

# DURABLE SOLUTIONS

There are occasions when the UNHCR, sometimes with the help of other international organisations, co-ordinates and sponsors the movement of refugees from one place to another. These situations are grouped under the following categories: **resettlement, internal relocation, voluntary repatriation and family reunification**. These movements are not a part of the asylum process. They happen when there is a need for protection and when the UNHCR cannot identify local solutions. Only recognised refugees and, in exceptional cases, also asylum seekers will be considered for these relocation options with the UNHCR. A separate status determination process will be conducted by the UNHCR that may not always have the same outcome as the DHA process.

## RESETTLEMENT

Resettlement is the assisted movement of a refugee, including his or her nuclear family (spouses and children) to a different country than the one that first granted refugee status.



- It is only available in exceptional cases for refugees who cannot find local solutions and whose protection cannot be guaranteed by the country that first granted them asylum.
- The processing of resettlement often takes more than a year.
- General problems in S.A, such as xenophobia and a lack of employment opportunities, do not satisfy the requirements for resettlement.
- The UNHCR first seeks to establish a durable environment for you and your family here in South Africa before they consider resettlement.

→ Due to the limited number of refugees resettlement countries will accept, and that the criteria set by these countries are difficult to meet, resettlement is not an option for many refugees who were granted refugee status by SA.

## CRITERIA FOR RESETTLEMENT

The UNHCR has set out the following criteria for resettlement: **Lack of legal protection:** Exceptional circumstances where refugees who are of concern to the UNHCR are, for instance, refused entry to SA or have had their asylum application rejected.

- **Lack of physical protection:** Circumstances where there is a direct threat to the life and/or personal safety of a refugee. The refugee may be threatened by the government of his or her country of origin or by other hostile groups in a way that renders the South African government unable to offer adequate protection.
- **Survivors of violence and torture** may be resettled if South African medical and psychological services do not meet the requirements of the refugee.
- **Persons with specific medical and disability needs** may be resettled if SA cannot provide the required medical care.
- **Women at risk** may be resettled if their particular protection problems cannot be adequately addressed in SA.
- **Unaccompanied children** may be resettled when the child is considered especially vulnerable.
- **Elderly refugees** may be resettled if they cannot obtain adequate protection in South Africa.

## APPLYING FOR RESETTLEMENT

- If you qualify according to any of categories listed above, you should approach a legal counsellor or other service providers to recommend possible solutions and provide assistance. If these individuals are unable to assist, you can also approach the UNHCR for further advice.
- If, during the consultation with the UNHCR, it is found that there are no prospects for solving your problem in South Africa, the UNHCR may look into prospects for resettlement.
- The UNHCR Protection Unit will conduct its own investigation and make a decision based on the credibility of the information you provided.
- If the decision is negative, the case will be closed and you will be informed in writing. This decision is final.
- If the UNHCR Protection Unit decides that resettlement is necessary, they will ask a third country to review your application. The country will examine the case, and if this country is satisfied, your entry visa will be prepared.
- You must complete a mandatory medical examination as part of your application for resettlement.
- In some cases, members of the immigration department of the receiving country could interview you again.
- The International Organisation of Migration is responsible for preparing the travel documents for refugees to be resettled.
- The whole process can take between one and two years.



## INTERNAL RELOCATION

Internal relocation is the official movement of a refugee/asylum seeker (including nuclear family – spouses and children) within South Africa, for protection purposes. In exceptional circumstances, persons may be relocated to gain greater access to the UNHCR. The conditions and procedures for internal relocation are very similar to those for resettlement. You are not permitted to apply for internal relocation if you have general transportation needs within South Africa.

### APPLYING FOR INTERNAL RELOCATION



- If the UNHCR Protection Unit is convinced that you need to be internally relocated, they will consider safer locations within SA for you to reside.
- If the UNHCR has implementing partners in an area they have earmarked for relocation, these partners will be contacted to organise temporary accommodation and provide other necessary services.
- The UNHCR will either arrange transportation or provide the funds for transport, and you will be instructed to contact the relevant service provider on arrival.

## VOLUNTARY REPATRIATION

Voluntary repatriation occurs when refugees freely decide to return to their countries of origin. When conditions change and the safe return of refugees to their countries is possible, it is often promoted by UNHCR as the best solution.

### APPLYING FOR VOLUNTARY REPATRIATION



- You have to fill in a voluntary repatriation application form available from the UNHCR or from legal institutions such as LHR, the Wits Law Clinic and the University of Cape Town Law Clinic. This form asks for information about the place you intend returning to and allows the legal counsellor to establish whether you are of concern to the UNHCR.
- The legal counsellor will do an in-depth interview with you to confirm that the issues raised in the form are comprehensible, accurate and reflect what has happened.
- The legal counsellor will send the application form, together with a recommendation for voluntary repatriation to the UNHCR.
- The final decision rests with the UNHCR, and they will also organise the practicalities for your voluntary repatriation.
- It is important to establish whether it is safe for you to return to your country. You lose your refugee status the moment you leave South Africa through the process of voluntary repatriation.

## FAMILY REUNIFICATION

A refugee who lost a family member during the flight or movement between countries can either request that the family member join him or her in South Africa or request to be reunited with the family member in another country.



- Applications for family reunification must be made to the DHA at the refugee reception office.
- Note that the DHA only considers family reunification for refugees.
- Under exceptional circumstances the UNHCR can assist with transportation to and from South Africa for purposes of family reunification.

### APPLYING FOR FAMILY REUNIFICATION

- Contact the University of Cape Town Law Clinic; the LHR office in Johannesburg, Pretoria or Durban; for assistance with filling in the application forms and processing the information.
- The DHA will make a decision on your application.

## TRACING

The process of family reunification might sometimes require the tracing of lost family members.



- The SA Red Cross Society, in collaboration with the International Committee of the Red Cross, provides a service that aims at restoring family links.
- This service includes the exchange of Red Cross messages, tracing of separated families and reunification.
- The Red Cross works closely with the UNHCR and other agencies, particularly in dealing with child protection issues during the reunification process.
- The Red Cross can facilitate family reunification in cases including unaccompanied and separated children of up to 18 years of age and also in cases involving the elderly

or vulnerable people.

- The Red Cross message system can also be used to re-establish contact between family members who were separated or had their normal channels of communication disrupted as a result of armed conflicts or natural disasters.
- The Red Cross message system needs both the identity and full addresses of the sender and receiver of a message.
- If you are trying to trace someone, through the Red Cross system or otherwise, make sure to provide as much information as possible about the missing family member – include as much detail as you can about the person's identity, the cause of the separation, the last date and place where you had contact with each other, whom the missing person was seen with, the last news you received about the missing person and any additional information that may facilitate the search.
- If the missing person has been resettled, the person making the inquiry can consult the international communication network of the Red Cross and the Red Crescent.
- Tracing normally takes time, and the chances of success depend on the accessibility of the area and the relevance and sufficiency of the information supplied.

**Note that tracing activities may be suspended in areas that are inaccessible due to armed conflicts or natural disasters.**



### COMPILED WITH INFORMATION FROM:

- ④ University of Cape Town Refugee Rights Project
- ④ Sonke Gender Justice
- ④ The Women's Legal Centre

[www.refugeerights.uct.ac.za](http://www.refugeerights.uct.ac.za)  
[www.genderjustice.org.za](http://www.genderjustice.org.za)  
[www.wlce.co.za](http://www.wlce.co.za)

