees, advocating for refugee integration by measuring the benefits of hosting refugees, and assessing the positive contributions of refugees to local economies and communities are important. Studies show the positive economic and social impacts that refugees have when they get the opportunity to integrate; and to the overall well-being of the community and its social interaction.<sup>9</sup> As the availability of data about the local integration of refugees remains elusive, there is also a need to increase efforts to develop appropriate indicators for measuring and quantifying local integration in a way that is comparable and consistent across different contexts.<sup>10</sup> Through its efforts to improve the availability and accessibility of high-quality socio-economic data and evidence on affected populations, the work of the UNHCR-World Bank Joint Data Centre on Forced Displacement can also contribute to enhancing data and evidence in support of local solutions.<sup>11</sup>

### **REFUGEE, HOST COMMUNITY VOICES AND PARTICIPATORY APPROACH**

From a rights-based and community-based approach perspective, the participation of refugees and their hosts in the decision-making process from the early stage of displacement is critical when pursuing solutions and related pathways. This includes ensuring their participation in the formulation of policies and laws, as well as in the development of strategies and plans. The Global Compact on Refugees provides an opportunity to ensure that refugee voices are translated into tangible outcomes. Therefore, efforts to support social and economic integration should also consider community engagement activities, including Accountability to Affected Populations.

### **CREATING, EXPLORING, AND SUPPORTING REGIONAL MECHANISMS, GLOBAL AND LOCAL SUPPORT ARRANGEMENTS TO ADVANCE OTHER LOCAL SOLUTIONS**

Regional mechanisms and frameworks on free movement of persons, right of residence and right of establishment are useful in exploring interim legal arrangements and inclusion. On the other hand, global and regional support arrangements would facilitate the search for solutions and related pathways and their attainment. That is the case, for example, when a conducive environment is created to leverage, enhance, and invest in sectors such as education, economic inclusion, self-employment and wage employment (e.g., cross-border financial services, recognition of skills and qualifications), health, and infrastructure. In this context, reference to and use of arrangements elaborated through the Global Compact on Refugees could prove useful (e.g., National arrangements; Support Platforms, Regional and sub-regional approaches).

### **ADVANCING LOCAL SOLUTIONS THROUGH GLOBAL REFUGEE FORUM PLEDGES**

At the first Global Refugee Forum in 2019, Member States and other stakeholders made pledges<sup>12</sup> and commitments linked to arrangements listed in the Global Compact on Refugees. Under the Solutions category, a total of 350 pledges were submitted with 23% related to local integration and local solutions. Capitalizing on the implementation of these pledges and on the local solutions tool described in this document, the second Global Refugee Forum of 2023 could generate further detailed and costed pledges to improve access to durable solutions. Pledges on local solutions or offers of support for States and other stakeholders eliciting to develop local solutions with corresponding financial, technical and material support would bring important and concrete contributions and encourage the development of further durable solutions in other countries.

9 See: Betts, Alexander, *The Wealth of Refugees: How Displaced People Can Build Economies*, Oxford University Press, 2021 (1st edition).

10 Expert Group on Refugee and Internally Displaced Persons Statistics, International Recommendations on Refugee Statistics (IRRS), March 2018, available at: [https://unstats.un.org/unsd/demographic-social/Standards-and-Methods/files/Principles\\_and\\_Recommendations/International-Migration/2018\\_1746\\_EN\\_08-E.pdf](https://unstats.un.org/unsd/demographic-social/Standards-and-Methods/files/Principles_and_Recommendations/International-Migration/2018_1746_EN_08-E.pdf) [accessed 28 November 2021]

11 See: UNHCR-World Bank Joint Data Center on Forced Displacement: <https://www.jointdatacenter.org>

12 See: 2019 Global Refugee Forum Pledges and Contributions Dashboard, available at: <https://globalcompactrefugees.org/channel/pledges-contributions>

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