

AMERICAN UNIVERSITY OF BEIRUT

UNHCR'S REFUGEE STATUS DETERMINATION

by

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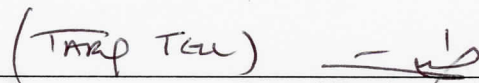
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AN ABSTRACT OF THE PROJECT OF

Hanan Hasson for Master of Arts
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Immigration is one of the most debated topics in domestic and international politics. But how is a refugee differentiated from a migrant? With the current refugee crisis and the mass migration of persons seeking refuge and asylum in European as well as surrounding countries, it is important to analyze the procedure by which 'migrants' are granted refugee status. Having previously worked at the International Rescue Committee (IRC) in the United States on the receiving end of resettlement, I then moved to the Middle East and found myself in the middle of the refugee crisis. Three individuals in Lebanon awaiting resettlement in the US and Europe—whom I would consider economic migrants rather than refugees—sparked my interest in UNHCR's vetting process. For this research, I will focus on the Refugee Status Determination (RSD) process at the United Nations High Commissioner for Refugees (UNHCR), as UNHCR is the primary international organization which screens migrants before they are deemed refugees legally. This process is made available to the public in the UNHCR Resettlement Handbook, however, I want to determine whether there is a discrepancy between guidelines and implementation for the RSD interview. I then interned at UNHCR in Amman, Jordan, where I conducted research on the RSD process to determine how individuals are granted refugee status. The Gambler's Fallacy theory is the lens through which the RSD process is conceptualized, however, I was not granted access to the RSD interviews but I am providing this paper as background material which can be utilized by those researching UNHCR's vetting process.

This preliminary study suggests that although UNHCR claims the RSD process is transparent and without bias—the only form of supervision of this decision-making process is conducted through the compiled report by the interviewer. Therefore, the decision-maker controls the outcome of the applicant's RSD. UNHCR should therefore re-evaluate the established RSD procedure as well as its standards of prioritization. Assisting refugees should be a priority for the international community but this should not entail allowing individuals to take advantage of the open gates to resettlement—specifically, those seeking economic opportunities in resettlement countries. Due to the lack of oversight and problematic structural prioritization methods of the RSD process undeserving individuals seeking resettlement are able to take the place of those who are truly deserving and most vulnerable. It is through cooperation between states and UN agencies that RSD can be utilized more effectively to ensure the most vulnerable are granted their basic human right of protection through resettlement.

LIST OF ABBREVIATIONS

ICM	Intensive Case Management
ILO	International Labor Organization
IRC	International Rescue Committee
RSD	Refugee Status Determination
NGO	Non-Governmental Organization
PTSD	Post-Traumatic Stress Disorder
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural organization
UNHCR	United Nations High Commissioner for Refugees
UNRWA	United Nations Relief and Works Agency for Palestine Refugees

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CHAPTER I

INTRODUCTION

The International Rescue Committee (IRC) and United Nations High Commissioner for Refugees (UNHCR) are at the forefront of the refugee crisis worldwide. My previous work experience is in refugee resettlement in the United States where I worked in resettlement, as well as, intensive case management (ICM). During my time at IRC (2014-2016), I met some of the most vulnerable refugee populations who were enrolled in ICM. These individuals included but are not limited to refugees with persisting medical needs, those suffering from post-traumatic stress disorder (PTSD) or victims of gender-based violence. I have included some critique of IRC's practices for approaching PTSD of refugees in the appendix. In 2016, I moved to Beirut, Lebanon to gain firsthand experience in the Middle East region. During this time, I met three men who were awaiting resettlement to the United States and Europe. These individuals were claiming to be refugees even though they admitted they were not seeking resettlement out of fear but rather on account of seeking better economic opportunities abroad. The appendix provides stories of the three self-sufficient and capable individuals seeking resettlement in the United States and Europe. These individuals would typically be classified as "economic migrants" but due to the ongoing refugee crisis, they are able to take advantage of the free flow of persons and claim to also need assistance in the form of resettlement.

Meeting such individuals—who, in my opinion, were taking advantage and manipulating the resettlement system in place—stimulated my interest in the vetting process at UNHCR. I began an internship in early 2018 at UNHCR in Amman, Jordan

in hopes of accessing the refugee status determination (RSD) unit to observe the RSD interview process. However, I was not granted access to the RSD interview process. This research was intended to facilitate in-depth research on UNHCR's RSD process by applying the gambler's fallacy theory to the interview itself; for this reason, this paper can be utilized by those who are able to look further into UNHCR's RSD process and test gambler's fallacy theory on the RSD interview.

This research begins with a review of the establishment and role of UNHCR, UNRWA, and IRC. This paper then considers the discourse focusing on migrants and refugees to better understand how migrants are granted refugee status through the United Nation's refugee agency. Although there are many ways an individual can be granted refugee status, this paper will focus on how this process is conducted through UNHCR, since UNHCR is the largest and the primary international organization screening migrants before they are legally deemed refugees. Additionally, this paper will provide a brief look into contributions from theories to add to the discussion. Moreover, focusing on UNHCR entails an assessment of the RSD process at UNHCR. A key component of this analysis is determining how UNHCR differentiates between a refugee and a migrant. Within this process, the interview is considered a crucial component in determining the status of the individual.

Following this, chapter three then outlines different factors affecting the RSD process. This section includes research into:(1) the humanitarian element in parallel with the question of state sovereignty, (2) the role of identity and categorization of refugees as the "other," (3) economic concerns and national quotas relating to taking in more refugees, and (4) lastly, this section will look into the culture of UNRWA in comparison to UNHCR with regards to resettlement of refugees. The final chapter

concludes by offering topics for further discussion and thoughts by the author. This paper concludes by asserting that the work of UNHCR is important to assisting the most vulnerable among us—i.e. refugees—but this process should not allow economic opportunists to take the place of others who are in need of resettlement due to persecution or threat of harm or physical insecurity. Economic opportunities in Western countries are tempting to many individuals, which explains the increased number of single men making the tough journey and seeking out resettlement while the window of opportunity still exists. UNHCR should prevent this or at the very least limit economic opportunists taking the place of others more deserving. UNHCR should revise the lack of oversight and problematic structural prioritization methods of the RSD process, which allow non-vulnerable individuals to take the place those who are in fact deserving and at risk.

A. UNHCR, UNRWA and IRC

The refugee crisis is often referred to as a large influx of Syrians, Afghanis, and Iraqis making their way to European shores. Occasionally, the refugee crisis is linked to the Vietnamese “boat people” who made their way to South East Asia—fleeing in numbers and many losing their lives at sea—later resettling the in Western countries such as the US, France, and Australia.¹In both of these contexts, refugees are referred to as foreigners coming from third world countries to Western countries. This rhetoric stems from the notion that the majority of such individuals are seeking out economic opportunities from the developed world. In fact, the original groups of people who were termed refugees were Europeans. From the 19th century through the 1990’s, the majority

¹ Gary Troeller. 2002. UNHCR resettlement: Evolution and future direction. *International Journal of Refugee Law* 14 (1): 88.

of refugees worldwide were of European origin.² This resulted in the need for the United Nations to define the word “refugee” and their rights—including the establishment of the global norm of an international obligation to aid persons seeking refuge. The notion of assisting refugees began in 1921 when the first High Commissioner for Refugees was appointed to aid Russians, displaced by war and the revolution.³ Since then, many initiatives have been created to support refugees such as the creation of the International Office for Refugees in 1930, the Intergovernmental Committee on Refugees in 1938, and the United Nations Relief and Rehabilitation Administration in 1943. Hence, the organization established after the end of the Second World War in 1951, UNHCR, is the current globally recognized organization ensuring that the 1951 Convention for the rights of refugees held in Geneva is implemented.⁴ Briefly, these rights include, “freedom of religion, access to courts, access to employment, access to education, public benefits and freedom of movement.”⁵ Among the first ever known refugees were European Jews fleeing Nazi Germany. Albert Einstein, a European Jew, who was resettled in the United States, was one of the founding fathers of the International Rescue Committee (IRC). To be exact in 1933, Einstein suggested the creation of the International Relief Association and soon after the Emergency Rescue Committee was created in 1940 by other entities, the two organizations merged into one, becoming the widely known IRC in 1942.⁶

The UN created the entity United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) to protect Palestine refugees in

² Vaughan Robinson. 1995. “The Changing Nature and European Perceptions of Europe's Refugee Problem”. *Geoforum* 26 (4): 421.

³ Martin Griffiths, Terry O’Callaghan and Steven C. Roach. 2008. *International Relations: The Key Concepts, 2nd Edition*. Rutledge. 269-271.

⁴ *Ibid.*,

⁵ *Ibid.*,

⁶ Eight Decades of Rescue: History of the International Rescue Committee. Rescue.Org. <https://www.rescue.org/page/history-international-rescue-committee> (accessed April 2, 2018).

1949 who became displaced as an outcome of the Arab-Israeli conflict due to/resulting from the creation of Israel.⁷ United Nations General Assembly passed Resolution 302(IV) in December 1949 and UNRWA began its operations in assisting Palestine refugees in early 1950.⁸ UNRWA defines Palestine refugees as “persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict.”⁹ In the 1960’s, “Europe was at the heart of the global refugee problem and Europe was both instigator and beneficiary...and non-European countries were expected to assist as a part of international burden-sharing initiatives.”¹⁰ This history of refugee work highlights refugee resettlement is not for the benefit of one specific group, rather benefits everyone worldwide. The IRC, UNHCR, and UNRWA all have one thing in common, a mission of protecting refugees.

B. Migrants, Refugees and Resettlement

The year 2016 was the “deadliest for migrants and refugees since World War II.”¹¹ The numbers add up to more than 7,000 migrant deaths. This equates to 20 deaths per day.¹² The number of individuals displaced in and outside their country of origin reached 60 million in 2015. That is 1 in every 100 persons.¹³ Lebanon, a small country of about 4.5 million people, hosts over 1 million refugees—mainly Palestinian and Syrian—and Turkey carries the world’s refugee heaviest refugee burden as it hosts 3

⁷ Who We Are. UNRWA: United Nations Relief and Works Agency for Palestine Refugees in the Near East. <https://www.unrwa.org/who-we-are> (accessed April 2, 2018).

⁸ Ibid.,

⁹ Ibid.,

¹⁰ Vaughan Robinson. 1995. “The Changing Nature and European Perceptions of Europe's Refugee Problem.” *Geoforum* 26 (4): 415.

¹¹ David Greene. “Not Since WW II Has There Been A Deadlier Year For Migrants.” NPR, December 27, 2016, <http://www.npr.org/2016/12/27/507063493/not-since-ww-ii-has-there-been-a-deadlier-year-for-migrants>

¹² Ibid.,

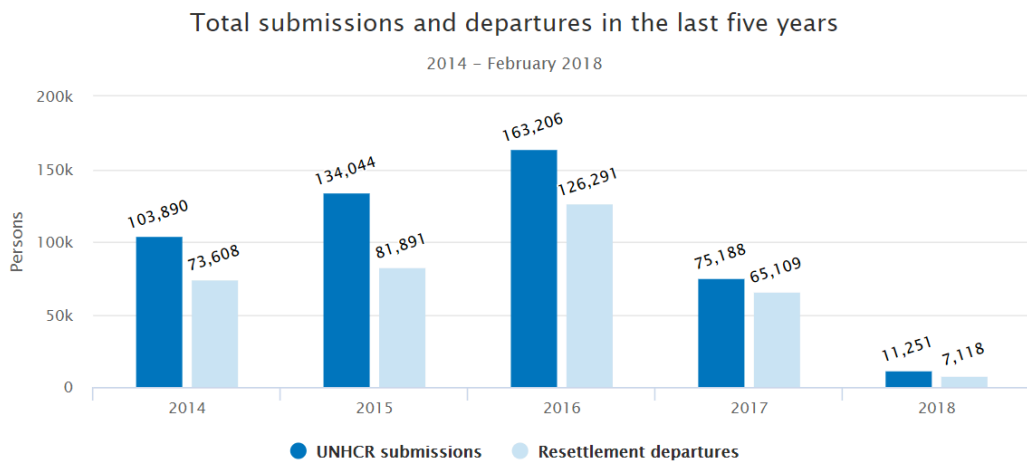
¹³ Phillip Connor and Jens Manuel Krogstad. “Key Facts about the World’s Refugees.” October 5, 2016. <http://www.pewresearch.org/fact-tank/2016/10/05/key-facts-about-the-worlds-refugees/>

million refugees.¹⁴ Currently, the Syrian refugee crisis has displaced and estimated 10.3 million Syrians, with “2.9 million registered by UNHCR in Turkey, over 1 million in Lebanon, 660,000 in Jordan, 241,000 in the Kurdistan Region of Iraq, and 122,000 in Egypt.”¹⁵

Moreover, the movement of persons is not a new concept to society. People often relocate for work opportunities, to pursue higher education, or simply to move somewhere they consider as having better living conditions. Many people are restricted to movement within their own country and sometimes this option is not granted due to political instability within their country. All individuals face limitations—some more than others—when it comes to mobility globally due to the enforcement of national borders. Others are forced to flee their homes to seek refuge in a different city in order to avoid a conflict spilling over into their homes or even worse are relocating homes due to the destruction of their home. People relocate within a country for many reasons, primarily fears or threats of violence. These individuals are considered and termed internally displaced individuals. When such individuals are unable to relocate within their own country and are forced outside of their native countries, they become a migrant or asylum seeker. Furthering this discussion on migration patterns, a refugee is granted entry to certain countries through a refugee resettlement process with participating countries.

¹⁴ Rawan Arar, Lisel Hintz and Kelsey Norman. “The Real Refugee Crisis is in the Middle East, Not Europe,” The Washington Post. May 14, 2016. https://www.washingtonpost.com/news/monkey-cage/wp/2016/05/14/the-real-refugee-crisis-is-in-the-middle-east-not-europe/?utm_term=.652517b3b057

¹⁵ Erica Harper. ed. 2018. “Introduction.” In *A Region in Motion: Reflections from West-Asia-North Africa*, Jordan: WANA Institute and Friedrich-Ebert-Stiftung Jordan & Iraq. 13.



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Figure 1: UNHCR submissions and resettlement departures 2014-2018

As depicted in Figure 1, the numbers yield a 63.27percent resettlement rate for 2018. The previous year, 2017, indicate an 86.59percent in resettlement of refugees. However, in 2016, where there were high numbers of submissions by UNHCR, resulted in an average of 77.38percent.¹⁷

The following tables, 1, 2 and 3, provide a numerical visual of the data utilized to create Figure 1. Table 1, 2 and 3 provide data from the years 2016, 2017, and 2018 for the top ten countries which received refugees for resettlement. Data shows the United States is consistently first, followed by Canada receiving the second-highest amount of refugees, and then the tables vary after that.

¹⁶ Resettlement Data. UNHCR the UN Refugee Agency. <http://www.unhcr.org/resettlement-data.html> (accessed April 6, 2018)

¹⁷ Ibid.,

Table 1: Number of refugees resettled by country of resettlement in 2018

Year ↓	Country of Origin ↓	Country of Asylum ↓	Country of Resettlement ↓	Persons ↑
2018	–	–	United States of America (USA)	2,361
2018	–	–	Canada (CAN)	928
2018	–	–	United Kingdom of Great Britain and Northern Ireland (GBR)	865
2018	–	–	Sweden (SWE)	753
2018	–	–	Germany (DEU)	643
2018	–	–	France (FRA)	348
2018	–	–	Norway (NOR)	331
2018	–	–	Australia (AUS)	324
2018	–	–	Belgium (BEL)	163
2018	–	–	New Zealand (NZL)	156

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Table 2: Number of refugees resettled by country of resettlement in 2017

Year ↓	Country of Origin ↓	Country of Asylum ↓	Country of Resettlement ↓	Persons ↑
2017	–	–	United States of America (USA)	24,559
2017	–	–	Canada (CAN)	8,912
2017	–	–	United Kingdom of Great Britain and Northern Ireland (GBR)	6,202
2017	–	–	Australia (AUS)	4,027
2017	–	–	Sweden (SWE)	3,346
2017	–	–	Germany (DEU)	3,005
2017	–	–	Norway (NOR)	2,799
2017	–	–	France (FRA)	2,505
2017	–	–	Netherlands (NLD)	2,262
2017	–	–	Belgium (BEL)	1,294
2017	–	–	Finland (FIN)	1,094

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¹⁸ Resettlement Data Finder. UNHCR The UN Refugee Agency. <http://rsq.unhcr.org/en/#oF8j> (accessed April 6, 2018)

¹⁹ Resettlement Data Finder. UNHCR The UN Refugee Agency. <http://rsq.unhcr.org/en/#hW13> (accessed April 6, 2018)

Table 3: Number of refugees resettled by country of resettlement in 2016

Year ↓↓	Country of Origin ↓↓	Country of Asylum ↓↓	Country of Resettlement ↓↓	Persons ↑↑
2016	–	–	United States of America (USA)	78,761
2016	–	–	Canada (CAN)	21,865
2016	–	–	Australia (AUS)	7,502
2016	–	–	United Kingdom of Great Britain and Northern Ireland (GBR)	5,074
2016	–	–	Norway (NOR)	3,149
2016	–	–	Sweden (SWE)	1,868
2016	–	–	France (FRA)	1,328
2016	–	–	Germany (DEU)	1,229
2016	–	–	Finland (FIN)	928
2016	–	–	New Zealand (NZL)	895

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Data illustrates not all refugee resettlement applications are granted resettlement in host countries; what is even more important to note is that the number of annual UNCHR submissions for resettlement are not necessarily a reflection of applications submitted during the same year but represent older UNHCR submissions as refugees wait years prior to receiving resettlement. Thus, the numbers do not illustrate a direct pattern of the likelihood for refugee resettlement. This vetting process through UNHCR is called the refugee status determination (RSD) procedure. UNHCR has the power to grant individuals refugee status to be considered for resettlement through RSD. It is this moment that is life changing for individuals seeking refuge. Ultimately individuals have to pitch their stories to UNHCR to be considered for refugee status. With the ongoing debates on refugees and migrants, often such individuals are referred to as “economic

²⁰ Resettlement Data Finder. UNHCR The UN Refugee Agency. <http://rsq.unhcr.org/en/#VIs6>(accessed April 6, 2018)

migrants” by politicians.²¹ Migrants are wrongly categorized as refugees and these migrants are taking advantage of the free flow of persons seeking refuge. If this is the case then how does UNHCR differentiate between a refugee and a migrant through the vetting process of RSD?

A migrant is defined by the United Nations Educational, Scientific, and Cultural organization (*UNESCO*) as “any person who lives temporarily or permanently in a country he or she was not born and has acquired some significant social ties to this country.”²²



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Figure 2: Global migration trend in 2017

Global migration trends in the chart above, Figure 2, illustrate a gradual pattern of increased migration outside country of origin. The number of migrants worldwide in

²¹ David Hughes. “Theresa May to tell UN too many economic migrants are confused with refugees.” *Independent*, September 19, 2017. <http://www.independent.co.uk/news/uk/politics/theresa-may-refugees-economic-migrants-un-summit-a7315731.html>

²² United Nations Educational, Scientific and Cultural Organization (UNESCO). International Migration. <http://www.unesco.org/new/en/social-and-human-sciences/themes/international-migration/glossary/migrant/> (accessed March 29, 2017).

²³ Migration Data Portal. International Organization for Migration. https://migrationdataportal.org/?t=2017&i=stock_abs_&cm49=840 (accessed April 6, 2018)

2010 was 220 million, jumping up to 247.6 million in 2015, and leveling off at 257.7 million in 2017.

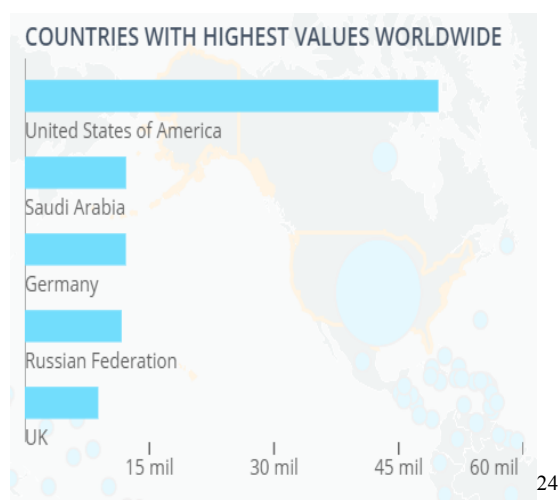


Figure 3: Countries which have the highest number of resident migrants as of 2017

As seen in Figure 3, the top five countries in terms of hosting migrants were the United States (49.8 million), Saudi Arabia (12.2 million), Germany (12.2 million), Russia (11.7 million) and lastly United Kingdom (8.8 million). These numbers represent migrants who are foreign-born and have relocated to a new country. The data clarifies that migration stocks do not include migrants who have entered and left the country within a year—this would fall under migration flow data. The numbers of migrants to Saudi Arabia represent circular migration, which is defined by the International Labor Organization (ILO) as a “form of migration that allows some degree of legal mobility back and forth between sending and receiving countries.”²⁵ UNESCO argues the definition of migrant might be “too narrow” as some countries may consider a migrant to be someone relocating in a country they were already born in, depending on differing

²⁴ Ibid.,

²⁵ Employer’s Viewpoint on Incentives, Programmes and Policies Susceptible to Facilitate the Acquisition and Retention (Circular Migration) of Health Professionals. International Labor Organization. http://www.ilo.org/global/topics/labour-migration/publications/WCMS_227529/lang--en/index.htm (accessed April 6, 2018)

policies. UNESCO stresses the definition of migrant does not refer to “refugees, displaced or others forced or compelled out of their homes.” In addition, migrants are “people who make choices about when to leave and where to go, even though the choices are sometimes extremely constrained.”²⁶ Scholars and politicians often differentiate between voluntary and involuntary migration in the discussion of migrants and refugees.

But how is a refugee defined? The United Nations 1951 Convention defines a refugee in Article I as: “someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.”²⁷

A refugee is not to be confused with internally displaced persons. Internally displaced persons, defined by UNHCR, as “persons or groups of persons who have been forced or obligated to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State boarder.”²⁸ These people could arguably be considered refugees within their own country since they cannot return to their homes. However, the fact that they are still within their country of origin does not classify them as refugees since they can in fact relocate within their borders without external assistance. Likewise, individuals who relocate themselves outside the border of their country of origin are also not considered refugees, but rather as asylum seekers.

²⁶ United Nations Educational, Scientific and Cultural Organization (UNESCO). International Migration. <http://www.unesco.org/new/en/social-and-human-sciences/themes/international-migration/glossary/migrant/> (accessed March 29, 2017).

²⁷ United Nations Educational, Scientific and Cultural Organization (UNESCO). International Migration. <http://www.unesco.org/new/en/social-and-human-sciences/themes/international-migration/glossary/migrant/> (accessed March 29, 2017).

²⁸ United Nations High Commissioner for Refugees. “UNHCR Resettlement Handbook.” Switzerland: UNHCR, 2011. 24

Both a refugee as well as an individuals seeking asylum can be considered for resettlement. “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 to grant them permanent settlement and the opportunity for eventual citizenship. Resettlement is not a right, and there is no obligation on States to accept refugees through resettlement. Even if their case is submitted to a resettlement State by UNHCR, whether individual refugees will ultimately be resettled depends on the admission criteria of the resettlement state.”²⁹ A requirement of resettlement is the predetermination of refugee status by UNHCR. The current list of host resettlement host countries, as of December 2010, are: Argentina, Australia, Brazil, Bulgaria, Canada, Chile, the Czech Republic, Denmark, Finland, France, Hungary, Iceland, Ireland, Japan, the Netherlands, New Zealand, Norway, Paraguay, Portugal, Romania, Spain, Sweden, United Kingdom, Uruguay, and the United States of America.³⁰ It is important to note that these countries have a resettlement quota to meet annually. One which Vaughan Robinson says is no longer viewed as a quota rather as “shocks” to the West with the increased numbers of persons seeking resettlement post-Cold War.³¹ Max Cherem, contributes to the discussion by saying countries have been treating quotas like “carbon trading” where countries determine fair quotas and give the illusion of helping refugees but only to find “protection elsewhere.”³² This is seen with the high monetary donations to host countries such as Lebanon, Jordan, and Turkey. An important aspect of the vetting process, which is linked to the quotas of host countries, is that countries might have their own preference for acceptance of certain ethnic groups while restricting

²⁹ Ibid.,36.

³⁰ Ibid., 66.

³¹ Vaughan Robinson. 1995. “The Changing Nature and European Perceptions of Europe's Refugee Problem.” *Geoforum* 26 (4): 411.

³² Max Cherem. 2016. “Refugee rights: Against Expanding the Definition of a ‘Refugee’ and Unilateral Protection Elsewhere.” *Journal of Political Philosophy* 24 (2): 183.

others from resettlement all together. Christopher Mitchell states that the United States has its borders open to some refugees and not others because of a “blend of many elements: presidential and congressional personalities and policies, judicial decisions, bureaucratic agendas, prejudices and conventional wisdom, pressure from groups and public opinion, the health of the economy and the happenstance of history.”³³ The nicknamed “Muslim Travel Ban” does exactly that; the Trump administration implemented the travel ban out of concern for national security which temporarily suspended resettlement of Syrians, Somalis and others. Similarly, these criteria apply to other nations accepting refugees for resettlement.

Furthering the discussion on refugees and migrants, UNESCO clarifies the Special Rapporteur of the Commission on Human Rights has suggested ways to identify and distinguish whether a person is to be classified as a migrant. Some of these characteristics are essentially that the person is not receiving any rights that a refugee would receive, such as no protection or benefits. In essence, a migrant is not the responsibility of their host country, whereas a refugee might seek asylum once they have reached the host country. Therefore, the refugee cannot be identified as a migrant in this manner and to push the argument further, the refugee would no longer be considered a refugee rather an asylum seeker. To take a closer look at migration patterns affecting the globe, we can utilize the World Migration Report, which reported in 2015 an “estimated 232 million international migrants and 740 million internal migrants in the world.”³⁴ But what does the act of migration really entail? The UNESCO defines the act of *migration* as the “crossing of the boundary of a political or administrative unit for

³³ Christopher Mitchell. 1989. “International Migration, International Relations and Foreign Policy.” *The International Migration Review* 23 (3): 695.

³⁴ The World Migration Report 2015. Publisher: International Organization for Migration, Switzerland 2015. http://publications.iom.int/system/files/wmr2015_en.pdf. (accessed March 29, 2017).

a certain minimum period of time. It includes the movement of refugees, displaced persons, and uprooted people, as well as economic migrants. Internal migration refers to a move from one area (a province, district or municipality) to another within one country. International migration is a territorial relocation of people between nation-states.”³⁵ What is interesting to note here is that the act of migration in itself encompasses all persons—refugees and migrants alike—moving from one place to another geographically but the classification of migrant does not apply to a refugee. Migration trends from 2006 through 2015 among refugees making their way to European countries show the choices of refugees “indicate that they aim at more than just protection,” because they anticipate high standards of living, education and substantial income through employment opportunities instead of being content with receiving aid and living in the EU.³⁶

Migrant, migration, and refugee are all terms utilized in the classification of a person’s resettlement but how are these classifications used to assess these persons in question for refugee status? This heavy task falls upon the UNHCR as they conduct assessments of refugees through what is called a vetting process. It is through this vetting process that refugees are screened and their needs are assessed for resettlement. There are a set of preconditions that a refugee must meet in order to be considered for resettlement by the UNHCR.³⁷ This process is how UNHCR filters through applicants seeking refugee status.

³⁵ United Nations Educational, Scientific and Cultural Organization (UNESCO). International Migration. <http://www.unesco.org/new/en/social-and-human-sciences/themes/international-migration/glossary/migrant/>. (accessed March 29, 2017).

³⁶ Francesca Ruisi and Musa Shteivi. ed. 2016. “Patterns of Migration Flows.” In *Migrants and Refugees: Impact and Future Policies. Case Studies of Jordan, Lebanon, Turkey and Greece*. European Institute of the Mediterranean. 18.

³⁷ Resettlement Flow Chart. *The UNHCR Resettlement Handbook*. <http://www.unhcr.org/afr/protection/resettlement/3bd58ce9a/resettlement-procedures-case-identification-determination-process.html>. (accessed March 29, 2017).

C. Contributions from Theory

1. *International Relations Theories*

Political theories are often ignored when discussing modern day events such as the mass migrations of populations. Gary Troeller argues that the “phenomenon of forced displacement has resulted in refugees becoming a defining characteristic of the post-Cold War era and contemporary international relations.”³⁸ Stephen Walt argues theory is often regarded as abstract and not applicable to real life foreign policies but in reality theory is an important element in understanding foreign policies—in this case dealing with migrants and refugees.³⁹ Walt also claims everyone uses theory even if they do not know it. Similarly, Amitav Acharya says theory “describes reality, or presents a mental picture of the world whether or not one accepts it as objective reality.”⁴⁰ The following situation illustrates theory in practice: the absence of a centralized international governing system would be problematic from a realist perspective. Without a global hegemon in this current international political system it can be assumed that the countries which are for the most part abiding by international law will no longer respect the immigration and border laws currently in place. Realism is concerned with the state as the main actor which are sovereign therefore states have the power to “protect and defend territorial integrity” to preserve the interest of the state.⁴¹ James Hollifield extends the definition of sovereignty to include the right to control entry into state territory.⁴² Adding to the discussion on sovereignty is Emma Haddad, who says refugees are the “creation of separate sovereign states which have

³⁸ Gary G Troeller. 2003. “Refugees in contemporary international relations: reconciling state and individual sovereignty.” Evaluation and Policy Analysis Unit United Nations High Commissioner for Refugees, pp 1.

³⁹ Stephen Walt, “International Relations- One world, Many theories,” *Foreign Policy*, no. 110 (1998), pp. 29

⁴⁰ Amitav Acharya. 2008, “The Limitations of Mainstream International Theories for Understanding the Politics of Forced Migration” Lecture at Centre for International Studies, Oxford University, pp 1.

⁴¹ James F. Hollifield, 1992. “Migration and international relations: Cooperation and control in the European community.” *The International Migration Review* 26 (2): 568.

⁴² *Ibid.*, 569.

failed to enforce a system of substantive sovereignty that would ensure the protection of all their citizens.”⁴³ Realists acknowledge that conflict is a part of international politics and attribute large masses of migrants and or refugees as security threats to national security.⁴⁴ James Brassett and Owen Parker clarify that realists are open to the migration of people through their borders as long as it is not in conflict with the interest of the state—adding, a realist would even recommend entry for qualified individuals.⁴⁵ Acharya asserts “while realism is basically a theory of conflict, liberalism optimistically focuses on the causes of cooperation and the mechanisms of realizing international order.”⁴⁶ Ultimately, realism is concerned with absolute sovereignty, even within an international system comprised of sets of state, sovereignty is still maintained. Thus, crossing of borders somehow is changing that sovereignty and changing the current status. As for liberalism, immigration and the rights of refugees are viewed as a right of the people, one where the burden is shared collectively and arguably is one of united responsibility. The liberal perspective would suggest that interdependence of one another would lead to cooperation in the distribution of migrating persons seeking refuge.⁴⁷ Liberal policies are more welcoming of refugees and migrants as a liberal country cannot accept anti-immigration policies on grounds of assumption of security threats and are more likely to practice inclusion of persons as opposed to exclusion.⁴⁸ Hollifield attributes the increased flow of migration to the expansion of “rights-based”

⁴³ Emma Haddad. 2003. “The refugee: The individual between sovereigns.” *Global Society* 17 (3): 297.

⁴⁴ Gary G. Troeller. 2003. “Refugees in contemporary international relations: reconciling state and individual sovereignty”. Evaluation and Policy Analysis Unit United Nations High Commissioner for Refugees, pp 1.

⁴⁵ James Brassett and Parker Owen. 2005. “Contingent Borders, Ambiguous Ethics: Migrants in (international) Political Theory,” *International Studies Quarterly* (49) No. 2: 238.

⁴⁶ Amitav Acharya. 2008, “The Limitations of Mainstream International Theories for Understanding the Politics of Forced Migration” Lecture at Centre for International Studies, Oxford University, pp 3.

⁴⁷ Stephen Walt, “International Relations- One world, Many theories,” *Foreign Policy*, no. 110 (1998), pp. 32.

⁴⁸ Roxanne Lynn Doty. 1999. Racism, desire, and the politics of immigration. *Millennium - Journal of International Studies* 28 (3): 587.

liberalism in the dominantly sought out countries.⁴⁹ These rights are both civil and social in nature and globally recognized as universal human rights. Building on this is the liberal institutionalist approach which focuses on utilizing the international institutions implemented for means of international cooperation and problem-solving in an organized manner. Robert Keohane and Joseph Nye argue a liberal institutional order emerged after Bretton Woods, “with transnational actors and new types of exchange, which altered the basis of international relations.”⁵⁰ These international institutions, including the UNHCR, have regimes of human rights with different agreements which allow for the movement of people.

Lastly, constructivism is central to this discussion theory as it includes both ideas and norms. Acharya argues that, “unlike most realists and many liberals, constructivists believe in the possibility of fundamental transformations of the international systems; socialization can lead to the formation of collective identities that can overcome the security dilemma among states.”⁵¹ In addition, Acharya asserts constructivism can help explain—better than liberalism and realism—the politics of forced migration; constructivism focuses on identity as being “an indispensable factor in understanding not only the nature of the conflicts that produces refugees, but also how the refugees and internally displaced people relate to their new environment, whether inside temporary safe havens or permanent homes of asylum.”⁵² Constructivism sees that the actual crisis is going to change and transform, this is clear to see through the international sense of the responsibility to protect.

⁴⁹ James F. Hollifield 1992. Migration and international relations: Cooperation and control in the European community. *The International Migration Review* 26 (2): 590.

⁵⁰ *Ibid.*, 574.

⁵¹ Amitav Acharya. 2008, “The Limitations of Mainstream International Theories for Understanding the Politics of Forced Migration” Lecture at Centre for International Studies, Oxford University, pp 6.

⁵² *Ibid.*, 6.

On the other hand, looking at the scenario from a Marxist perspective, Rosa Luxemburg and Otto Bauer suggest movement of people, like that of colonization, is the result of capitalism.⁵³ In this approach, the state is considered to be a “political organization” that is capitalist in orientation, empowering the capitalist class while neglecting the working class and migration is the “direct consequence of inequalities that result from the process of capital accumulation and class differences within and among nations.”⁵⁴ Furthermore, migrant workers become subjected to the interests of the state and capital. The Marxist approach views refugees as forcibly displaced individuals by the uneven nature of capitalism. This raises other issues about not just the structure of the system but also how it is evaluated. Does capitalism allow for justice on a global level? The answer is simply no, in a Marxist point of view because of disadvantaged working class.⁵⁵ Liberalism, however, pictures justice in global terms, all notions of justice has to cross borders. Different organizations might have different approaches, for example, labor interest can go both ways, migrant labor might be cheap labor, on the other hand, trade unions might be against labor migration.

2. Gambler’s Fallacy Theory

Game theory is nothing new to the realm of international relations; however, one may ask how gambler’s fallacy theory can be applied to migration or refugee studies. Gambler’s fallacy is the underestimation of the likelihood of “sequential streaks” occurring by chance, leading to the faulty decision made contrary to the sequential

⁵³ James F. Hollifield 1992. Migration and international relations: Cooperation and control in the European community. *The International Migration Review* 26 (2): 571.

⁵⁴ *Ibid.*,

⁵⁵ Tariq Tell, Personal Communication, April 12, 2018.

streak, resulting in breaking the on-going streak.⁵⁶ Typically experiments testing gambler's fallacy are three types: "production tasks, where subjects are asked to produce sequences that look to them like random sequences of coin flips; recognition tasks, where subjects are asked to identify which sequences look like coin flips; and prediction tasks, where subjects are asked to predict the next outcome in coin-flip sequences."⁵⁷ Daniel L. Chen, Tobias J. Moskowitz and Kelly Shue claim the importance of past decisions for determining current decision making. Chen, Moskowitz and Shue tested gambler's fallacy on whether U.S. judges in refugee asylum cases were more likely to deny applicants after approving a previous applicant, and vice versa.⁵⁸ Chen, Moskowitz and Shue account for many factors such as the judge's experience and if the cases were presented on the same day or different days. The findings presented stronger data for the same-day cases and the study concluded that judges were in fact (0.5 percentage points) less likely to grant asylum to the current applicant if the judge approved the previous asylum case.⁵⁹ Testing gambler's fallacy theory on UNHCR's RSD interview process can allow for a greater understanding of the decision-making process under which applicants are granted refugee status. The interview for RSD would be considered that of a production task, as all interviewers assume the outcome of the interview are unknown and unbiased at the outset. Gambler's fallacy theory can contribute to a better understanding of how some migrants are granted refugee status whereas others are not.

⁵⁶ Daniel L. Chen, Tobias J. Moskowitz, and Kelly Shue. "Decision Making under the Gambler's Fallacy: Evidence from Asylum Judges, Loan Officers, and Baseball Umpires." 2014, *Quarterly Journal of Economics*, pp 1181.

⁵⁷ Matthew Rabin and Vayanos, Dimitri. "The Gambler's and Hot-Hand Fallacies: Theory and Applications," *Review of Economic Studies* (77): 730-778.

⁵⁸ Daniel L. Chen, Tobias J. Moskowitz, and Kelly Shue. "Decision Making under the Gambler's Fallacy: Evidence from Asylum Judges, Loan Officers, and Baseball Umpires." 2014, *Quarterly Journal of Economics*, pp 1182.

⁵⁹ *Ibid.*, 1199.

Gambler's fallacy theory is an institutional political economy approach, one which begins with an ontology of individuals and how rational individuals make decisions in a bureaucracy.⁶⁰ Through this framework, law is taken as an institution which emerges from the interaction of separate egotistical individuals functioning in a bureaucracy. Individuals conducting the RSD interviews have the rationality of an egotist, even under a bureaucracy. When it comes to international migration, the reality is that there are bureaucracies—i.e. organizations—that make the decisions and have their own underlying interests behind their decision making. In actuality, the actual decision-making process differs than what is advertised in the written process. The gambler's fallacy theory is an element I employ for research on UNHCR's RSD interview process. Although I was not granted access to the interview itself to observe the vetting process, the gambler's fallacy theory can be tested and applied to UNHCR's RSD process by those with access to the RSD interview.

⁶⁰ Tariq Tell, Personal Communication, April 12, 2018.

CHAPTER II

OVERVIEW: RSD & UNHCR'S RESETTLEMENT HANDBOOK

The United Nations High Commissioner for Refugees created a Resettlement Handbook in 1996. The intended mission of the resettlement handbook is stated in the following manner: “the Handbook sets out standardized methodologies for identifying resettlement needs and expediting resettlement processing, including the use of Emergency Transit Facilities.”⁶¹ Prior to discussing the vetting process in the UNHCR’s Handbook, it is important to define resettlement as it is the ultimate end goal of a refugee through the vetting process. The Handbook states “Resettlement involves the selection and transfer of refugees from a State in which they have sought protection to a third State which has agreed to admit them—as refugees—with permanent residence status. The status provided ensures protection against refoulement and provides a resettled refugee and his/her family or dependents with access to rights similar to those enjoyed by nationals. Resettlement also carries with it the opportunity to eventually become a naturalized citizen of the resettlement country.”⁶² Essentially, it is through resettlement that a refugee is given a new opportunity to establish and begin a new life.

The UNHCR decision maker will first try to assess whether the individual falls under the 1951 Convention definition of a refugee and then resort to the UNHCR’s broad definition if they do not, as an effort to grant the individual refugee status.⁶³ The Handbook goes on to read, “Although UNHCR applies both the 1951 Convention definition and the broader refugee definition when examining eligibility for refugee

⁶¹ United Nations High Commissioner for Refugees. *UNHCR Resettlement Handbook*. Switzerland:UNHCR, 2011. 1

⁶² *Ibid.*, 3.

⁶³ *Ibid.*, 82.

status, it is important for resettlement consideration to seek to identify the basis for eligibility under the 1951 Convention. In practice, it may be more challenging for UNHCR to resettle a refugee recognized only under the broader refugee definition, as many States do not have provisions to accept refugees who do not meet the 1951 Convention criteria.”⁶⁴ Furthermore, “in addition to individuals who meet the criteria in the 1951 Convention definition, UNHCR recognizes as refugee persons who are outside their country of nationality or habitual residence and unable to return there owing to serious and indiscriminate threats to life, physical integrity or freedom resulting from generalized violence or events seriously disturbing public order.”⁶⁵ Also, the “UNHCR’s mandate to protect refugees also extends to persons who are affected by the indiscriminate effects of armed conflict or other “man-made disasters,” including, for example, foreign domination, intervention, occupation or colonialism.”⁶⁶ In order for individuals to be considered for resettlement they have to have been “determined” to be a “refugee” by UNHCR.⁶⁷ This is conducted through what the UNHCR coins the refugee status determination. The RSD procedures are defined in the UNHCR Handbook as “Legal and administrative procedures undertaken by States and/or UNHCR to determine whether an individual is considered a refugee in accordance with national and international law.”⁶⁸ Generally, “a decision on refugee status should normally have been made before an individual is considered for resettlement. However, it is essential that issues relating to exclusion from refugee status be carefully reviewed before resettlement is considered. Should any exclusion issues arise during consideration for resettlement, the case should be sent to the Protection Unit for an

⁶⁴ Ibid., 21.

⁶⁵ Ibid., 19.

⁶⁶ Ibid., 80.

⁶⁷ Ibid., 75.

⁶⁸ Ibid., 73.

exclusion assessment. International refugee law excludes from refugee status certain persons who would otherwise qualify as refugees, but who are nevertheless denied international protection under the 1951 Convention. This may be because they are receiving protection or assistance from a UN agency other than UNHCR or because they are not in need or not deserving of such protection. The conditions in which this is the case are defined in Articles 1D, 1E and 1F of the 1951 Convention. These provisions are usually referred to as the exclusion clauses.”⁶⁹ What is important to note is that individuals are identified as refugees by default in the UNHCR protocol. This process is called the “Prima Facie (“in absence of evidence to the contrary”) [which] refers to the process of group determination of refugee status, as opposed to individual determination, which is usually conducted in situations where a need to provide urgent assistance or other practical difficulties preclude individual determination, and where the circumstances of the flight indicate that members of the group could be considered individually as refugees.”⁷⁰ The Handbook adds, “Refugees recognized by UNHCR pursuant to its mandate can be considered for resettlement, but it is also important to be aware that many resettlement States restrict their resettlement programs to refugees recognized under the 1951 Convention. Therefore, the prospects for resettlement are, in reality, often more limited for refugees recognized by UNHCR under one of the broader refugee definitions.”⁷¹ Although, prima facie grants individuals consideration as refugees by default, the “burden of proof” lies on the decision maker. The Handbook states that the state or UNHCR need to produce there is a necessity or “‘serious reasons for considering’ that the person concerned comes within the scope of Article 1F. This always requires an individualized assessment of the applicant’s conduct, including

⁶⁹ Ibid., 89.

⁷⁰ Ibid., 20.

⁷¹ Ibid., 77.

where he/she was a member of a repressive regime or a group that commits or advocates violent crimes, or if he or she took part in an armed conflict in the past.”⁷² Just as there are categories that allow individuals to fall into the refugee classification, there are circumstances that may exclude individuals from refugee status consideration. Ultimately all factors have to be assessed by the decision maker.

It is after the RSD interview that an “RSD assessment report” is completed and utilized in making the final decision. The more “organized and comprehensive [the] RSD Assessment [the more it] will contribute greatly to the quality of the determination decision as well as the efficiency and accuracy of review and appeal procedures, and in the cases where the individual is found to be in need of resettlement, the quality of the resettlement submission.”⁷³ The RSD Assessment should include the following: summary of the claim, credibility assessment, statement of the facts, legal analysis, assessment of exclusion issues and lastly, the recommendation.⁷⁴ The Handbook stresses the importance of consistent evaluations for all individuals. In addition, the Handbook states the RSD decision should clearly mention all reasons for supporting the final assessment, regardless of it being “positive or negative.”⁷⁵ Katherine Jensen is critical of this process as “officials are not merely the analyzers of evidence. Through their everyday practices, they construct the meanings of trust and knowledge in the refugee regime.”⁷⁶ The last step in the RSD is the supervision of the decision maker’s assessment of the individual cases. This is to ensure supervisors have oversight over the RSD process. The supervisor is called the Senior Protection Officer or Head of Office. The Handbook says the purpose of the supervision is to “minimize the risk of exclusion

⁷² Ibid., 93.

⁷³ Ibid., 103.

⁷⁴ Ibid., 103.

⁷⁵ Ibid., 104.

⁷⁶ Katherine Jensen. 2017 *The Epistemic Logic of Asylum Screening: (Dis)embodiment and the Production of Asylum Knowledge in Brazil*. 3.

issues being overlooked in the context of resettlement.”⁷⁷ The Handbook explains the RSD process thoroughly but fails to address human error. Although there may be oversight as the supervisor monitors RSD Assessments, the supervisor is prone to assess an individual’s RSD case on the basis of the interview and report conducted and completed by the decision maker themselves.

⁷⁷ United Nations High Commissioner for Refugees. *UNHCR Resettlement Handbook*. Switzerland:UNHCR, 2011. 102.

CHAPTER III

RSD

A. Humanitarian Element vs State Sovereignty

A part of human rights includes a person's right to have their basic human needs met. This is considered an intrinsic right for every individual, however, this right is often not recognized when individuals breach state sovereignty. Guy Goodwill-Gill asserts the international community must focus on working in cooperation with the sovereign to ensure the foundation of human rights is upheld by the international community.⁷⁸ Effectively stated by Barbara Harrell-Bond, "refugees "represent a fundamental challenge to sovereignty, by forcing international actors to consider ethical principles and issues of fundamental human rights, which are a part of their international obligations, over and above the interests of a tidy system of sovereign states."⁷⁹ In fact, in the 1990s, Europe shifted their approach toward the challenge of refugees; in an effort to preserve their state sovereignty and to contain refugee masses from reaching their land, Europe sought direct humanitarian peacekeeping intervention as an alternative to resettlement.⁸⁰ Kagan asserts that both non-refoulement and resettlement rely on the action of governments, contrary to the assumption that UNHCR is in control of the fate of all refugees.⁸¹ He added, however, that while UNHCR is mandated to protect refugees, UNHCR's ability to "provide international protection...is

⁷⁸ Guy Goodwill-Gill. 1999. After the cold war: Asylum and the refugee concept move on. *Forced Migration Review* (6): 15.

⁷⁹ Barbara Harrell-Bond. 1995. "Refugees and the International System: The Evolution of Solutions". Oxford Refugee Studies Centre. 2.

⁸⁰ Vaughan Robinson. 1995. The Changing Nature and European Perceptions of Europe's Refugee Problem. *Geoforum* 26 (4): 417.

⁸¹ Michael Kagan. 2006. The beleaguered gatekeeper: Protection challenges posed by UNHCR refugee status determination. *International Journal of Refugee Law* 18 (1): 12.

quite limited” without external assistance.⁸² Thus, governments truly hold the power as governments can grant refugee status to any individual whether or not the country itself is a signatory of the UN convention. Kagan asserts “UNHCR’s most explicit authority is to promote, facilitate, and assist refugees protected by others, principally by governments.”⁸³ This creates a difficult predicament; the Syrian refugee crisis is a clear example of this. The Syrian refugee crisis is the outcome of a civil war between the Syrian government and rebel factions which resulted in the largest refugee influx in decades. Neighboring country Lebanon has sought to return Syrian refugees into “safe-zones” of Syria with UNHCR’s help. UNHCR and Lebanon’s Hezbollah have been criticized for working with the Syrian government in the repatriation of Syrian refugees in Lebanon to Syria. All NGOs must collaborate with governing entities to gain access to persons of concern and provide proper assistance. Although, Lebanon is not a signatory of the UN Convention, UNHCR continues to operate in Lebanon and still conducts RSD. UNHCR cooperates with Lebanese General Security in carrying out its mission. Although UNHCR seeks to resettle Palestine refugees—who have sought resettlement themselves—UNHCR was prevented from doing so as the Lebanese government has prohibited the resettlement of Palestine refugees.⁸⁴ The Lebanese government upholds the Palestinian right of return as a fundamental, largely based on its ideological assertion that no Palestinians should be resettled in Lebanon. It is said, that only two Palestine refugees were granted resettlement—belonging to the LGBT community—after UNHCR received permission from Lebanese General Security.⁸⁵

⁸² Ibid., 13.

⁸³ Ibid.,

⁸⁴ Sari Hanafi, Personal Communication, April 12, 2018.

⁸⁵ Ibid.,

The dilemma states face in turn becomes a question of preserving state sovereignty or assisting refugees. Even if a state is interested in protecting and aiding refugees, it is in the state's primary interest to protect their own interests first.⁸⁶In reality, neither UNHCR nor governments are required to perform RSD on persons seeking resettlement.⁸⁷In order to address this international dilemma, James Simeon says UNHCR should work together with states to ensure human rights for persons forced to seek refuge; adding, doing so will “ensure their RSD systems conform to internationally recognized and accepted core values and standards for RSD adjudication.”⁸⁸ Goodwin-Gill argues if states ignore the refugee situation and “leave refugees without status and unprotected, or to coerce [their] return in unsafe conditions, then UNHCR has no choice but to fulfill the responsibility entrusted by the international community” to prevent violations of human rights.⁸⁹

B. Identity and Refugees as the “Other”

“No matter where you migrate, and from where, you will—all other things being equal—be far more welcome if you are capable of producing and/or consuming efficiently than if you merely need protection.”⁹⁰ – Thomas Hylland Eriksen

The quote above by Thomas Eriksen encompasses the very obstacle all refugees face when seeking resettlement. Individuals with less to offer in terms of skills or

⁸⁶ Michael Kagan. 2006. The beleaguered gatekeeper: Protection challenges posed by UNHCR refugee status determination. *International Journal of Refugee Law* 18 (1): 3.

⁸⁷ Ibid., 18.

⁸⁸ James Simeon. 2010. *A comparative analysis of the response of the UNHCR and industrialized states to rapidly fluctuating refugee status and asylum applications: Lessons and best practices for RSD systems design and administration*. *International Journal of Refugee Law* 22 (1): 72.

⁸⁹ Guy Goodwill-Gill, 2008. *The politics of refugee protection*. *Refugee Survey Quarterly* 27 (1): 22.

⁹⁰ Thomas H. Eriksen. *Overheating: An Anthropology of Accelerated Change*. London: British Library Cataloguing in Publication Data, 2016: 77.

wealth, are often less welcome in nations they seek refuge in. Thus, the higher the number of persons seeking refugee status, the more difficult it becomes for individuals to be granted resettlement; although, this is not the case for receiving refugee status itself. UNHCR decided in 2015 as a part of the RSD interview that all Syrians and Iraqis are de facto given refugee status—unless there are compelling factors to specific cases that disqualify them from resettlement. This is UNHCR’s way to address large scale numbers of refugee flows. In order to speed up this procedure for processing Syrians and Iraqis, UNHCR in 2015 combined the RSD and resettlement stages in the Middle East and North African region. Eriksen touches upon why refugees are unwelcome in comparison to tourists, who are also foreigners but are well-received because tourists enter countries with money to spend, rather than entering the country with the expectation of receiving aid. Emma Haddad argues this is really an issue of identity politics where some individuals are seen as insiders and others as outsiders. It is through the sovereign state that the identity of the refugee is created.⁹¹ The construction of borders has created the notion of the “insider” and with that leaves everyone outside the borders as “outsiders;” additionally, Haddad claims if borders remain then there will always be refugees because with borders comes the notion of exclusion.⁹² Haddad pushes the discussion further by saying the identity of the refugee as the “other” becomes essential for the nationals to establish their own collective identity.⁹³ This echoes the words of Benedict Anderson, who stresses nations themselves are imagined because no one actually meets the other members in the community therefore the imagined community is constructed since the members will never meet all the

⁹¹Emma Haddad. 2003. The Refugee: The Individual between Sovereigns. *Global Society* 17 (3): 297.

⁹²Emma Haddad. 2003. The Refugee: The Individual between Sovereigns. *Global Society* 17 (3): 297-302.

⁹³ Ibid., 299.

residence.⁹⁴ Zygmunt Bauman claims identity is “not private matter” emphasizing that identity does not happen without external influences as “individuality is socially produced.”⁹⁵ Bauman pushes the discussion further to say “the search for identity divides and separates.”⁹⁶ Stuart Hall similarly asserts that identity is not “essentialist” rather a “strategic and positional one.”⁹⁷ This outlook on identity is shared by others in the discourse. Eric Hobsbawm and Stuart Hall share similar interpretations of identity as they assert a person’s identity is composed of a detachment of the “other” and their identity. Ralph D. Grillo introduces identity as cultural essentialism leading to culture anxiety. The self, argued by Grillo is interpreted as cultural essentialism where a person is identified by their culture and with that comes anxiety. Grillo terms this cultural anxiety, where individuals are fearful of what will happen to their own culture causing a “moral panic”⁹⁸ from the place of the “other”, thus can never be adequate—identical—to the subject process which are invested in them.⁹⁹ Similarly Hobsbawm, says “collective identities are based not on what their members have in common—they may have very little in common except not being the “others.”¹⁰⁰ Grillo says “racism toward other cultures is closely related to boundaries and construction of nations and nation-state.”¹⁰¹ Further setting divisions among the population is through land, Timothy Mitchell claims “the estate divided the world into law on one side and land on the other, abstraction versus material reality.”¹⁰² It is not wrong to want to belong to a specific society but it can become problematic when it excludes others without just cause as morality is

⁹⁴ Benedict Anderson. *Census, Map, Museum. In Imagined Communities: Reflections on the Origin and Spread of Nationalism.* (London, England. 1991), 243.

⁹⁵ Zygmunt Bauman. 2001. Identity in the globalizing world. *Social Anthropology* 9 (2): 124.

⁹⁶ *Ibid.*, 129.

⁹⁷ Stuart Hall. 1996. Who Needs Identity? *Questions of cultural identity.* London: Sage.3.

⁹⁸ Ralph. D Grillo. 2003. *Cultural essentialism and cultural anxiety.* Anthropological Theory 3 (2): 158.

⁹⁹ Stuart Hall. 1996. Who Needs Identity? *Questions of cultural identity.* London: Sage.6.

¹⁰⁰ Eric Hobsbawm. 1996. *Identity Politics and the Left.* New Left Review(217): 40.

¹⁰¹ Ralph. D. Grillo. 2003. *Cultural essentialism and cultural anxiety.* Anthropological Theory 3 (2): 162.

¹⁰² Timothy Mitchell. *The Character of Calculability.* Rule of Experts: Egypt, Technopolitics, Modernity (2002): 78.

brought into question. James Brassett and Owen Parker say “openness” and fairness become a dilemma of migration as concerns of threats arise.¹⁰³ Refugees appear to many as the foreigner or outsider but without the pre-constructed notions of communal identity through borders then anyone could find themselves in the shoes of a refugee.

C. Economy and Quotas

What are the economic impacts on the host countries themselves from taking in so many refugees? There are many ongoing debates that refugees do in fact contribute to a nation’s economy through their financial spending, utilization of transportation and consumption of other commodities. But what is the direct effect of this on the host country? A study conducted by Sarah Winton focuses on the country of Jordan and the unexpected Syrian refugee influx from 2011 till 2014. Winton’s study concludes Syrian refugees only impact the informal work sector and not the formal work sector. This is in part due to Jordan’s strict work policies which restrict Syrians from working in the formal sector thus causing Syrian refugees to resort to working informally.¹⁰⁴ Jordanian law initially only allowed 1 percent of Syrian refugees to obtain work permits then changed its labor laws in 2017 forbidding Syrian refugees from attaining work permits all together.¹⁰⁵ Shaddin Alhajahmad and Dorsey Lockhart claim that by June 2017 that more than 50,000 work permits were granted to Syrians—in various professions, ranging from agriculture to construction—through the Jordanian Ministry of Labor.¹⁰⁶ Alhajahmad and Lockhart also say the arrival of the 660,000 Syrian refugees in Jordan

¹⁰³ Owen Parker and James Brassett. 2005. “Contingent Borders, Ambiguous Ethics: Migrants in (International) Political Theory.” *International Studies Quarterly* 49 (2): 234.

¹⁰⁴ Sarah Winton. 2018. “The Cost of Kindness, Assessing the Effects of Syrian Refugees on Jordanian Labor Markets.” BA Thesis, University of Pennsylvania. 406.

¹⁰⁵ Ibid.,

¹⁰⁶ Shaddin Alhajahmad and Dorsey Lockhart. ed. 2018. “Jordan’s Recent Economic Performance: Implications for Future Growth, Investment, Refugee Policy, and Refugees.” In *A Region in Motion: Reflections from West-Asia-North Africa*. Jordan: WANA Institute and Friedrich-Ebert-Stiftung Jordan & Iraq.91.

“has coincided with a general slowdown in the Jordanian economy,”¹⁰⁷ arguing that from 2005 to early 2010, Jordan saw economic growth with high rates of GDP which declined during the global financial crisis in 2010 and consistently remained at a 2.6 percent average between 2010 and 2016.¹⁰⁸

Even though employment of Syrian refugees appears to have been restricted to the informal sector, the impacts are still felt by the Jordanians as many Jordanians work in the informal sector. The wages in the informal sector have decreased since there are higher numbers of Syrian refugees than natives.¹⁰⁹ It is fair to say refugees make for cheaper labor and this appears to work in the informal sector but in a country like Jordan where housing and living expenses are pretty expensive, this makes life difficult for lower income Jordanian families. Prince El Hassan Bin Talal, made a statement at the Third Annual International Conference for Refugees, claiming that about 65 percent of Jordanians are food insecure.¹¹⁰ Similarly, the International Labor Organization (ILO) reported on the impacts of the Syrian Crisis on Lebanon concluding the impacts had a negative effect on the economic growth of Lebanon. The ILO states “economic growth [in Lebanon] has declined from around 8 percent per annum over the period 2007-2010.”¹¹¹ Also, in the same way low income Jordanians have been affected by the Syrian refugees, poor Lebanese have also found themselves falling deeper into poverty as a result of the high influxes into the region with poverty increasing to “53 percent in

¹⁰⁷ Ibid., 101.

¹⁰⁸ Ibid.,

¹⁰⁹ Sarah Winton. 2018. “The Cost of Kindness, Assessing the Effects of Syrian Refugees on Jordanian Labor Markets.” BA Thesis, University of Pennsylvania. 418.

¹¹⁰ Hassan Bin Talal. “Third International Conference for Refugees in the Middle East.” Conference, Yarmouk University. Amman, Jordan. March 14, 2018.

¹¹¹ International Labour Organization. 2013. Assessment of the Impact of Syrian Refugees in Lebanon and their Employment Profile. 34.

the North, 42 percent in the South and 30 percent in Bekaa, compared to a national poverty rate of 28 percent.”¹¹²

Table 4: UNHCR annual quota for refugee resettlement

	2012	2013	2014	2015	2016
Submissions	74,835	93,226	103,890	134,044	145,568
Departures	69,252	71,411	73,008	81,893	114,916

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I have already touched upon the topic of quotas above but to further this discussion, Table 4 shows UNHCR’s annual quotas from 2012 till 2016 and the numbers indicate a submissions and departures are nearly twice as much as they were in four years ago. This is in part due to the increase numbers of newly opened offices, establishment of new resettlement programs as well as expanding offices.¹¹⁴ Refugee resettlement and refugee status become mere tools of meeting annual quotas.

D. UNRWA: Sole Entity

An important element contributing to this discussion is another UN agency working with refugees—the United Nations Relief and Works Agency (UNRWA) for Palestine Refugees in the Near East. UNRWA has 5.3 million registered Palestine refugees under its programs and has five fields of operations—Lebanon, Syria, Jordan, West Bank and Gaza.¹¹⁵ Unlike UNHCR which assists all refugees, UNRWA is the UN entity protecting and providing assistance solely for Palestine refugees. It is to be noted

¹¹² Ibid.,

¹¹³ Information on Resettlement. UNHCR The UN Refugee Agency. <http://www.unhcr.org/information-on-unhcr-resettlement.html> (accessed April 6, 2018)

¹¹⁴ Ibid.,

¹¹⁵ Where We Work. UNRWA United Nations Relief and Works Agency for Palestine Refugees in the Near East. <https://www.unrwa.org/where-we-work> (accessed April 2, 2018).

that although the UN has created an entity—which was originally intended to be temporary—to assist Palestine refugees, the UN will never refer to the refugees as “Palestinian” because that would entail statehood, which Palestinians do not have. The UN continues to be politically correct when conducting its affairs.

Some may ask why not get rid of UNRWA and just have UNHCR assist all the refugees, including the Palestine refugees. Recently, Israeli Prime Minister Benjamin Netanyahu called for international cuts in financial support to UNRWA and to support UNHCR instead arguing UNHCR should take on all responsibilities pertaining to refugees.¹¹⁶ The dilemma with this is the culture of UNRWA differs from that of UNHCR. Sari Hanafi states that UNHCR in itself acts as a government entity as govern camps with local participation.¹¹⁷ On the other hand, UNRWA, the “phantom sovereign” should follow the example of UNHCR to practice governance in the camps to establish a positive relationship with the community instead of avoiding the role of governing in the camps.¹¹⁸ Hanafi echoes the words of Michel Foucault saying what is more important than formal governmental power itself is what it generates, i.e. what it allows to flourish.¹¹⁹ Furthering the discussion, UNRWA advocates for the right of return to Palestine; however UNHCR advocates for resettlement of refugees.¹²⁰ The mandates of each NGO are conflicting to combine both UN agencies, therefore, appears to be an unlikely marriage. However, with Netanyahu’s demands for the cutting of funds, followed by a shocking announcement from the US on cutting funding to

¹¹⁶ Nidal Al-Mughrabi. “In Gaza, UNRWA Chief says US Aid Risks More Mideast Instability,” *Reuters*. January 22, 2018, <https://www.reuters.com/article/us-israel-palestinians-usa-aid/in-gaza-unrwa-chief-says-u-s-aid-cut-risks-more-mideast-instability-idUSKBN1FB2FA>

¹¹⁷ Sari Hanafi, 2014. “UNRWA as ‘Phantom Sovereign.’” In *UNRWA and Palestinian Refugees: From Relief and Works to Human Development*, edited by Sari Hanafi, Leila Hilal, and Alex Takkenberg. Vol. 14.;14;. London: Routledge.137.

¹¹⁸ *Ibid.*,138.

¹¹⁹ *Ibid.*,129.

¹²⁰ Alex Joffe. 2012. “UNRWA resists resettlement.” *Middle East Quarterly* 19 (4): 14.

UNRWA by half of the originally pledged,¹²¹ everyone is looking towards UNHCR for possible solutions.

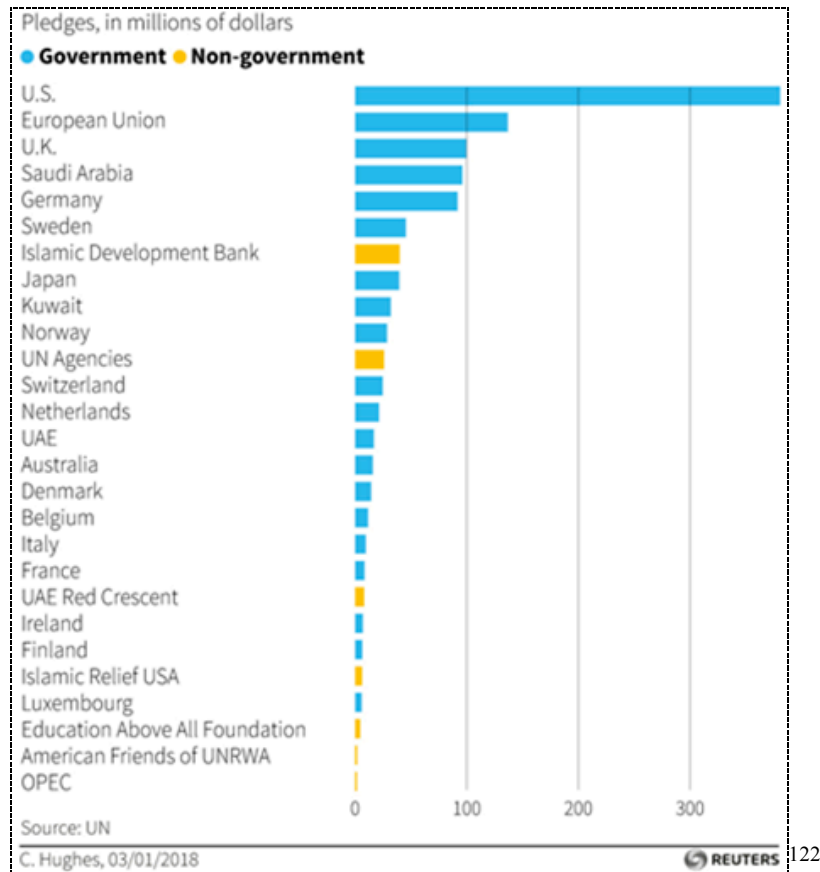


Figure 4: Main aid donors to UNRWA in 2015

The United States of America has historically been the largest contributing partner to UNRWA for over six decades.¹²³ Figure 4 shows America’s generous contribution in 2015 comparatively to other donors. The news of cuts in US funding

¹²¹ “US Cuts UNRWA Funding by More Than Half,” *Aljazeera*. January 16, 2018, <https://www.aljazeera.com/news/2018/01/cuts-unrwa-funding-180116193513823.html>

¹²² Nidal Al-Mughrabi. “In Gaza, UNRWA Chief says US Aid Risks More Mideast Instability,” *Reuters*. January 22, 2018, <https://www.reuters.com/article/us-israel-palestinians-usa-aid/in-gaza-unrwa-chief-says-u-s-aid-cut-risks-more-mideast-instability-idUSKBN1FB2FA>

¹²³ United States: A Long-Standing Partner. UNRWA United Nations Relief and Works Agency for Palestine Refugees in the Near East. <https://www.unrwa.org/united-states-long-standing-partner-unrwa> (accessed April 2, 2018).

resulted with protests erupting all around the Middle East region.¹²⁴ The appendix offers speculation into US cuts to UNRWA funding.

¹²⁴ Ed Adamczyk. "Palestinians Angered by US Plan to Cut UN Aid by More than Half." *United Press International*. March 28, 2018. <https://www.upi.com/Palestinians-angered-by-US-plan-to-cut-UN-aid-by-more-than-half/8281522252066/>

CHAPTER IV

DISCUSSION: THINGS TO CONSIDER

In this section I have compiled some of my thoughts and reflections. To begin, the interview process itself is not the issue when it comes to RSD, rather how it is conducted. A single person conducting the interview has significant power regarding decision making in RSD. This in itself is problematic because there is no real oversight in this decision making process. Contrary to what UNHCR claims is the following step in this process—the supervisor reviewing the completed report by the decision-maker on the individual seeking resettlement—the supervisor cannot have any knowledge on the applicant besides what is included in the report.

Having previously worked in resettlement, and as previously mentioned, most persons seeking resettlement are not provided with adequate information on their options; these individuals rely on rumors or in better terms, word of mouth to attain advice and knowledge on resettlement practices.

Patterns I have noticed during my work in resettlement that could be areas of interest for researchers are as follows: (1) The majority of refugees coming into the United States seemed to be coming in from Turkey—whether they were coming in from Afghanistan, Iraq, Syria, Iran or secondary refugees who once fled Iran to Syria then Syria to Turkey; there were also secondary refugees who were Palestine refugees living in Iraq who then fled to Turkey seeking resettlement to the United States. Resettlement through Turkey appears to be the fastest and probably best route to take when seeking resettlement; (2) Another problematic aspect of the interview process is that applicants seeking resettlement are aware of the process giving priority to persons with persisting medical needs. This in turn speeds up the process for resettlement for these applicants.

Given the expedited process for refugees with severe medical conditions, refugees resort to self-harm in order to increase the likelihood of their application receiving priority on UNHCR's resettlement list. In these circumstances, persons of concern are already among the most vulnerable and when the process becomes competitive then the most vulnerable resort to being the most desperate to make it to the top of the resettlement list. Moments of desperation can lead any person to do unimaginable things, therefore, imagine what a vulnerable individual fleeing a warzone might resort to in order to increase their or even their family's chances of resettlement. This is something UNHCR should consider as protection is a key component to UNHCR's mandate but their policies appear to force refugees into a corner—resorting to finding loopholes such as self-harm causing them to need medical attention and attaining their ultimate goal of priority for resettlement. Likewise, just as the rumors spread of the fastest routes for resettlement, so do rumors that requiring medical attention gives applicants priority. These are things UNHCR should account for when considering implementation of the RSD process.

CHAPTER V

CONCLUSION

As the leading agency granting refugee status to individuals, the UNHCR has emerged as the entity under the spotlight as the first responders to the refugee crisis. RSD is an essential process to resettlement and for this very reason UNHCR's vetting process should be more transparent to allow for improved RSD vetting practices. Gamblers Fallacy Theory can be beneficial to understanding biases in the RSD interview stages. Correctly applied, this theory can show direct patterns of gambler's fallacy theory in the RSD interview.

As we have seen, the impacts on the host country are not in favor of the natives already living off of low incomes. Resettlement is the better alternative for both vulnerable groups. Ultimately, it is the duty of UNHCR to ensure it is indeed the vulnerable who are given this opportunity and that they also receive their human right of having their basic human needs met such as water, food and shelter. No matter what, people will always abuse the system and take advantage of the open gates the refugee crisis has unleashed. It is the international community's duty to ensure everyone has their human rights met. States must work together with UNHCR and refugee agencies in place to ensure efficient and transparent RSD practices. Once this is done, no nation will feel the burden alone, rather the international community can work as a collective to assist the most vulnerable among us.

APPENDIX I

TAKING ADVANTAGE OF OPEN GATES

A. Iraqi Anchorman

November 2016, I met an Iraqi male who was 28 years old. I will not disclose his name but I will refer to him as “anchorman.” The anchorman was born and raised in the United Arab Emirates—where until a couple years ago he was working as an anchorman, and a famous one at that as he claims people would notice him where ever he walked. Anchorman, along with his family and many others of the Shiite sect were exiled from UAE out of political concerns without warning or explanation. Anchorman, at the time was living in Beirut, Lebanon and waiting to be resettled in the United States. I asked him about the resettlement interview process and he said that it was not easy but he had “proof” that he was tortured “a while ago” so he submitted video footage of being tortured. When I asked this young capable man why he would not work in Lebanon since he is educated and skilled—not to mention his previous experience in UAE as a news anchorman—he said because the Lebanese would treat him like a second-class citizen. What was perplexing to me was that he was allowing his pride to get in the way of his potential. It is known that the Lebanese and Lebanese laws favor Lebanese nationals when it comes to occupational prioritization. I myself, as an American, also a foreigner in Lebanon, do not get priority in the workforce, in fact like the anchorman, I am also considered as a “second-class” citizen in Lebanon as well. Reality is even some Lebanese, whether Christian, Muslim-Sunni, Muslim-Shiite or Druze can only qualify for certain positions based on their faith classification. It is just the way Lebanon works. The French can be thanked for that. Anchorman is an applicant

who could have returned to Iraq to work there but he did not want to return to his country of origin out of preference not out of fear or need of protection. I personally consider this individual an economic migrant because he was taking advantage of the resettlement process, by submitting evidence of torture to increase his chances of being accepted for resettlement.

B. Lebanese Taxi Driver

December 2016, I was heading to Hamra area from Ras el Nabeh. I took a taxi ride with a Lebanese gentleman. The driver was Lebanese-Christian because he had crosses in the taxi along with a picture of Saint Charbel. I often times like to get the opinion of the locals on political issues, or Lebanon's overall status. When asked the taxi driver his opinion on the political situation in Lebanon, he said "no offense but you Muslims ruined the country with your fighting." I didn't take it personally, because I wasn't Lebanese so I knew he did not mean what he said to be directed to me as a person. Soon after, he says "I can't wait till this month is over." I ask him why, he responded saying that his wife was in Germany with their child and he has not seen them in two and a half years. The taxi driver allowed his wife who is Syrian to go on the dangerous journey to Germany with one of their kids to seek refuge in Germany. The taxi driver said his wife has applied for family reunification to bring him to Germany too. The taxi driver said he wanted to go to Germany because the economic situation in Lebanon is getting worse for him, and Germany offered him and his family many more opportunities. Therefore, the taxi driver could have stayed in Lebanon with his wife but instead decided to take advantage of the refugee crisis and open gates that came along with it. Neither the taxi driver, nor his Syrian wife were in any danger living in

Lebanon, however, due to raised opportunity, both decided to abuse the system for economic benefits.

C. Syrian in Bekka Camp

August 2017, I found myself volunteering at a refugee camp in the Bekka in Lebanon or to be precise, at an informal settlement—since Lebanon is not a signatory of the 1967 Protocol on refugees. In this informal settlement, the UNHCR logo was on all of the plastic along the tents. It seemed to be a small community of tents grouped together and when I asked about the neighbors, I was informed that they were all relatives of one another that left Syria together. I asked how much they pay for rent and the answer was about 200 US Dollars a year. I was surprised since I was paying 600 US Dollars every month for a shared space in Beirut. Such low rent can be used as incentive not to move out of the informal settlements in the Bekka.

I entered the home of one of the families, where the mother was lying in bed after being struck by a car while crossing the street near the camp. I spent some time talking to a young man in his early 20's. There have been many recent efforts and campaigns to push for the return of displaced Syrians in Lebanon back to Syria. Some by the government and some petitions were started by Lebanese citizens. The Lebanese government in returning displaced Syrians to Syria claims that certain areas of Syria are safe and that these safe zones are where the displaced Syrians should be instead of living in informal settlements in Lebanon.

So I asked this young man what his opinion on the current discussions on this matter were—I asked, “what is your opinion on the argument that everyone is using at the moment, claiming that there are certain safe zones in Syria and that Syrians in

Lebanon should return and live there?” The gentleman said that he agrees there are safe-zones in Syria and said that his brother is a successful lawyer living and working in Syria. He proceeded to point to his father standing near the entry way and said his father was actually planning to return to Syria, then added, “he is a grown man and can do what he wants.” The gentleman then said he did not want to return to Syria because he would be drafted into the military as he is of serving age. It appears this individual would be safe in Syria but chooses not to return to Syria out of preference.

APPENDIX II

IS UNHCR AT FAULT FOR UNRWA LOSS OF US FUNDING?

Is UNHCR to be blamed for US pulling out funds to UNRWA? Article 1D, was recently revised for a total of six years and after six years, UNHCR published the revised 1D article which resulted in the withdrawal of funding from the United States by Donald Trump. This was the response by the United States just two days after the changes were published. Post withdrawal of US funds to UNRWA halted UNHCR plans of releasing a press release about the changes to article 1D. The press release would have brought attention to UNHCR and would have been blamed for the withdrawal of US funds to UNRWA. To clarify the scope of these changes entailed providing assistance and protection to Palestine refugees, including their descendants for any reason—even if they were a part of UNRWA or never sought assistance in the past from either UNHCR or UNRWA.¹²⁵

¹²⁵ Guidelines on International Protection No. 13: Applicability of Article 1D of the 1951 Convention on Refugees to Palestinian Refugees. UNHCR The UN Refugee Agency. December 2017. <http://www.refworld.org/pdfid/5a1836804.pdf>

APPENDIX III

PTSD & IRC RESETTLEMENT

On January 1st, 2016, the IRC was granted the honor of pressing the button that drops the famous Times Square New Year's ball, initiating the countdown to bring in the New Year. IRC like UNHCR deserves the recognition that it receives for their resettlement work in the United States as well as other operations. That being said, there is no system currently in place to screen refugees for PTSD, even though, all refugees have experienced some form of PTSD—if not from experience trauma directly themselves then it is trauma from seeing someone else, a family member or a stranger, go through unbearable circumstances. Caseworkers at IRC can only recommend the option of seeking treatment with a mental health provider. The issue with this first of all is that not all refugees who are resettled are recommended to mental health providers. Oftentimes, refugees who appear outwardly unstable or uneasy are recommended to mental health providers. As a result, the rest of the refugee populations being prepared to assimilate into American society are referred to a mental health provider, therefore, are never screened. In addition to the absence of the screening process for PTSD, refugee populations face cultural stigmas when referred to mental health specialists. Many refugees come from cultural backgrounds where seeking assistance for mental health is looked down upon which discourages many from agreeing to see a mental health provider. IRC does a good job of telling clients what their options are but cannot force a client—no matter how much they may need it—to see a mental health professional. For this reason, having a mental health screening assessment is necessary for all refugees coming to the United States for resettlement. IRC must take initiative

with the assessment process and incorporate it into the “intake” process—where information is collected on the refugee and the client is asked a series of questions—because the alternative is leaving the mental health provider to charge a heavy fee, assuming the client’s medical insurance has been approved and arrived, for this assessment to be conducted. Mental health of refugees is immensely neglected and needs to be nurtured.

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