

SCL International refugee law course

Part 3

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SCL International refugee law course: integration

Introduction

The protection of refugees in host countries requires the attainment of a degree of self-sufficiency and local integration within the local communities for the duration of their exile.¹ It is by being self-sufficient that refugees can lead a fulfilling productive life; this also makes them assets to the host nation and leads to their integration into their host local communities. By enabling refugees at individual, group, community or organisational levels to use their skills or develop new ones, the process of integration in host communities is made durable, lasting and meaningful.

¹ Miles. (1998), Robinson (1993)

SCL International refugee law course

Part 3

How to work your way through part three

1. Before attempting to answer any of the questions, read through the whole material.
2. Then answer each question as directed on the answer sheet.
3. When you have finished, send only the answer sheets back to us.

International Refugee Law: integration

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Integration

“The Conference expresses the hope that the Convention relating to the Status of Refugees will have value as an example exceeding its contractual scope and that all nations will be guided by it in granting so far as possible to persons in their territory as refugees and who would not be covered by the terms of the Convention, the treatment for which it provides².”

1. Introduction

International refugee protection involves:

- securing admission to a safe country of asylum;
- granting asylum;
- respecting refugee's fundamental human rights;
- honouring the principle of *non-refoulement* (the right not to be forcibly returned to a country where their safety is threatened).

But true protection only occurs when a refugee feels long-term safety, security and hope. The UNCHR helps promote three 'durable solutions', or means to permanently resolve the refugee protection issues:

- Voluntary repatriation
- Resettlement
- Local integration

1.1 Voluntary repatriation

Information withheld

1.2 Resettlement

Information withheld

1.3 Local integration

Information withheld

2. About integration

For these 'durable solutions' to be truly successful in providing long-term protection for refugees, the refugees need to be allowed to integrate. However, international refugee law is more concerned with refugee protection issues than integration, in spite of various international treaties to that effect.

The 1951 Refugee Convention, as explored in Part 2, sets out the social, civil and economic rights of people in need of international protection. In various sections, the Refugee Convention stipulates that refugees should be treated "not less favourable" than that accorded to other non-nationals. By treating refugees in this manner, it was felt that "refugees would become 'assimilated in their new countries' and would avoid social marginalisation that often results if given only a second-class status"³.

Integration is a domestic issue. How the rights listed in the 1951 Refugee Convention manifests in a given country depends on the state's refugee policy. National refugee policy is constructed

² Annex 1 of *Excerpt from the Final Act of the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons*, United Nations Treaty Series, vol. 189, p.37.

³ UNHCR (1995) *The State of the World's Refugees: In Search of Solutions* p.83.

on the basis of both international obligations and state constitutional considerations and priorities. States tend to focus on immigration control objectives, law and order, and various other economic, social and political considerations driven by bilateral, regional and international interests.

Article 34 of the Refugee Convention uses the term 'assimilation', however this should be understood as our modern use of 'integration'. They use 'assimilation' to mean the process of laying foundations for the refugee to familiarise him/herself with the customs, language and way of life of the country of asylum without any feeling of coercion or having to forfeit his/her own culture.

Desirable and sustainable refugee integration within the host country should provide refugees with a legal, social and financial framework within which they are allowed to adjust to their new home to the point where they can thrive in their new life. The framework would inevitably require flexibility in terms of strategy development and implementation for refugees, with refugee participation on the basis of cultural diversity, age, and gender on educational backgrounds. The strategies should address the programmes with emphasis on individuals and community participation, and should be supported and sustained⁴.

Integration involves both the host and refugee communities:

- The integration process requires refugees to accept the realities of the host societies and a willingness of individuals and their community to adapt without necessarily losing their cultural identity.
- The process requires a willingness on the part of the host society to accept and be prepared to work with refugees on the basis of equality and take such action to facilitate access to decision-making and resources in parity⁵.

Integration is a long-term process that starts from the time of arrival and continues to the time when refugees become full members from a social, cultural, political, legal and identity perspective. It is agreed that the process of integration extends beyond the first generation of refugees⁶. To some, integration is also viewed as a stage that precedes naturalisation. This link between integration and naturalisation is especially important for refugees as they lack an effective nationality unlike other aliens.

3. Conceptual and theoretical framework of integration

The integration process requires the state to support refugees in adjusting to the realities of the established society. Integration is concerned with the practical and functional issues of settlement for refugees. To be successful, the process must promote conditions of coexistence and participation in the actual economic, social, cultural, civil and political life in the countries of durable asylum. |

Comment [t1]: What is the full citation/reference?

Many within the refugee sector argue that asylum and integration are interrelated both conceptually and theoretically, and therefore must be addressed together. They further argue that integration policies should be part of the asylum determination procedures on the basis that refugees may be excluded or marginalised from mainstream society if the two are not addressed together⁷.

⁴ Anne-Marie Moirnr Wagner, (2000) European guidelines on Empowerment and integration for refugee Children and Adolescents.

⁵ Hildegard Dumper, (2000) Refugees Included

⁶ Caces (1987), Immigrant Recruitment into the Labour Forces.

⁷ European Council On Refugee and Exiles (1998) on Requirements for Integration.

However, States often intentionally restrict asylum seekers from beginning the integration process while they are going through the asylum process. Many states deny the intrinsic link between integration and refugee determination procedures and try to keep them separate, not promoting full integration unless and until refugee status is granted.

The integration process relates to more than the actual economic, social, cultural, civil and political life in the countries of durable asylum. Integration is also directly related to the refugee's sense of identity, attachment and membership to the host society.⁸ The process is driven by underlying assumptions of what constitutes social cohesion and the specific policies enacted to achieve this objective by the host country. Policy is both shaped by assumptions, myth and theories about social order, especially with regard to refugee integration owing to the dynamic nature of the society.⁹

4. Factors affecting integration

There are various factors that determine the degree of integration of refugees in the countries of exile. According to Koser¹⁰, these factors include:

4.1 Factors relating to the country of origin

Information withheld

4.2 Factors relating to conditions of flight

Information withheld

4.3 Conditions in the country of asylum

Information withheld

4.4 Refugee characteristics

Information withheld

4.5 Objective indicators of integration

Information withheld

4.6 Subjective indicators of integration

These would depend on the dominant societies recognition of the values, cultures and identity of the refugees and the refugees themselves to appreciate the same values of the host society. Integration is also impacted by the degree to which a refugee feels free and satisfied with the general conditions in the country of exile. For example Britain is a largely Christian nation, which sometimes encounters problems integrating Muslim refugees in their community. Some British view the Muslim custom of women wearing full veils as oppressive for the women and even threatening. These contrasting views often brings cultural frictions and debates with in the country.

All the aforementioned factors affecting refugee integration show that it is not a uniform process that can be proscribed. However, on the whole, integration involves a journey between the

⁸ Maja Korac (2001), Dilemmas of Integration; Two Policy Contexts and Refugee Strategies for Integration.

⁹ Montgomery, R (1996) 'Components of Refugee Adaptation', p.679-702.

¹⁰ Koser, K (1997) 'Social Networks and the Asylum Cycle' p.591-611.

refugee and his host country meeting at the crossroads. Much as the host country endeavours to acclimatise the refugee to its way of life, each refugee comes with his/her own customs, values and beliefs they will want to maintain. These, however, have to be beneficial or not detrimental to the status quo in the host country as far as its cultural development is concerned. In the same vein, the host country's way of life should not be seen to be an impediment in a refugee's right to enjoyment of his private life as long as he/ she is not committing an offence. As the equitable paradigm propounds, "He who comes to equity, must come with clean hands."

5. Naturalisation

The Section C (3) of the 1951 Refugee Convention states that a person is no longer deemed a refugee under the Refugee Convention if:

"He has acquired a new nationality, and enjoys the protection of the country of his new nationality..."

When refugees become citizens of their country of asylum, they enjoy all the same rights and entitlements as all other citizens of the country, including the right to a passport for the country and the right to vote.

However, naturalisation does not necessarily mean that the integration process is complete. Nor does it mean that the individual no longer considers himself or herself to be a refugee. Many still hold 'refugee' as a vital part of their identity long after settling into a country, becoming a citizen and/or raising children and grandchildren in the host country.

6. Case study of European refugee integration

Information withheld partially

ECRE, in conjunction with the 7 member agencies, created *The Good Practice Guides on Refugee Integration*¹¹ which discuss recommended policies, actions, services and attitudes that help refugees integrate into society. These guidelines are the results of the research and positive initiatives carried out by the member agencies since 1997. The research identified the following issues that host societies need to address in order to foster positive integration of refugees including:

6.1 Culture and community

- assistance with initial adjustment
- assistance accessing and/or creating social networks
- actions to reduce racial harassment and tension
- positive use of mass media
- local community development
- promoting refugee cultures and multiculturalism

¹¹ Guidelines can be found on the ECRE website: www.ecre.org

Individuals, public and voluntary agencies can all be actors in promoting acceptance and tolerance of refugees.

6.2 Education

Education of both children and adults is essential to integration. Actions to assist in education include

- services to improve access to education
- assessing educational needs
- training teachers in meeting refugee needs
- language learning
- provisions to recognise foreign diplomas and/or services to help refugees re-qualify

Note, however, that before education is seen as a priority for refugees, they must have their basic needs for shelter, safety and health met first.

6.3 Employment

Self-sufficiency is also vital for refugees. Employment leads to independence and the ability to contribute to society.

Research has shown that many refugees are underemployed or lose much of their previous professional status in their country of asylum. For many reasons, many refugees work in sectors that require low levels of skills or qualification. Vocational training can help refugees gain the relevant skills, including language skills,

To foster employment with refugees, states need to consider

- Improving access to vocational education
- Removing barriers to eligibility for employment
- Removing barriers to finding employment
- Coaching refugees on society's work culture
- Assist refugees in becoming self-employed, if desired

6.4 Health

Healthcare is a basic entitlement that all residents should be entitled to. However, many refugees often struggle to access healthcare. To overcome this, states may wish to

- Offer services that assist refugees in accessing healthcare
- Train health staff in the special physical, emotional and mental health needs of refugees
- Offer specialist services that help traumatised refugees rehabilitate

6.5 Housing

The right to adequate housing is included in many of the essential international human rights documents relating to refugees. Issues around access to affordable and adequate housing are essential for refugees who are in need of shelter and safety. Housing also allows refugees to become a part of a community and tap in to local social networks.

7. Domestic study of refugee integration in the United Kingdom

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