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## **Introduction: A ‘slippery fish’ for humanitarian actors: human rights and the (re)settlement of refugees and forced migrants**

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**Biographical notes:** Mary E. Crock came to academia in 1995 from a background in legal practice after completing her doctorate on the relationship between the courts and the executive in controlling immigration. Her research focuses on migration, citizenship and refugee law, but she also works on administrative law, constitutional law, public international law, international human rights and comparative law in these fields. Her specific interests range from studies of the interaction between immigration and labour laws through the examination of vulnerabilities in particular categories of migrants – particularly refugee children and youth and refugees with disabilities. She is also known for her work on immigration detention.

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The settlement of refugees in any country must be viewed in the context of broad international human rights obligations as they apply to individuals in exile (Goodwin-Gill, 1990; UNHCR, 2002). In practice, however, it is not always obvious for states admitting humanitarian migrants how best to tackle the challenges that are presented. Views differ even on the basic human rights obligations that apply (Valtonen, 2004). And for refugees trying to negotiate access to these rights, and scholars attempting to outline them, the process can feel like a slippery fish - extremely difficult to grasp hold of. What we do know is that policies that fail to meet international law obligations result in poor settlement outcomes, namely social, political and economic exclusion (Ager and Strang, 2008; Braveman and Gruskin, 2003; Jimerson, 1999).<sup>1</sup> But are the basic human rights obligations sufficient to procure adequate state support during settlement?

The reality of global migration trends and media reporting on asylum flows and security issues present policy dilemmas for political actors. Across the developed world, forced migration is often a fraught political issue. Economic uncertainty, rising xenophobia and increased economic migration elevate political sensitivities surrounding refugee resettlement. These can impact state allocation of resources towards settlement support and affect social acceptance of humanitarian migrants. Issues around the settlement of these people were magnified by the global financial crisis in and after 2008. Emerging phenomena of forced migration, including persons displaced by climate change, have fomented discussion about states' obligations and capacity to cope with migrant settlement.

The number of states that offer 'organised' resettlement opportunities to refugees from the many centres of conflict around the world are small. The comparator states chosen for inclusion in this special issue number among only 22 states with programs that offer places to a tiny fraction of the people who are displaced within and across borders each year. In a year when UNHCR estimates that over 50 million people are in situations of concern, less than 80,000 can expect to be accepted for formal resettlement in 2014.<sup>2</sup> At the same time, countries around the world are 'settling' refugees and other displaced persons who have entered in search of asylum. These receiving states face similar issues in devising systems that allow people from diverse cultural, social and linguistic environments to participate meaningfully in their new environment.

At present there is no single, generally accepted definition, theory or model for refugee 'settlement'. While several scholars have presented conceptual integration frameworks, policy and practice across politically similar states remains diverse. Without some degree of shared comparative understanding of gaps in policy compliance, explanations of settlement outcomes have little basis. The academic community has had little opportunity to constructively influence international and national policies to help mitigate the impact of gaps between legal obligations and policy.

This special issue will examine refugee settlement in four key receiving countries: Australia, Canada, New Zealand (NZ), and the UK (a related article on the USA appeared in the previous issue, see Meili, 2016): All are major UNHCR 'resettlement' states, namely countries participating in this agency's formal placement scheme for refugees.

Participating academics from universities within these states consider each case using a common methodological approach.<sup>3</sup>

The study examines seven key areas of settlement support: employment, healthcare, education, social welfare and social security, housing, discrimination, and family unity. Participating academics have identified a number of frameworks or approaches as helpful in analysing settlement support issues. These include the '4As' framework, the Ager and Strang framework, and human rights framework, and a combination of these. The frameworks are used to focus on the nature of states' refugee settlement policies. The contributors consider whether and to what extent policies meet international obligations or can otherwise be considered adequate; and why some policies appear compliant or sufficient, and others not. The project also considers the explanations for policy variance between cases, and between areas of settlement policy. Each paper provides policy recommendations for both the examined states but also across other key receiving states.

The research departs from orthodox research on refugee resettlement practice and outcomes, to concentrate on settlement policy. Academics working in the area of refugee settlement, many of whom are part of this project, consistently cite obligations and compliance as a literary gap caused by a lack of engagement in comparative evidence-based analysis. The contributions of academics across five settlement nations (Australia, New Zealand, Canada and the UK in this issue, the USA in the previous issue) facilitates the bridging of theoretical and empirical gaps in the emerging literature; and, as a direct consequence, allows authors both individually and collectively (regionally and globally) to inform policy makers and help bring about related, constructive policy change through comparative analyses. Our goal is to begin to get a hold on the 'slippery fish' that is refugee resettlement policy and practice, using a comparative approach.

Further, the collaborative team offers multi-disciplinary capacity to consider the diverse elements of policy, policy adequacy and policy compliance with state obligations. Anthropological, sociological, political and legal analysis of policy is critical to a robust consideration of the adequacy of integration of 'at risk' groups such as refugees into new political, economic and cultural settings.

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## Notes

- 1 Where the right to health, or the right to education are not provided for, for example, education, health and employment outcomes are demonstrably lower.
- 2 For an overview of the programs run by UNHCR, see <http://www.unhcr.org/52693bd09.html>.
- 3 The academics involved in this project were:  
Australia: Mary Crock, Susan Banki, and Stephen Castles (University of Sydney); Farida Fozdar and Simon Young (University of Western Australia).  
The UK: Martin Jones (York University).  
The USA: Stephen Meili (University of Minnesota).  
Canada: Anna Kirova and Philomina Okeke-Ihehirika (University of Alberta), and Rick Enns (University of Calgary).  
New Zealand: Chris Mahony, Jay Marlowe and Louise Humpage (University of Auckland) and Natalie Baird (Canterbury University).  
Participants met in Auckland, New Zealand where papers on the respective national cases were presented, facilitating comparative discussion.  
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