

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES
EVALUATION AND POLICY ANALYSIS UNIT , AND
REGIONAL BUREAU FOR EUROPE



Local integration for refugees in the CIS region

*Report of a workshop held in
Chisinau, Moldova,
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Evaluation and Policy Analysis Unit

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Background

1. Following the CIS conference and concerted efforts on the part of UNHCR, NGOs, and governments, all of the former republics of the Soviet Union except Uzbekistan have become signatories to the 1951 Refugee Convention.¹ Many have also adopted national legislation pertaining to refugees and asylum seekers. This represents a significant achievement in light of the situation less than a decade ago, when few of the countries had signed the 1951 Convention or other human rights instruments.

2. Today, the major challenge is implementation of the 1951 Convention and its harmonization with the national legislation of individual CIS countries. The reality is that while most of the countries have adopted the Convention, many have failed to implement it. Some of the problems result from a financial inability to cope with new migration flows. Other problems result from a lack of political commitment to truly protect refugees and asylum seekers. In short, there are great variations in the degree to which the Convention is being implemented, with serious consequences for the extent to which recognized refugees are able to integrate into their new host societies.

3. On 24 and 25 November 2003, UNHCR held a workshop in Chisinau, Moldova to discuss the perspectives for local integration as a durable solution in the CIS. The primary objective of the workshop discussed in this report was to identify gaps in legislation and services that impede refugee integration. Participants also identified future activities that would improve the currently existing abilities for CIS countries to integrate refugees.

The workshop

4. The workshop in Chisinau, brought together 24 persons including government officials, representatives of NGOs, and international organizations. Twelve CIS countries were represented. Following a welcome by Lars Jonsson, UNHCR Representative in Moldova, the Senior Legal Officer of UNHCR's regional Bureau for Europe, Bayisa Wak-Woya, outlined the objectives of the workshop, stressing the need to build a greater dialogue for cooperation between the respective authorities and the NGOs.

5. Jeff Crisp, Head of UNHCR's Evaluation and Policy Analysis Unit, provided a framework for thinking about integration as one of the durable solutions recognized by UNHCR. While "integration" lacks a formal definition in international refugee law, he suggested that for the purposes of the workshop, it would be useful to consider integration as a complex and multi-dimensional process with legal, economic, social, and psychological dimensions.

6. For integration to take place, Mr. Crisp said, a number of actors have to be willing: states must take on responsibilities in accordance with the 1951 Convention;

¹ The CIS conference refers to the Conference on Refugees, Returnees, Displaced Persons, and Related Migratory Movements in the Commonwealth of Independent States and Relevant Neighboring States held in May 1996 in Geneva. It was organized under the auspices of the United Nations High Commissioner for Refugees, the International Organization for Migration, and the Organization for Security and Cooperation in Europe.

the society must be willing to accept newcomers; and refugees must want to integrate as opposed to moving on. Without the cooperation of these three actors, integration is unlikely to take place.

7. Mr. Crisp gave an overview of the ways that states have traditionally approached integration, noting that while some states, such as the United Kingdom, have traditionally adopted a “laissez-faire” approach of allowing refugees to integrate into an already multicultural society on their own, states such as Sweden have taken an approach in which the state is involved at every step. He also noted that worldwide, there are differences in the extent to which states attempt to concentrate or disperse refugees.

8. Mr. Crisp went on to point out that refugee integration does not require assimilation, but states vary in the extent to which their policies facilitate the preservation of refugee cultures versus expecting adaptation. Different models of social inclusion, and variant approaches with regard to welfare entitlement have a significant impact on the process of integration.

9. Mr. Erik Stenstrom, Legal Counsellor of the Swedish Integration Board, gave an overview of the Swedish experience integrating refugees. Currently, 10 percent of the Swedish population is comprised of foreign-born. This is a marked contrast to the past, when Sweden had a relatively homogenous society. The countries of the CIS are also struggling with large numbers of newcomers and rapidly changing demographics.

10. The government of Sweden has recognized that as a result of geopolitical events and migration trends, Sweden will inevitably become even more diverse. Refugees and asylum seekers therefore enjoy a high degree of protection and assistance from arrival to integration. The Swedish approach is aimed at rapid “normalization” and integration of refugees into mainstream social programmes and activities. While NGOs are subcontracted for many services, NGOs have not played as large a role as in Romania and CIS countries. However, cooperation between NGOs and government seems to be increasing, with NGOs providing consultation on legislation and the organization of reception centers.

11. Mr. Berend Jonker, European Project Officer of Refugee Education and Training Advisory Service, gave an overview of the practices of different states in Western Europe. He noted that the EU currently receives over 350,000 asylum applications per year. The countries with the largest number of requests are Germany, the United Kingdom, and France. European recognition rates tend to be higher than CIS recognition rates. For example, 42 percent of the asylum requests in the UK led to refugee status or humanitarian protection in 2002. By contrast, recognition rates in CIS countries average lower than 3 percent.

12. The asylum systems in most Western European countries have not been able to cope with the number of applicants. Lengthy asylum procedures, negative publicity about refugees, and a heated political debate surrounding refugees have contributed to hostile and even xenophobic reactions in local communities. These problems are shared in some regions of the CIS. At the same time, an ageing population means Europe is in need of foreign labor to maintain economic prosperity.

13. The conditions for refugees in Western European countries, as in CIS countries, vary. However, based on Jonker's presentation, it is safe to say that refugees in Western Europe experience many of the same basic difficulties in the process of integration across Western Europe and the CIS. Refugees have difficulties as a result of insufficient language training; lack of appropriate vocational training; lack of recognition of qualifications; lack of knowledge about the labor market; and a general lack of confidence.

14. Among the highlights in Western Europe, Jonker described a program of the UK in which refugee health professionals are supported through a re-qualification process. In the Netherlands, the University Assistance Fund (UAF) supports refugee students through higher education programs.

15. Ms. Ecaterina Pacurar, Integration and Advocacy Officer for Forum for Refugees and Migrants, described the Romanian experience. Dramatic progress is evident in an expansion of services to refugees. Refugees are provided with: accommodation in government centers; cultural orientation and Romanian language lessons; subsistence support in the form of reimbursable loans and complementary financial assistance; programmes for women, children, and adolescents; support for access to citizenship; legal assistance; and interpretation and translation services. In Romania, gaps in government capacity mean NGOs play a vital role throughout the integration process. It should also be emphasized that NGO consultation on legislation has enabled the government to resolve inconsistencies in national legislation.

16. Ms. Elena Diaconu and Mr. Cristiano Barale, representatives of the Italian Consortium of Solidarity (ICS), gave a detailed presentation on the Moldovan experience in income generation. As few as three years of activity in this area have yielded significant results: 75 refugees and asylum seekers acquired entrepreneurial skills and 22 business grants were issued. The ICS representatives observed that their clients are well integrated. Among other indicators, the IGP clients considered themselves integrated Moldovans, and lacked the symptoms of Post-Traumatic Stress Disorder (PTSD) noticed among other refugees. This said, there is still progress to be made in Moldova where there is a lack of legislation protecting refugees and a notable absence of opportunities to obtain employment outside the grey market.

Patterns of integration

17. Each of the Eastern European and Central Asian countries gave a presentation on their activities, outlining some of their successes and failures. Eastern European and Central Asian countries share certain problems associated with refugee integration. A primary problem is that national legislation is insufficiently developed. Where it exists, national legislation on refugees and asylum seekers often conflicts with labor, housing, and other policies and practices. Law enforcement authorities tend to be poorly informed of their obligations under the 1951 Convention.

18. In several countries, Refugee Status Determination (RSD) was suspended in order to restructure the governmental bodies responsible for deciding applications, leading to long delays and gaps in protection. Countries that have adopted national laws on refugees and asylum seekers have on occasion failed to set up the necessary

administrative bodies to actually follow through on legislation. Even the governments that are most open to the local integration of refugees often lack the means to provide accommodation, food, or medical care during status determination.

19. However, there were also many differences: the prospects for refugee integration in each of the republics are therefore quite diverse. For example, Tajik refugees in Kyrgyzstan have enjoyed a high level of integration, as have Afghan refugees in Tajikistan. Participants from Turkmenistan indicated that while the population is receptive to the possibilities of social integration, authorities have not facilitated refugee integration. In Armenia, many of the refugees from Azerbaijan are ethnic Armenian, meaning that for them, xenophobia is not an issue. Similarly, there are possibilities for integration in the Russian Federation: while xenophobia is a pronounced problem in Moscow, South Ossetians living in North Ossetia enjoy a high level of integration owing to close ethnic ties and the openness of the local administration.

20. Based on the discussion, it is possible to summarize some of the most important factors that seem to influence the possibility of integration in Eastern Europe and Central Asia:

- degree of linguistic, ethnic, and cultural similarity between the host and refugee population (sometimes referred to as “psychological compatibility”)
- opportunities (or lack of opportunities) in the local economy and labor market
- degree of development of national legislation (e.g. are protection seekers issued documents or required to wait)
- rural versus urban integration and its compatibility with previous lifestyle (e.g. refugees from urban Azerbaijan in rural Armenia)
- willingness on the part of local authorities to receive the population versus attempts to keep them separate (e.g. North Ossetia)
- degree of xenophobia
- financial resources devoted to integration by local authorities and/ or financial resources and social networks of the refugee/asylum seekers (e.g. established Afghans and Angolans providing housing that is unavailable from authorities)
- size of the refugee/asylum seeking population and their relative interest in staying or leaving
- length of time in the country (e.g. Afghans linked to Najibullah regime versus recent arrivals)

21. The consequences of *not* taking measures to more effectively integrate refugees will have serious consequences. In addition to the human suffering involved,

secondary migration to Western Europe is increasingly seen as a logical and necessary step.

22. The lack of opportunities to integrate has resulted in a situation in which many refugees and asylum seekers choose or are forced to move on. This represents a lost “investment” of state resources. It is also a barometer of the living conditions in individual Eastern European and Central Asian countries. For example, Ukraine observes that as many as half of the recognized refugees are no longer on the territory. A number of countries are focusing their efforts so as to avoid being used as a transit corridor.

Specific gaps in legislation and services

23. There are numerous examples of national legislation in need of harmonization. Participants noted the lack of coherence between international instruments and national laws, as well as the need for more services that could facilitate integration. For example, according to the law of Ukraine “On Employment,” asylum seekers do not have the right to work. In Armenia, refugees do not have a right to own land. In Tajikistan, the 2002 law “On Refugees” has been considered invalid, and conflicts with the 1951 Convention.

24. While almost all the countries indicated in their reports that refugees and asylum seekers have freedom of movement within the country, the workshop proceedings revealed that a) refugees and asylum seekers are not always issued identification documents that facilitate freedom of movement and b) the “*propiska*” or registration system introduces a vicious cycle that severely limits refugee and asylum seekers’ ability to find shelter and employment.

25. For example, in the Russian Federation asylum seekers are supposed to be issued certificates upon their application to migration authorities. However, authorities have introduced a pre-registration waiting period that frequently involves a delay of 2 to 4 years before receiving the certificate. This makes it difficult to obtain residence registration. Without a *propiska* or registration, individuals lack access to the formal labor market. Lack of appropriate documentation in general, and a *propiska* in particular, is therefore a serious obstacle to integration.

26. The lack of proper documentation makes protection seekers vulnerable to police harassment. Because many refugees and asylum seekers are not properly documented, they are subject to being detained, delayed, and fined. This makes it very difficult for refugees to work and study.

27. Status determination can be protracted. The structural and legislative changes in the process of establishing an asylum system have placed thousands of individuals in a legal “limbo.” Lacking official status, they are unable to proceed through normal life events such as marriage and divorce.

28. While most national legislation makes discrimination illegal, xenophobic attitudes remain pronounced in many regions. For example, according to a participant from Moscow, more than 50 percent of Muscovites surveyed indicated they were in favor of having all the non-Muscovites removed from the city. At the same time, xenophobia was notably absent in other areas. For example, Ukrainian

participants suggested there was a great willingness on the part of local populations to receive refugees and asylum seekers that were not necessarily “persons with a Slavic appearance.”

29. The climate for NGOs is variable. Whereas some of the republics, such as Kyrgyzstan, noted that NGOs enjoyed a favorable atmosphere that was highly conducive to their work, countries such as Uzbekistan and Turkmenistan noted attempts on the part of the government to restrict their activities.

30. Socio-economic rights and benefits are extremely limited. UNHCR is repairing and building housing for refugees and asylum seekers in many of the states, but the vast majority of refugees and asylum seekers in CIS countries must still find their own accommodation. Among other recent developments, Ukraine, Moldova, and Belarus have a number of additional Temporary Accommodation Centers (TACs) planned to supplement existing facilities.

31. In theory, individuals with refugees status have full access to the labor market, but in practice it is very difficult to find stable employment. Employment services are provided by some NGOs, but there is insufficient capacity to recognize individuals’ qualifications and supply vocational training. As a result, many refugees are either un- or under-employed. This gap contributes to the cycle in which refugees and asylum seekers are perceived as non-contributing members of society.

32. There are important psychological factors that inhibit refugee integration. The importance for refugees to feel needed by their host society appears central.

33. Integration is a long-term process that often extends beyond the ability of NGOs, states, and international organizations to provide assistance. Refugees in the region have therefore displayed a paradoxical reluctance to fully integrate. For example, in Armenia refugees fear that if they accept citizenship, they will be unable to receive compensation for property left in Azerbaijan.

Working group on legal aspects

34. The participants were divided into two working groups, one on the legal aspects of integration and one on the role of NGOs. Each of the groups was comprised of a combination of NGO representatives and government officials. The Working Group on legal aspects suggested national legislation should provide for three broad areas.

35. First, fair and expeditious asylum procedures are a precondition for refugee integration. Lessons learned to date suggest that without fair and timely procedures, refugees experience alienation, and may be hesitant to integrate later on. Second, policies on integration that take into account the principle of non-discrimination and “equality of chances” are vital. Finally, national legislation should reflect states’ obligation to fulfill their responsibilities for refugee integration.

36. Throughout, NGOs provide monitoring of existing legislation, fill the gaps in refugee assistance, and suggest steps to improve practice. More specific areas of NGO activity and advocacy include: international private law/ civil status and custody of children; family reunification; and the right to vote in local elections.

37. It was noted that refugee involvement and empowerment is crucial at every step of the integration process. Participants also discussed the importance of taking gender into account in all aspects of integration. National legislation should reflect refugees' basic rights to language classes; accommodation; education (for children and adults); employment (with appropriate vocational training); health care; and cultural orientation.

38. In all of the above, it is particularly important to address the needs of vulnerable groups, unaccompanied minors, and women who may be at risk. The importance of relevant and up-to-date documentation was also stressed. Pertinent documentation includes: refugee and asylum seeker identification valid in the country; travel documents; and naturalization or citizenship documents.

Working group on the role of NGOs

39. The Working Group on national NGOs agreed that while NGOs have a role in all of the dimensions of the integration process (legal, economic, social, and psychological) it is somewhat artificial to separate them. The chronological stages of refugee integration were therefore used as the framework for discussing the NGO role. One of the outcomes of this group's discussion was a realization that across the CIS countries, the standards of refugee reception varied widely, as did the language and terms used to describe the integration process. In all phases, it should be noted that NGOs play a crucial monitoring and advocacy role.

40. The asylum application phase calls for legal assistance for refugees and asylum seekers; information about the country; monitoring; and advocacy.

41. The reception phase entails support for asylum seekers during the application procedure. The most crucial aspects of this support are financial (governments and NGOs are responsible); temporary accommodation centers; medical and social support (including to the most vulnerable); education (especially secondary schools); and psychological assistance. Skills training and language training were discussed, but participants held different opinions about when these activities should commence. The key question was whether or not asylum seekers should be involved in education or training before a decision is made on their application.

42. The third phase, integration, refers to the support extended to recognized refugees. Participants agreed that integration services should include: language instruction; employment counseling and placement; assistance finding permanent housing; opportunities for positive interaction with locals; cultural training; liaison role with the authorities; micro-credits and grants for business start up; and fundraising. Workshop participants suggested that to the extent possible, there should be involvement of refugees and a community-based approach. NGO advocacy is important throughout.

Summary of recommendations

43. At the end of the workshop, the two working groups came together to summarize their findings and suggest several key recommendations based on experiences to date across the CIS. Each of the recommendations is perceived as critical to creating possibilities for refugee integration.

- Better coordination between UNHCR, the respective state governments, NGOs, and refugee communities is required for refugee integration. Improved communication and coordination between UN agencies is particularly critical.
- NGOs need training and guidance to access alternative funding sources to fund programs for refugees and asylum seekers.
- Programs benefiting host *and* protection seeking populations should be supported and expanded. They tend to significantly enhance the possibilities of local integration by providing a forum for supportive interaction. Such programs also enabled the host population to recognize that there are benefits as well as costs associated with the presence of refugees and asylum seekers.
- Follow-up correspondence after the workshop further suggested that strategies for reducing xenophobia must be developed and implemented.

44. Ekaterina Silvestru, Director of the Main Directorate for Refugees in Republic of Moldova, and Valeriu Munteanu, General Director of the Migration Department of the Republic of Moldova, closed the workshop. Silvestru noted improvements made locally, stressing that without a viable program of integration, Moldova is destined to be a transit corridor. The recent establishment of a Reception Center is one achievement marking progress toward the establishment of an asylum system in the Republic.