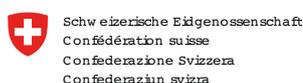


# Practical Guide for Dossier Examination

EU-FRANK Tool 14

The EU-FRANK project is co-financed by the Asylum, Migration and Integration Fund (AMIF)

Led by Sweden. In partnership and consultation with:



# Introduction to this tool

**This tool has been developed within the framework of the EU-FRANK project in 2018-2019 with funding from the European Asylum Migration and Integration Fund. Information presented in this tool is by no means exhaustive, but represents a compilation of guidance and practical tips. The objective has been to support EU Member States in their operational work with resettlement. For more information about this project, visit [www.eu-frank.eu](http://www.eu-frank.eu).**

## **What is the purpose of this tool?**

This tool provides guidance for assessing a resettlement submission via dossier examination – i.e. based on the UNHCR file (RRF: Resettlement Registration Form). It describes a number of activities that may need to be undertaken in order to process such a request. The guide contains practical information concerning all aspects of dossier selection. In the guide, the process is divided into three parts. Each part of the guide deals with a specific phase of the process.

## **Why was it created?**

This guide supports emerging and existing resettlement countries with a set of activities aimed at improving practices related to the “dossier-based” method of selecting refugees.

## **Who should use this guide?**

The guide is intended for officials involved in resettlement programs in existing and emerging resettlement countries in Europe. It is considered useful for officials who have never been involved with resettlement and who could benefit from additional guidance, as well as for officials with years of resettlement experience who could use it as a reminder in their work.

## **Which other training tools and sources to use?**

This tool can be used together with other EU-FRANK tools <https://www.eu-frank.eu/resources.html>.

# Selection on dossier basis

In the set-up of a resettlement program, a country can choose for a selection mission that involves additional interviews with refugees or a so-called “dossier-based” method of selecting refugees based on interviews conducted by the UNHCR and the Resettlement Registration Form (RRF). In this practical guide, the focus is on the selection on a dossier basis.

There may be a variety of reasons for opting for selection on a dossier basis. This could, for example, include resettlement from a host country where no selection mission is planned, or the urgency of a case might mean that processing cannot wait until the next planned selection mission, or where a selection mission cannot be organized due to security issues or other constraints. By adopting dossier examination as the method for adjudicating resettlement cases, the resettlement countries can also more easily accept cases submitted by the UNHCR under urgent or emergency priorities for which it may not be possible to conduct an interview and/or go on

selection mission. Dossier selection involves the examination of a case exclusively with reference to available documentation, including the RRF, and the engagement of key national and international actors. As such, delays in the decision-making process and the transmission of information can arise. Cases are generally submitted to one country at a time. However, due to specific protection problems, the UNHCR may notify resettlement countries of parallel applications in such situations.

Resettlement countries that use the dossier-based method of selecting refugees assess the cases forwarded to them by the UNHCR.

Clear procedures for selecting dossiers should be established, setting out the role of each key actor in the resettlement process. The procedures should also set out deadlines for the decision-making process that must be adhered to, particularly in the case of emergency and urgent submissions for resettlement.

## SECTION I. RESETTLEMENT COMMITMENT

### 1.1 Requesting resettlement submissions

When a resettlement country approaches the UNHCR to propose candidates for resettlement, the UNHCR will submit dossiers containing information, including the necessary documentation, relevant for the resettlement country to consider the resettlement of the refugees concerned. This is mainly done in the format of an RRF<sup>1</sup>.

The RRF includes the following sections:

1. Case-related data
2. Individual bio data
3. Relatives of the principal applicant and spouse not included in the submission
4. Refugee claim

5. Need for resettlement and prioritization
6. Specific needs assessment
7. Additional remarks
8. Declaration page
9. Attachments Please, see annex 1.

### 1.2 Resettlement selection criteria

The resettlement country defines the criteria against which it will assess cases under its resettlement program. The same applies for the dossier-based selection method.

Selection criteria are to guide the selection phase.

Apart from the refugee definition, a resettlement country may have additional criteria that need to be taken into account in order to accept a case

<sup>1</sup> Some resettlement countries have developed the technical capacity to receive resettlement case data from UNHCR as an encrypted XML file, which (from late 2019) can be transferred directly from UNHCR's registration and case management system to the resettlement country's system, without the need to send electronic files through email.

for resettlement, depending on national legislation and preconditions. The following are examples of criteria that a resettlement country may want to prioritize: medical cases, persons at serious risk of encountering violence and/or torture, survivors of violence and/or torture, vulnerable groups such as female-headed households and individuals of diverse sexual orientation or gender identity, families/family groups or singles, specific refugee populations, or geographical priorities. The resettlement case identification methodology used by the UNHCR, and the prioritization of individual cases for consideration, is protection-oriented and not determined by the selection criteria of resettlement countries. However, the selection criteria of resettlement countries is taken into account when deciding which country to approach at the time of submission.

### 1.3 UNHCR submission priorities and categories

There are three priorities of resettlement submissions differentiated according to degrees of urgency:

- **Emergency:** the security and/or medical threats faced by a refugee necessitate an immediate decision and/or departure to a resettlement country. A decision on an emergency case should preferably be taken within 24 hours, and departure is often necessary to arrange within a few days. Such expedited processing can prevent *refoulement* or help to address other protection risks.
- **Urgent:** refugees who face conditions requiring their expeditious resettlement, but within a less limited time frame than indicated above, are categorized as urgent cases. These refugees

have serious medical risks or other vulnerabilities requiring expedited resettlement within six weeks<sup>2</sup> of submission.

- **Normal:** the refugees concerned have an ongoing but not an urgent need of resettlement. The decision on acceptance or rejection can be made in the course of regular selection procedures.

The UNHCR assesses resettlement needs on the basis of the following categories that relate to the status or situation of applicants for resettlement:

- **Legal and/or Physical Protection Needs** of the refugee in the country of refuge (this includes a threat of *refoulement*);
- **Survivors of Torture and/or Violence**, where repatriation or the conditions of asylum could result in further traumatization and/or heightened risk, or where appropriate treatment is not available.
- **Medical Needs**, in particular life-saving treatment that is unavailable in the country of refuge.
- **Women and Girls at Risk**, who have protection problems particular to their gender.
- **Family Reunification**, when resettlement is the only means to reunite refugee family members who, owing to refugee flight or displacement, are separated by borders or entire continents.
- **Children and Adolescents at Risk**, where a best interests determination supports resettlement.
- **Lack of Foreseeable Alternative Durable Solutions**, which generally is relevant only when other solutions are not feasible in the foreseeable future, when resettlement can be used strategically, and/or when it can open possibilities for comprehensive solutions.

## SECTION II. RESETTLEMENT SUBMISSION

### 2.1 Registering the resettlement submission

The resettlement dossier is submitted by the UNHCR Headquarters in Geneva, a Regional Resettlement Hub, or directly by a UNHCR Country Office. The dossier is presented in the form of a cover letter or email with an attached UNHCR RRF file.

After receipt of the dossier, register the request in the national database or use the EU-FRANK Tool 1 [Template for annual overview of submitted resettlement cases](#).

For countries using AMIF (Asylum, Migration and Integration Fund) funding, it is also determined which

<sup>2</sup> 2 weeks for acceptance plus 4 weeks to arrange departure.

category of the AMIF is applicable.

If necessary, additional elements can be requested, such as copies of all documents (passport or identity card, medical documents, other supporting documents).

## 2.2 Requesting and preparing an advice or opinion

If agreed in the national Standard Operating Procedure (SOP), every resettlement case will be checked before admission. The submitted case is sent to key actors upon receipt. In case an opinion or advice is deemed necessary, internal departments and/or key actors can be approached about:

- Collecting background information, such as Country of Origin Information (COI);
- Examination on the grounds of exclusion, such as Article 1F<sup>3</sup>;

- Conducting a screening (such as a social media check, or EU registration systems, for example, the EU-VIS and Schengen Information System);
- (optional) Estimating the process of integration in the society of the resettlement country;
- Assessing medical aspects;
- Estimating any consequences for international relations at the Ministry of Foreign Affairs.

## 2.3 Screening the file

More and more resettlement countries perform security checks, so if the national SOP requires it screen the RRF for security issues.

After all information and advices or opinions have been collected and received, the case officer will make a proposal for the final assessment.

# SECTION III. RESETTLEMENT DECISION

## 3.1 Making a decision

Practices for decision-making differ between resettlement states. Some resettlement cases might be clear acceptances or denials, and other cases might need further investigation and consideration.

Information concerning the situation in the country of origin and country of asylum of the refugees concerned should be provided in the context of pre-selection. Country of origin information (COI) and country of asylum information beyond what is already contained in the RRF may be provided by the UNHCR and other entities, including the embassy and NGOs working in the refugee field. Relevant information can also be found from a variety of sources on the Internet (Amnesty International, Human Rights Watch, Accord, Refworld, or the EASO COI portal).

If necessary, an assessment form can be used.

(See an example in Annex 2)

The decision is registered in the national database and/or in the EU-FRANK Tool 1 [Template for annual overview of submitted resettlement cases](#).

It could be that, for various reasons (such as an advice or opinion not being received or when further investigation is required), the case officer cannot yet make a decision. In that case, the UNHCR needs to be informed.

If no decision can be taken on the basis of the Article 1F reads:

The provisions of the Convention relating to the available information, the following options are available to obtain the information:

1. Asking further questions to the UNHCR, such as requesting specific documents. The UNHCR will then, taking into account their policy related to data

<sup>3</sup> Article 1F reads:

The provisions of the Convention relating to the Status of Refugees (1951) shall not apply to any person with respect to whom there are serious reasons for considering that:

(a) He has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(b) He has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;

(c) He has been guilty of acts contrary to the purposes and principles of the United Nations.

The purposes of Article 1F of the Convention are to deny protection to those who might otherwise qualify for refugee status but whose actions render them unworthy of it (e.g. because they contribute to the creation of refugees), and to prevent refugee status from being used as a shield against lawful prosecution in the home state.

protection, try to respond to this extra query either by consulting the information in the file or by reaching out to the refugee again if needed.

2. Performing a video conference with the resettlement candidate(s). (See Annex 3)

Keep in mind that prolonged delays in the decision-making process can have a substantial impact upon the applicant concerned.

### 3.2 Notifying the decision

The decision is communicated to the UNHCR. The communication of a decision should be done as agreed with the UNHCR, for example, in a formal decision in the form of a letter or email for the individual case (accepted/rejected). The decisions should be sent to the focal point of the UNHCR-HQ, the Regional Resettlement Hub, or the Country Office.

When informing the UNHCR on the decision, it could also be advisable to agree on a deadline that needs to be taken into account for informing the refugee on the decision. After this deadline, other key actors (such as the IOM or embassy) can be informed as well. If these key actors need to be informed on the decisions before the deadline agreed with the UNHCR, it should be made clear that the refugee cannot be contacted yet to avoid the refugee being informed of the decision by any other key actor than the UNHCR, unless national practice obliges you to do so.

When a case is rejected, it is best practice to inform the UNHCR on the reasons for this rejection. If

detailed reasons cannot be provided, it is advisable to give more general information, including prejudicial decisions such as security reasons, reasons linked to the eligibility/exclusion criteria, and/or non-prejudicial decisions such as integration or medical reasons. This will allow the UNHCR to conduct a review of the case to ascertain whether a re-submission to another resettlement country continues to be warranted. In this process it is very helpful that the UNHCR be informed of the reasons for rejections by the resettlement country because this will help in making a decision on the case's resettlement prospects after the rejection and in counseling the refugees. Also, it will allow the UNHCR, when a case is resubmitted, to inform the new resettlement country on the reasons for rejection. If the country to which the case is resubmitted is not aware of the reasons the case was rejected before, the risk may be higher that it will be rejected again.

### 3.3 Timing of communications

Normally, a decision should be communicated to the UNHCR as soon as possible. It is good practice to discuss the timing of the communications of the decisions with the UNHCR. Of course, the submissions' priorities (emergency and urgent cases) should be taken into account.

### 3.4 Transfer procedures

For the transfer to the resettlement country, use the national SOP or the EU-FRANK Tool 15 [Checklist for transfer arrangements](#).

## LINKS

The following documents can be downloaded from the EU-FRANK website:

[Guidance on how to complete a RRF can be found in the UNHCR Resettlement Handbook, Chapter 7 Assessment of a UNHCR Resettlement Request](#)

[UNHCR Operational Guidance Note on Conducting Resettlement Interviews through Video Conferencing](#)