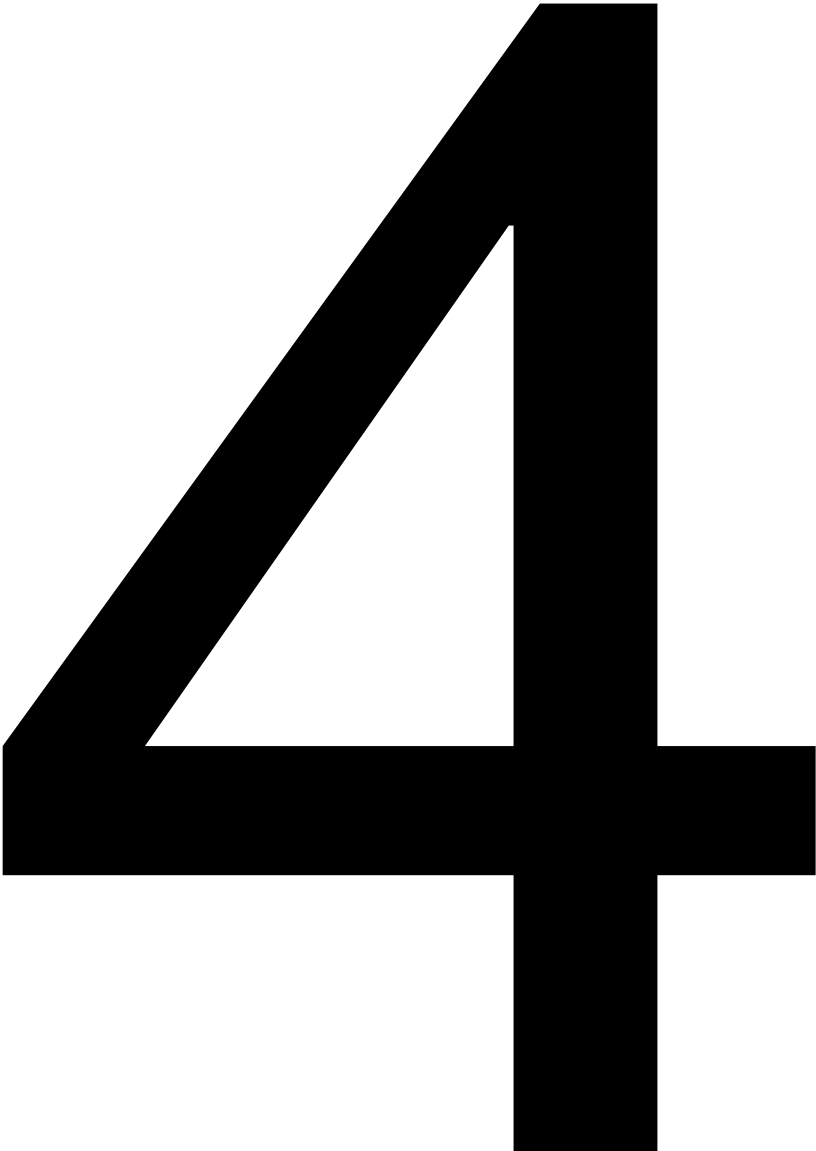




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Recommendations

On the conceptual framework of ACD

1. **Adopt a needs-based approach to ACD:** States and UNHCR should adopt a needs-based approach to ACD by mobilising and developing capacities, or scaling them up, to meet the needs of people seeking asylum.
2. **Start with a baseline needs and capacity assessment:** States and UNHCR, together with all relevant service providers, should conduct a needs and capacity assessment to serve as a baseline against which progress in ACD can be measured. This should identify the needs of refugees and people seeking asylum, existing capacities to meet identified needs, and capacity gaps.
3. **Measure success by protection outcomes and case processing capacity:** States and UNHCR should measure the success of ACD in terms of improved protection outcomes for refugees and strengthened case processing capacity. Success should not only be measured by indicators such as the set-
of responsibility from UNHCR to the State.
4. **Engage all relevant stakeholders in ACD:** States and UNHCR should engage diverse stakeholders with a range of skills and capabilities in order to strengthen asylum systems, with a view to collectively meeting the identified needs of refugees.
5. **Promote a shared national and local ownership of ACD:** ACD efforts should promote a shared national and local ownership of ACD, recognising and building upon existing capacities, and engaging at the individual, organisational, and societal levels.

On measuring progress towards the achievement of an effective asylum system

6. **Identify common standards to measure effectiveness of an asylum system:** States and UNHCR should consider measuring institutional effectiveness on the basis of common standards, and identify measurable indicators that can be used to evaluate existing and proposed asylum systems. (A proposed set of standards and indicators are elaborated in Section 3.1 and 3.2 of this brief.)
7. **UNHCR should consult widely on ACD-related guidelines and tools currently being developed:** UNHCR should engage experts, including those with lived experience of displacement, and consult widely in the development of tools and guidelines for ACD-related work.

On a whole-of-society approach to ACD

8. **All relevant stakeholders should cooperate to develop local referral networks:** A well-coordinated platform for cooperation and coordination should be a target of ACD.
9. **Localise the approach to ACD:** States and UNHCR should mobilise a diverse group of governmental and non-governmental stakeholders including those that have capacity to contribute to strengthened protection capacity in each local context, thereby permanently strengthening local protection capacity for long-term impact.

improvement of asylum, including progressive handover of responsibility from UNHCR to

This definition raises a number of issues. First, it suggests that the main objective of ACD is the establishment of national asylum systems. In that case, indicators of success could include the adoption of asylum legislation, creation of national asylum institutions, and the handover of responsibilities for asylum processing from UNHCR to government. However, such measures do not guarantee, or necessarily correlate with, improved protection outcomes or case processing capacity.⁴ The success of ACD should be determined with reference to these two substantive overarching objectives.⁵

A second issue is that the definition appears to be aimed primarily, if not solely, at building the capacity of government. However, a range of stakeholders must necessarily be involved to meet child guardianship; and access to medical care, shelter, education, and livelihoods. Various government departments may be involved, as well as interpreters, lawyers, doctors, social workers, and other community and civil society actors. Capacity development efforts must engage with all relevant stakeholders to be effective. A failure to recognise this reality can result in ineffective systems incapable of addressing needs, or adversarial and uncollaborative systems with various gaps and overlaps.

Finally, responsibilities, UNHCR does not hand over responsibility *per se*, but may transition to a different role within a newly established asylum system.⁶

With these considerations in mind, this Policy Brief proposes a different definition of ACD, and invites critical engagement with it:⁷

Asylum capacity development (ACD) is the process of developing institutional, national, and local capacity so that States and UNHCR, in collaboration with individuals, organisations, and society as a whole, can each do their part to meet the protection needs of refugees and resolve protection claims effectively, efficiently, fairly and sustainably.

2.2 :KDW ¶ FDSDFLWLHV · PXVW EH GHYHORSHG " \$ QHHGV approach

When it comes to building asylum capacity, governments, UNHCR and other stakeholders will often be required to prioritise among many needs. While ACD efforts may initially focus on legislation and other measures to ensure access to fair and effective RSD procedures, ACD should be progressively guided by protection needs and gaps in capacity. Work should be done on the needs that must be met in any particular context. The approach should not be formulaic, but must be designed to achieve protection outcomes in a given context, and evaluated according to whether they succeed in doing so.

activities aimed at obtaining full respect for the rights of individuals, in accordance with international law, and promoting the adoption of legal standards and includes activities aimed at ensuring their respect in

Local protection involves understanding the context in which a protection response takes place, including the specific needs of the relevant refugee population, and the capacities that exist or must be mobilised to address those needs in practice. For example, whether interpretation and translation services are required, and for which languages, is determined by the needs of the specific refugee population and the capacities available in the host community.

A needs assessment is, therefore, the most appropriate place to begin ACD, and serves to establish a baseline against which progress can be measured. This assessment is best conducted jointly with actors who possess local knowledge. When a government develops a system behind closed doors, without consultation with local stakeholders, it risks missing important knowledge and the opportunity to foster shared ownership of the outcomes. The starting point should be the inclusion of all relevant stakeholders, with meaningful opportunities to contribute to assessment and decision-

2. **Start with a baseline needs and capacity assessment:** States and UNHCR, together with all relevant service providers, should conduct a needs and capacity assessment to serve as a baseline against which progress in ACD can be measured. This should identify the needs of refugees and people seeking asylum, existing capacities to meet identified needs, and capacity gaps.
3. **Measure success by protection outcomes and case processing capacity:** States and UNHCR should measure the success of ACD in terms of improved protection outcomes for refugees and strengthened case processing capacity. Success should not only be measured by indicators such as the set-up of an institution, the adoption of legislation, or the transfer of responsibility from UNHCR to the State.
4. **Engage all relevant stakeholders in ACD:** States and UNHCR should engage diverse stakeholders with a range of skills and capabilities in order to strengthen asylum systems, with a view to collectively meeting the identified needs of refugees.
5. **Promote a shared national and local ownership of ACD:** ACD efforts should promote a shared national and local ownership of ACD, recognising and building upon existing capacities, and engaging at the individual, organisational, and societal levels.

3 The characteristics of an effective asylum system

This section identifies common characteristics of effective asylum systems and develops a set of indicators towards achieving these characteristics or standards. The framework can be utilised to evaluate existing institutions, inform the establishment of new institutions, identify gaps in the system, and inform ACD priorities. The indicators set out in this Policy Brief contribute to the protection and well-being of refugees and people seeking asylum.

3.1 Chart of characteristics

Accessibility

The right to seek and enjoy enjoy d(EVE)-21(b)11(ii)6(it)-13ul

Transparency	<ul style="list-style-type: none"> x Is there a system of identifying potential conflicts of interest? Are policies and procedures in place for their mitigation? x Are laws, procedures and policies accessible and publicly available to those subject to the asylum system? Are there summaries or fact sheets available in different languages? x Are detailed written reasons for refusing protection provided at every stage of the process? x
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Adaptability	<ul style="list-style-type: none"> x Does a competent authority have discretion to respond and adapt quickly to changes in the number of asylum applications, e.g. due to a mass influx? Or are higher-level approvals or legislative changes required before a changed response can be implemented? x Does the asylum system provide for group-based recognition? x Are different case processing modalities used, such as presumption of inclusion or simplified procedures?⁵⁹
Collaboration	<ul style="list-style-type: none"> x Are there referral guides and cross-referral mechanisms in place? Are they up-to-date and in use? x

Appendix

The following sources were consulted to identify common standards.

Endnotes

¹ The Global Compact on Refugees (GCR) created a new mechanism called the Asylum Capacity Support Group (ACSG) to provide support to relevant national authorities to strengthen asylum systems. See United Nations General Assembly, *Report of the United Nations High Commissioner for Refugees: Part II Global Compact on Refugees*, UN Doc A/73/12 (II) (13 September 2018) [62].

² *UNHCR Asylum Capacity Development (ACD) Evaluation: An Independent Evaluation of UNHCR's Support for Strengthening National Asylum Systems* (Geneva: UNHCR, 2023). Based on its recommendations, UNHCR committed to adopting high-level ACD policy, developing a five-year strategy, and crafting a set of guidelines and tools to strengthen its work on ACD. Operationally, UNHCR is engaged in several capacity strengthening initiatives, and transitions of the RSD and registration functions from UNHCR to States. See *UNHCR Asylum Capacity Development (ACD) Evaluation: An Independent Evaluation of UNHCR's Support for Strengthening National Asylum Systems* (Geneva: UNHCR, 2023) <http://www.refworld.org/qualityassurance.html>.

³ ACD Evaluation (n 2) 3.

⁴ Ibid 76.

⁵ Protection outcomes might include: stronger assurances of *non-refoulement*; avoiding arbitrary detention;

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<https://www.refworld.org/docid/5a2657e44.html>.

⁵⁰ WPPÖÜÉc^ | { Áæ æäc Á }] [:ö! [~] Á ^ & @ æ ä { KÖ~ ä^Á Á [: \ ä * Á [äæä • qÖ~ ä^| ä ^ÉR } ^ÉGGEDÁ
<https://globalcompactrefugees.org/sites/default/files/2020->

