



INTERNAL AUDIT DIVISION

REPORT 2023/092

Thematic audit of mandate refugee status determination processes at the Office of the United Nations High Commissioner for Refugees

Approaches to strategic use of mandate refugee status determination, and training and capacity development were adequate; however some processes needed to be strengthened for enhanced effectiveness

26 December 2023

Assignment No. AR2022-164-01

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EXECUTIVE SUMMARY

The Office of Internal Oversight Services (OIOS) conducted a thematic audit of mandate refugee status determination processes (RSD) at the Office of the United Nations High Commissioner for Refugees (UNHCR). The objective of the audit was to assess the adequacy and effectiveness of mandate RSD activities in ensuring that they were conducted strategically, and asylum seekers benefited from accurate, fair, timely and consistent decision-making. The audit covered the period from January 2020 to December 2022 and included a review of the following areas: (a) strategic use of RSD; (b) staff capacity and well-being; (c) management of mandate RSD; (d) monitoring and reporting; and (e) support and oversight.

UNHCR's approaches to strategic use of RSD, use of case processing modalities and training and capacity building were adequate. Good practices were noted in several areas that could be adopted in different regions and offices. For example, standard induction programmes for new RSD staff, establishing focal points in key areas such as mental health, and protection screenings for case identification and prioritization could be practices more widely used in UNHCR. The effectiveness of the implementation of mandate RSD was however impacted by inadequate staff capacity, inconsistencies in the application of the RSD Procedural Standards and gaps in monitoring and reporting. This resulted in significant backlogs, which could adversely affect the protection of asylum seekers and the credibility of the asylum system.

OIOS made seven recommendations. To address issues identified in the audit, UNHCR needed to:

- Establish a process for recording reviews and approvals of RSD strategies, case processing modalities, standard operating procedures and supporting forms and establish central and/or regional repositories of such documents;
- Extend mental health and well-being aspects in RSD training and conduct regular activities to promote and monitor staff well-being;
- Periodically assess staffing needs, adjust RSD case processing capacity accordingly and implement agile workforce arrangements to respond to urgent or temporary needs;
- Assess the viability of RSD system and business processes enhancements, share good practices and enhance oversight to field operations in their management of mandate RSD;
- Ensure consistency of mandate RSD reporting among relevant institutional sources and provide guidance on ways to measure RSD efficiency gains;
- Support field operations in addressing mandate RSD backlogs; and
- Assess the need for re-alignment of regional RSD staff and functional setups for effective discharge of second line responsibilities.

UNHCR accepted all recommendations and has initiated action to implement them. Actions required to close the recommendations are indicated in Annex I.

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I. BACKGROUND

1. States have the primary responsibility to conduct refugee status determination (RSD). However, UNHCR may conduct RSD under its mandate when a state is not a party to the 1951 Refugee Convention and/or does not have a fair and efficient national asylum procedure in place. This is referred to as ‘mandate RSD’. Mandate RSD is the process through which UNHCR determines if a person seeking international protection is a refugee under international law. It determines who falls within UNHCR mandate, enabling protection from refoulement as well as realization of rights for refugees. UNHCR conducts RSD in some 50 countries and territories.

2. From January 2020 to December 2022, UNHCR received 275,935 asylum applications and issued 103,952 mandate RSD decisions. Of those decisions, 77 per cent were recognitions of refugee status and 23 per cent rejections. Middle East and North Africa and Asia and the Pacific were the regions that recorded the highest number of decisions, with 58 and 32 per cent, respectively. Further, UNHCR closed 109,828 cases, e.g., due to withdrawals, deaths or change of protection needs.

3. In 2015 UNHCR introduced a new approach to strategic engagement for RSD (the ‘RSD strategic direction’)¹, which called for a strategic use of RSD. The aim of the new approach was for a more efficient use of RSD resources and better quality of decision making through the identification of tangible protection benefits of mandate RSD for asylum seekers, at individual or group level. This contrasted with the previous approach of doing RSD widely and by default. In August 2020, UNHCR revised its ‘minimum procedural standards for RSD under UNHCR mandate’ (UNHCR/AI/2020/06) to strengthen existing standards, harmonize procedures, and ensure continued confidence in UNHCR RSD processes and decision making.

4. In the Division of International Protection (DIP), the Asylum Systems and Determination Section (former RSD Section and henceforth ASDS) was responsible for: (a) establishing policies, guidance and tools; (b) leading the development of training programs; (c) providing general support and advice on case processing strategies; and (e) overseeing mandate RSD operations in coordination with regional bureaux.

5. Regional bureaux responsibilities included: (a) escalation of RSD global or doctrinal issues to DIP or senior management; (b) advising on RSD case processing modalities; (c) ensuring compliance with RSD policies, standards and approaches; (d) promoting sharing of staff, support and expertise in the regions; (e) reviewing and deciding on possible exclusion, cancellation, revocation and cessation cases, consulting with DIP as required; and (f) supporting RSD capacity development.

6. Budgets and expenditures for mandate RSD were difficult to determine accurately as related activities were recorded under different outcome areas in the UNHCR Results-Based Management framework. For reference, in 2022 UNHCR spent \$18 million against the operations budget of \$20 million under the outcome area OA02-Status Determination and had a budget of \$32 million for staff costs.

7. Comments provided by UNHCR are incorporated in italics.

¹ Presented to the UNHCR Executive Committee at the Standing Committee’s 66th meeting held in May 2016 (EC/67/SC/CRP.12)

II. AUDIT OBJECTIVE, SCOPE AND METHODOLOGY

8. The objective of the audit was to assess the adequacy and effectiveness of mandate RSD activities in ensuring that they were conducted strategically, and asylum seekers benefited from accurate, fair, timely and consistent decision-making.

9. The audit was included in the 2022 risk-based work plan of OIOS because mandate RSD is a core UNHCR function with a significant impact on the delivery of assistance, protection and durable solutions and due to risks of non-adherence to the recently issued guidance.

10. OIOS conducted this audit from March to October 2023 covering the period from January 2020 to December 2022. Based on an activity-level risk assessment, the audit covered the following higher and medium risks areas: (a) strategic use of RSD; (b) staff capacity and well-being; (c) management of mandate RSD; (d) monitoring and reporting; and (e) support and oversight.

11. The audit methodology included: (a) interviews with key personnel in ASDS, nine field offices and six regional bureaux (Middle East and North Africa, Asia and the Pacific, East Horn of Africa and Great Lakes, Americas, West and Central Africa and Southern Africa); (b) review of documentation; (c) analytical review of data; (d) sample reviews of RSD cases; and (e) observation of premises, RSD interviews and recordkeeping practices.

12. The audit was conducted in-person in six field offices (Egypt, Malaysia, South Africa Multi-Country Office, Niger, Rwanda, and Tunisia covering both operations in Tunisia and Libya) and remotely in two field offices (China and Trinidad and Tobago). Activities reviewed included the Emergency Transit Mechanisms (ETM) where refugees and asylum seekers in Libya were evacuated to Niger and Rwanda where RSD was conducted for subsequent resettlement consideration to a third country. This thematic audit report focuses on strategic, systemic and recurring issues addressed to second line entities, while observations relating to the first line will be included in reports addressed to the respective country operations.

13. The audit was conducted in accordance with the International Standards for the Professional Practice of Internal Auditing.

III. AUDIT RESULTS

A. Strategic use of RSD

Valid approaches were defined for the strategic use of RSD

14. UNHCR was reviewing its RSD strategic direction at the time of the audit. The current direction however remained valid and represented an important turning point for the management of mandate RSD in UNHCR, in view of growing asylum demands and higher scrutiny on resources. It required operations to: assess the need for mandate RSD within wider protection strategies, considering operational contexts, tangible protection benefits and alternative interventions; and use adequate case processing modalities. The audit noted a reasonable level of awareness and adherence to this strategic direction in the nine offices reviewed, although their strategies were presented in different formats and varying levels of detail. Political and operational contexts influenced significantly the choices made by the different offices.

15. All operations conducted at least some mandate RSD to facilitate resettlement and complementary pathways. This was in addition to the ETMs in Niger and Rwanda that were designed to facilitate protection

and durable solutions for evacuees from Libya. However, for UNHCR Libya,² Trinidad and Tobago and the South Africa Multi-Country Office (SAMCO),³ resettlement was the primary purpose of mandate RSD. Malaysia had made a strategic shift to the achievement of protection benefits for different nationalities and maintenance of the asylum space. China and Tunisia conducted mandate RSD to provide assistance on a small scale or access to services in the country of asylum, respectively, and to maintain the asylum space.

16. The Representation in Egypt operated in a setup agreed with the Government whereby UNHCR conducted mandate RSD for individuals of all nationalities except for Syrians, to ensure the right to residence in the country to recognized refugees. Hence, mandate RSD was the protection response by default for more than 50 per cent of the population the office served, i.e., 84,181 registered asylum seekers as of June 2023 compounded by a high registration backlog.

17. Offices also used the different case processing modalities available, i.e., regular RSD, accelerated RSD, simplified RSD, merged registration-RSD and/or merged RSD-resettlement, and as prescribed by the RSD Procedural Standards. Regular RSD was used when eligibility for refugee status could not be determined through other modalities, as required.

Need for a process to record endorsement of RSD approaches and key supporting documents and establish repositories of such documents

18. To ensure quality and integrity of processes, the RSD Procedural Standards require that a consultation and vetting process is conducted prior to the implementation of some case processing modalities. Concretely, during the development of simplified and accelerated RSD procedures, offices need to consult with the Regional RSD Focal Point and henceforth forms and standard operating procedures (SOP) need to be shared with DIP. For merged modalities, approvals by both entities are required.

19. Even though all offices confirmed such consultations between the different parties during the definition and design of RSD strategies and case processing modalities, endorsements were not documented or were poorly recorded through long chains of emails difficult to verify. Further, most SOPs reviewed were in draft, some were not dated, and one example even mixed information from different offices as it had not been fully updated. Another office had started implementing merged RSD-resettlement without finalizing the SOPs and obtaining the respective clearances, despite initial exchanges with the respective regional bureau. As a result, it was difficult to ascertain if and what procedures were in place in some operations in the period under audit.

20. These omissions were due to the lack of a process to properly document the outcomes of reviews carried out and to identify the parties involved. This would have been useful also for country level clearances of key documents that did not need to go through the regional bureaux and DIP, to demonstrate adequate discharge of responsibilities and accountabilities at all levels as defined in the RSD Procedural Standards and for better information management controls.

21. Furthermore, there were no up to date central and/or regional repositories of RSD forms and SOPs. These would support the exchange of good practices across the Organization, increase synergies, process efficiencies, and promote enhanced consistency in RSD decisions. For instance, with such repositories, there could be a wider use of standard RSD assessment forms with pre-populated legal analysis and/or country of origin information available for specific profiles especially by smaller operations that lack the

² UNHCR Libya was responsible for the pre-screening of applicants for resettlement consideration through the ETMs, resettlement normal quotas and resettlement within the Italian humanitarian corridor.

³ SAMCO covered the following nine countries with distinct asylum and operational contexts: Botswana, Comoros, Eswatini, Lesotho, Madagascar, Mauritius, Namibia, Seychelles and South Africa. UNHCR had a presence in five of the nine countries.

capacity to develop them. The existent RSD Practitioners' Platform could be expanded for this purpose as during the audit, it included only forms from a few operations and was not updated.

- (1) The UNHCR Division of International Protection, in coordination with Regional Bureaux, should establish a process for recording reviews and approvals of refugee status determination strategies, case processing modalities, standard operating procedures and supporting forms and establish central and/or regional repositories of such documents.**

UNHCR accepted recommendation 1 and stated that: (a) UNHCR had already established a central repository, the RSD Practitioners Platform, to share RSD-related information; (b) DIP and Regional Bureaux would assess the most effective way to establish or expand repositories to address the gaps identified; and (c) DIP, in coordination with Regional Bureaux, would establish a guide, processes and templates for better documentation of approvals and reviews of key documentation.

B. Staff capacity and well-being

Need to strengthen mental health and well-being training and conduct staff capacity assessments

22. There were about 150 RSD staff⁴ in the nine operations reviewed, with the largest offices being Egypt and Malaysia with 57 and 35 staff, respectively. This included affiliate workforce whose representation varied between 25 and 80 per cent of staff and on average stood at 50 per cent. All RSD units were affected, to some extent, by downsizing, insufficient staff capacity, high turnover, prolonged vacancies, and repeated efforts to recruit and train staff.

Staff well-being

23. During interviews with RSD managers and caseworkers, the issue of capacity and staff attrition stood as a global challenge for UNHCR, due to shrinking budgets and the exigency, intensity and psychological impact of the type of work. Caseworkers added as common issues, discontentment with their affiliate workforce contracts, lack of career perspectives, the repetitive nature of work, heavy workloads, pressure to meet the targets, and a sense of personal desensitization due to exposure to traumatic stories.

24. In Egypt, measures such as the rotation of staff within RSD teams were well appreciated by staff, as were the steps taken towards establishing focal points/peers in specific areas within the RSD Unit, e.g., for mental health, which could be a good practice to be considered by other operations. The operation in Malaysia said it considered staff well-being a priority and provided training and diversity of work through rotation or secondment. In smaller operations, there were less possibilities for diversification of functions, but occasional sessions were organized with Regional Welfare Officers.

25. The RSD Procedural Standards highlight that RSD managers, together with their senior management and caseworkers, are responsible for effective measures to prevent and respond to staff burnout and provide an extensive list of measures to ensure UNHCR's duty of care. Staff well-being resources were also available in the RSD Practitioners Platform. Nonetheless, considering its significant incidence in RSD, it would be important to train RSD managers and possibly other staff, to help them identify and address staff mental health and well-being issues.⁵ This would complement existing resources and would be in line with World Health Organization guidelines that underline the importance of better equipping managers to improve their knowledge, attitudes and behaviors about mental health.

⁴ Excluding staff conducting merged RSD-Resettlement under Resettlement and Complementary Pathways Units.

⁵ The online 'Workplace Mental Health and Well-being: Lead and Learn' training programme is available at no cost for United Nations staff (<https://www.unssc.org/courses/workplace-mental-health-and-well-being-lead-and-learn>)

Staff capacity

26. Insufficient staff capacity, compounded by high turnover, complexity of cases, and adverse technical and operational conditions impacted not only staff well-being but also mandate RSD performance. Each operation had defined annual and/or individual case processing targets per caseworker, but often they were not achieved as they were unrealistic. Still, they were not adjusted so that caseworker's performance could be effectively monitored. For example: in 2022 the ETM Niger made 106 regular RSD and 347 merged RSD-resettlement decisions against targets of 600 and 800, respectively. SAMCO as of 16 August 2023 had only recognized 96 individuals as refugees or 27 per cent of its most prudent forecast for the year.

27. On the other hand, the operations in Egypt and Malaysia finalized 11,007 and 8,621 individual decisions, which was 10 and 8 per cent above their respective targets in 2022. However, these operations recorded high processing timelines and significant backlogs. With a few exceptions, e.g., Malaysia, individual targets were also only defined for first instance processes, but not for appeals; and only for caseworkers, not for reviewers and other staff.

28. Managers needed to assess long and short-term RSD staffing needs and determine the best workforce composition i.e., regular vs temporary. However, capacity assessments were not documented, except to some extent in SAMCO for 2023 and in Malaysia for 2020. These assessments would demonstrate capacity gaps and their impact and support more effective workforce planning, with regional bureaux and DIP being instrumental in supporting operations in the assessments and in fulfilling gaps. The RSD Procedural Standards criteria for determining staff processing capacity considers profiles, claims complexity, case processing modalities, level of rework, availability of support services, and access to applicants. It however does not refer to backlogs, which are also relevant when assessing staff capacity.

29. Even though additional resources may not be easily obtained due to the ongoing realignment and rationalization exercise in UNHCR, alternative surge capacity mechanisms could be sought, e.g., implementing agile workforce arrangements to the extent possible through development of multiple skillsets. This could include cross RSD training outside RSD units and the exposure of RSD staff to different caseloads and modalities, loans of staff within and between regions and establishment of regional pools of reviewers.

- (2) The UNHCR Division of International Protection, in coordination with the Division of Human Resources and the Regional Bureaux, should extend mental health and well-being aspects in refugee status determination training and conduct regular activities to promote and monitor staff well-being.**

UNHCR accepted recommendation 2 and stated that: (i) UNHCR had already partially fulfilled this recommendation, as mental health and well-being considerations had been mainstreamed into key RSD learning products; (ii) the project on secondary trauma for staff working in individual case processing, with a particular focus on the role of the manager, currently being led by the Staff Health and Wellbeing Service, would have additional activities and initiatives to support staff well-being; (iii) DIP and Regional Bureaux would ensure that mental health and staff well-being considerations are emphasized in RSD-related learning; and (iv) DIP and Regional Bureaux would enhance the staff well-being page on the RSD Practitioners Platform with additional resources as they become available.

- (3) The UNHCR Division of International Protection, in coordination with Regional Bureaux, should support field operations' periodic assessments of refugee status determination (RSD) needs and adjust related case processing capacity accordingly, and implement agile RSD workforce arrangements to respond to urgent or temporary needs.**

UNHCR accepted recommendation 3 and stated that the implementation of the recommendation would need to take into account available resources, operational needs and realities. UNHCR was in the process of revising its internal Strategic Direction on RSD and as part of that revision, guidance would be provided on planning for RSD case processing capacity and workforce arrangements. Further, drawing on lessons learned, DIP and Regional Bureaux with the support of other UNHCR entities would assess possibilities for expanding the availability of urgent or emergency RSD staffing using existing or new agile workforce arrangements.

Training and capacity development were satisfactory

30. Training and capacity development were essential to ensure high quality mandate RSD processes. ASDS jointly with the Global Learning and Development Center revamped the RSD Learning Programme, and the new edition had been launched in March 2023 with favorable feedback. Staff had completed at least induction and/or introduction to RSD trainings in all operations reviewed. The following operations stood out in training and capacity development:

- Egypt had developed two to five weeks comprehensive induction programmes for newcomers, defined a target of 10 days per year for training and capacity/team building activities that it had mostly achieved, and provided ongoing feedback to caseworkers through case reviews. Further, all 10 reviewers and caseworkers interviewed met the recommended qualification profiles, as well as RSD experience. They also did not report any unmet training and capacity development needs;
- Malaysia had designated several staff to participate in the renewed advanced RSD Learning Programme to further develop their skills;
- Despite SAMCO's reduced capacity, it had delivered RSD training internally and to other units;
- Rwanda implemented training cross-fertilization between the RSD and Resettlement Units; and
- Tunisia had appointed a focal point for training in February 2023 and had delivered already four training sessions.

C. Management of mandate RSD

Need to enhance systems and business processes, share good practices among operations and strengthen oversight over the management of mandate RSD

31. For the effective management of mandate RSD activities adequate processes, physical conditions and tools need to be in place to support the full cycle of RSD processes from case opening to closure. OIOS observations on those aspects are detailed below.

Identification and prioritization of cases

32. Adequate identification and prioritization criteria and processes are important to ensure equal and fair access to RSD services and support the strategic use of RSD. The prioritization of cases was in principle done based on vulnerabilities. SAMCO, Libya and Trinidad and Tobago introduced further protection screening mechanisms to vet cases for resettlement consideration that would also go through RSD, which constituted good practices. As opposed to the multi-layer and multi-functional teams screening processes in SAMCO and Libya, the process in Trinidad and Tobago was more simplified, centralized in the Resettlement Unit and still met the purpose.

33. Egypt identified mandate RSD cases based on the registration date, case processing modality and availability of interview slots, prioritized about 1,000 applicants per month that lacked country of origin

identification documentation and risked detention, and used referrals. On the other hand, the office deprioritized complex cases that used too much time and staff resources, which could be contentious. As for Tunisia, it prioritized applicants after their participation in demonstrations, which could set an undesirable precedent.

Reception and interview rooms

34. The physical infrastructure in Malaysia and Libya were newly built, well designed and met all the standards. However, reception facilities and interview rooms in two of the three premises located in Cairo, as well as Rwanda and Tunisia were inadequate due to one or more of the following aspects: (a) lack of confidentiality in the collection of information; (b) lack of a sheltered place or seats for applicants, including elderly and children that stood on the street outside the premises; (c) staff needed to go outside the office premises to look for applicants, which posed a risk to their security; (d) lack of or deteriorated child friendly areas; and (e) design of interview rooms that did not allow an unobstructed exit for caseworkers and interpreters in case of incidents with the applicants. Nonetheless, in Egypt, UNHCR was finalizing the construction of a new reception area in the main building, which would address these gaps.

Interviews

35. The audit noted from the RSD interviews it observed that caseworkers generally provided adequate information to the applicants on the objective of the interviews, duty to cooperate and be truthful, purpose of note taking, consequences of fraud, right to ask for a break, interpretation arrangements, confidentiality of information, need for the applicant's consent for the office to share their data, and confirmed the applicants' physical and mental aptitude for the interviews.

36. Due to lack of presence in countries covered, SAMCO conducted interviews remotely, except for asylum seekers in Gauteng and Botswana. The following problems were reported in relation to the remote interviews: (a) frequent technical/connectivity issues that led often to the need to interrupt and re-schedule interviews; (b) facial verification was challenging or impossible; (c) inaccurate or untimely translation; (d) surroundings at the applicants' locations were often distracting both for the applicants and the interviewers; and (e) hinderances to confidentiality of information.

Arrangements for interpreters

37. A well-managed system for the recruitment, supervision, and support of interpreters is indispensable to the effective delivery of RSD services. Challenges were reported in six operations in relation to the availability of sufficient and quality interpretation services. In addition, SAMCO and Tunisia did not establish adequate contractual arrangements with the interpreters, did not monitor training delivered, nor manage the performance of interpreters as required by UNHCR guidance.⁶ The payment process was also inadequate with amounts due settled through operational advances or petty cash. In Egypt, contractual arrangements with refugee interpreters were under a project partnership agreement. Their contracts only allowed for 12 annual leave days, nearly half of the standard for the country. In Malaysia, challenges faced included attrition and difficulties in recruiting for specific language skills and female interpreters due to lack of competitiveness of interpretation rates in the local market and limited funding.

⁶ *Guidelines for the recruitment, training, supervision and conditions of service for interpreters in a refugee context*, IOM/FOM 005/2009, 19 January 2009

Case management

38. The audit reviewed 450 individual case files from the nine operations and detected several issues that were reported to the respective offices for corrective actions. Examples of such issues included non-adherence to the RSD Procedural Standards recommended processing timelines and long pending cases without any actions or justification of the reasons they were pending. In some instances, the offices explained that the caseworker had left and the case had not been reassigned. Also, often relevant records were missing, e.g., interview recordings and details of reviews done by regional bureaux and DIP for sensitive/high profile cases.

39. Furthermore, in proGres v4, i.e., UNHCR registration and case management system, the following issues were observed: (a) erroneous or incomplete data recorded due to migration issues from proGres v3; (b) inconsistent use of case inactivation and closure procedures; (c) case processing modality not recorded systematically; and (d) failure to record notifications of final decisions, which prevented the calculation of case processing times.

40. In OIOS opinion, case inactivation and case closure are redundant processes and led to unnecessary complexities in case management. As for gaps in case processing modalities information, the audit understands that information was not available for cases migrated from proGres v3. But forward-looking, proGres v4 defaults to regular RSD if the relevant field is not filled, which can lead to erroneous data recording. If this information was systematically and accurately recorded, it would support informed analyses of the performance of case processing modalities and of the effectiveness of RSD strategies.

Appeals process

41. Asylum seekers have the fundamental right to appeal a negative RSD decision within 30 days (15 days in accelerated procedures) from the date they receive the notification. At the time of the audit, operations reviewed had 10,176 individual cases pending appeal, 82 per cent of them from UNHCR Egypt (details in Figure 2 under paragraph 49). Globally, 51 per cent of the cases were pending appeal application, i.e., submission of the appeal request by the applicants to UNHCR. This was mostly due to operations that did not have an appeal process in place (SAMCO and Libya) or that suspended the notification of negative decisions during the COVID-19 pandemic. SAMCO had in the meantime resumed the process. Libya attributed the lack of an appeal process to difficulties in contacting applicants to deliver the notifications of negative decisions. Egypt explained that their high number of pending appeals was significantly impacted by a specific caseload of 3,074 cases that were not processed due to the issuance in March 2022 of a UNHCR non-return advisory for that caseload. However, the audit noted that 93 per cent of those cases were pending since long before the issuance of the non-return advisory.

42. Further, appeals took exceptionally long to process, as shown in Figure 1 with data available for four of the operations reviewed. A review of 45 appeal individual case files from Egypt, confirmed long processing timelines of over 5 years. The current appeal backlog in Egypt would take 8-10 years to clear with the current capacity. Since appeals were time consuming, they were often deprioritized vis a vis competing first instance cases or due to lack of dedicated resources as it happened in small RSD Units.

Figure 1: Processing timeline of appeal cases

Countries	Average # of days from appeal submission to decision		
	2020	2021	2022
Egypt	745	857	706
Tunisia	294	141	282
Malaysia	647	1,285	1,245
China	229	144	339

Source: RSD Dashboard

Integrity measures

43. Good practices were noted in Rwanda, where the Associate RSD Officer reviewed resettlement registration forms drafted under the merged RSD-resettlement process. However, the audit noted gaps that impacted negatively on the integrity of RSD processes. For instance, there was no biometric verification of identities of applicants prior to RSD interviews in Rwanda, Niger, SAMCO and China. In China, the process was interrupted just after the Biometric Identity Management System (BIMS) was deployed, due to the start of the COVID-19 pandemic and was about to resume. In Egypt, biometric verification was done for the merged modalities, while ad-hoc verification was done for other modalities.

44. In Niger, the caseworkers made changes to bio data without referring the cases to registration due to limited resources. The office had put a mitigating control in place whereby the caseworker needed to include a note in proGres on the changes so that the reviewer could verify them. However, a more robust control would be the introduction of a general requirement in the RSD global standards for systematic or random reviews of audit logs by reviewers directly in proGres to detect undue changes in bio data that could affect RSD decisions. Furthermore, interview transcripts were done for all RSD interviews, but not in merged RSD-resettlement procedures. UNHCR explained that this was an accepted practice, as long as interview recordings were kept. Since merged RSD-resettlement involved higher risks, in OIOS opinion, the process could be standardized for all modalities.

Recordkeeping and file management

45. Several operations had shifted to electronic recordkeeping during the COVID-19 pandemic, in consultation with Regional Archivists. Nonetheless, physical filing rooms were still in use not always in the best conditions, such as in Egypt and Malaysia. Malaysia had nearly 250,000 files, of which 120,000 were at an offsite storage and the remaining in the office premises in three filing rooms filled to capacity and with some 8,000 files kept on the floor. The majority of paper files were stored in cardboard shelving, susceptible to degradation and to fire hazards. Digitization projects had been developed in both locations in coordination with the Records and Archives Section at headquarters.

46. The gaps noted above were due to inconsistencies in the implementation of the RSD Procedural Standards, inadequate business processes, issues with proGres v4 and insufficient oversight. They needed to be addressed through process and system improvements and a strengthened approach to oversight. At the same time, good practices noticed in some locations needed to be recognized and shared within and outside regions.

(4) The UNHCR Division of International Protection, in conjunction with Regional Bureaux, should assess the viability of system and business process enhancements, share good practices and enhance oversight over the management of mandate refugee status determination.

UNHCR accepted recommendation 4 and stated that a number of global and regional initiatives would be undertaken, with activities agreed with Regional Bureaux taking into consideration the volume of RSD in each region as well as strengths and weaknesses in mandate RSD processing. It would also: (i) undertake an annual update of the RSD Procedural Standards Checklist and related dashboards to enhance availability of information for effective oversight; (ii) hold webinars on key areas of strength and weakness to share good practices; (iii) hold regular global and regional meetings to enhance support and oversight, discuss issues and share good practices; (iv) undertake data clean up and implement enhancements to the RSD Module of proGres v4; and (v) undertake a pilot project on using proGres v4 data to enhance identification of bottlenecks in the mandate RSD process. Elements of this recommendation would also be addressed through actions undertaken to address Recommendation 1.

D. Monitoring and reporting

There was a need to enhance monitoring and reporting of RSD

47. Operations monitored and reported on their RSD activities through the organizational RSD dashboard, locally developed reports, UNHCR budgeting and results management system (COMPASS), UNHCR's global statistics database and donor reports where applicable. However, there were inconsistencies noted between different sources and data outliers such as 38,109 RSD cases administratively closed between 2020 and 2022 for UNHCR Libya reported in the UNHCR public global statistics database⁷ that at the time of the audit were still to be explained. In the RSD dashboard, this figure stood at 23,240 cases for the same period. This indicated the need for enhanced controls on RSD data reporting.

48. Further, even though the RSD dashboard was considered a good tool, there was room for improvement. For example, the dashboard included relevant indicators such as the number of decisions issued, processing times and backlogs, but they were not useful to draw conclusions on the use of differentiated case processing modalities and intended process efficiencies and gains. It could also be enhanced to provide overviews of data at the organizational and Multi-Country Offices levels.

(5) The UNHCR Division of International Protection should: (a) in coordination with the Global Data Service and Regional Bureaux ensure consistency of mandate refugee status determination (RSD) reporting among relevant institutional sources; (b) enhance the RSD dashboard; and (c) in the interim provide guidance on ways to measure RSD efficiency gains.

UNHCR accepted recommendation 5 and stated that: (i) the Global Data Service (GDS) and DIP would develop a tool to identify data quality issues in proGres v4 RSD data; (ii) GDS, DIP and Regional Bureaux would conduct learning sessions on the completion of the different institutional reporting tools to enhance data consistency; and (iii) it had included additional indicators in the RSD Dashboard to align with COMPASS reporting and to enhance the ability of operations to measure efficiency.

More efforts were needed to effectively address mandate RSD backlogs

49. Between May and August 2023, the operations that OIOS reviewed had a backlog of 94,416 individual cases, 89 per cent referring to first instance RSD and 11 per cent to appeals. There were cases

⁷ Source: Refugee Data Finder (<https://www.unhcr.org/refugee-statistics/download/?url=f3HHI4>)

pending since as far back as 2007 (and some anomalies from 1900). The operations with higher backlogs were Egypt (62 per cent), Malaysia (20 per cent) and Trinidad and Tobago (15 per cent), as per details in Figure 2.

Figure 2: Statistics of mandate RSD backlogs

RSD Status	Egypt	Malaysia	Trinidad and Tobago	Tunisia	Libya	SAMCO	ETM Niger	China	ETM Rwanda	Total
First instance RSD										
Pending Interview	47,555	16,217	14,037	117	128	358	23	12	22	78,469
Pending Assessment	1,248	744	192	112	328	52	60	26	15	2,777
Pending Review	1,241	1,407	50	111	57	60	13	10	29	2,978
Sub-total	50,044	18,368	14,279	340	513	470	96	48	66	84,224
Appeals										
Pending appeal application	3,964	296	46	554	252	77	0	6	0	5,195
Pending appeal interview	3,497	398	23	60	0	0	0	18	0	3,996
Pending appeal assessment	119	12	0	14	0	0	0	0	0	145
Pending appeal review	813	20	0	5	0	0	0	1	1	840
Sub-total	8,393	726	69	633	252	77	-	25	1	10,176
Case reopening										
Pending reopening decision	5	9	1	1	0	0	0	0	0	16
Total	58,442	19,103	14,349	974	765	547	96	73	67	94,416

Source: proGres v4, data extracted from May to August 2023

50. These backlogs were mainly attributed to insufficient staff capacity and high turnover, and in some circumstances, sudden influxes, the complexity of cases and changes in the RSD strategy without definition of an action plan to address pre-existing cases. Backlogs could further spike staff frustration and burnout, decrease productivity and quality of decisions, and increase the risk of fraud. If unaddressed, the backlogs may also negatively impact the protection of asylum seekers and the credibility of the asylum system.

51. A 2018 research paper produced for DIP on the analysis and prevention of RSD backlogs⁸ provided a comprehensive explanation on the possible causes of backlogs and ways to address them. These included conducting backlogs root cause analyses and defining strategies to deal with them. Considering there were several old cases, there could be a significant number of abandoned claims that could be easily filtered out. For the remaining ones, there could be a combination of measures to tackle them, e.g., prioritization of cases (per year, nationality), adjudication of cases to staff on a rotation basis, targeted short term recruitment for a backlog project, negotiation of amnesties, etc. ASDS and the regional bureaux would be in a good position to advise and support operations in this regard.

(6) The UNHCR Division of International Protection, in conjunction with Regional Bureaux, should provide necessary support to operations to address mandate refugee status determination backlogs.

UNHCR accepted recommendation 6 and stated that taking into account available resources: (i) as part the supporting material accompanying the revision of the internal Strategic Direction on RSD, guidance would be issued on when mandate RSD should be undertaken, prioritized and deprioritized to assist in managing backlogs; and (ii) DIP and Regional Bureaux would issue additional guidance and further systematize resources on RSD case processing modalities to maximize case processing efficiency and address backlogs.

⁸ *Refugee Status Determination Backlog Prevention and Reduction*, Brian Barbour, January 2018

E. Support and oversight

Arrangements for and discharge of support to operations were mostly satisfactory

52. In coordination with regional bureaux and, where appropriate, operations, ASDS is responsible for overseeing compliance and providing technical advice to UNHCR operations on the implementation of UNHCR/AI/2020/06 and the RSD Procedural Standards. In 2020, ASDS launched a comprehensive RSD checklist to help operations self-assess their level of adherence to the RSD Procedural Standards, and support ASDS and regional bureaux's oversight. ASDS followed up with operations on negative or positive deviations in the scores. The audit discussed the results of the checklist with the regional bureaux and operations reviewed. The feedback received was positive and prompted corrective actions in some offices.

53. The most noticeable area where regional bureaux provided support to operations was in advising them on the selection and design of case processing modalities for different caseloads/profiles. For instance, preceding the introduction of merged RSD-resettlement in Trinidad and Tobago in 2022, the Multi-Country Office Panama (MCO Panama) and the Regional Bureau for the Americas (RBA) in liaison with ASDS were involved in the related processes. The Regional Bureau for Middle East and North Africa (RBMENA) also assisted Egypt in 2019 in aligning their case processing modalities to the RSD Procedural Standards.

54. The Regional Bureau for Asia and the Pacific (RBAP) assisted Malaysia in their 2020 strategy review. The Regional Bureau for East and Horn of Africa and Great Lakes (RBEHAGL) launched in 2020 and 2021 surveys on RSD support needs in the region where it inquired inter alia on the operations' need of support in developing RSD strategies and on the strategic use of RSD. The audit notes that this is a good practice that could be adopted in other regions. RBEHAGL and DIP support were also mentioned in examples of RSD strategies developed in the region e.g., UNHCR Somalia.

55. Other areas that regional bureaux provided support for were: (a) implementation of the RSD Procedural Standards through reviews of local SOPs and issuance of regional guidance for specific caseloads or profiles in consultation with ASDS e.g., Cameroonians in the Asia and Pacific region and for identifying and processing sexual and gender-based violence related claims in West and Central Africa; (b) capacity development was channeled through regional meetings and other discussions; and (c) support in staff planning by RBEHAGL, RBAP, BMENA and the Regional Bureau for West and Central Africa (RBWCA), with RBWCA assisting as well in staff recruitment. RBEHAGL had also facilitated capacity exchanges in the region. All regional bureaux provided guidance for the implementation of remote processing during the COVID-19 pandemic, with emphasis on RBAP comprehensive guidelines.

Need to assess the regional RSD staffing and functional setup in accordance with the second line

56. In addition to the provision of support, three regional bureaux conducted either full RSD processing in countries without UNHCR presence (RBAP and RBEHAGL) and/or reviews when there was no local capacity (RBAP, RBEHAGL and RBWCA), i.e., first line responsibilities. This was in line with the most recent Roles, Accountabilities and Authorities issued in November 2022, but posed concerns regarding the effective discharge of the second line responsibilities envisaged for the regional bureaux. On the other hand, one operation referred to lack of support of the respective regional bureau for first instance case reviews, which contrasted with the practice in other regional bureaux.

57. RBA and RBSA relied on support and oversight to be provided by MCOs. In the Americas, the MCO Panama provided these for operations with local RSD capacity, and RSD processing/reviews where capacity was not available. In Southern Africa, SAMCO was responsible for mandate RSD in nine countries in the region, while RBSA dealt with national asylum systems in the remaining seven countries, and the

functional line between the two needed strengthening. SAMCO referred to limited support from RBSA, in terms of guidance and engagement on staffing issues.

58. The audit noted the absence of RSD staff in RBSA and RBA for the discharge of sufficient support and oversight. In RBMENA and RBA there were prolonged vacancies, and overall, staffing levels in regional bureaux were disproportionate vis a vis volumes of RSD decisions and responsibilities, as shown in Figure 3.

Figure 3: Volumes of mandate RSD decisions from 2020 to 2022 versus staffing per region as of May 2023

<p>RBMENA 83,930 decisions 1 Senior RSD Officer (P4) 2 RSD Officers (P3) - vacant</p>	<p>RBAP 28,302 decisions 1 Senior Protection Off. (P4) 0.5 Senior Protection Ass. (G7)</p>	<p>RBEHAGL 2,155 decisions 1 Senior Protection Off. (P4) 1 RSD Officer (P3)</p>
<p>RBWCA 5,241 decisions 1 Senior Protection Off. (P4) 1 Protection Officer (P3)</p>	<p>RBSA 1,151 decisions 1 Senior Protection Off. (P4) 1 RSD Officer (P3) – Oct 2023 – Jan 2024 1 Protection Associate</p>	<p>RBA 1,744 decisions 1 Senior RSD Officer (P4) - vacant 1 Associate RSD Officer - vacant</p>

- (7) The UNHCR Division of International Protection, in collaboration with Regional Bureaux, should through the annual planning and resource allocation processes, review and assess the need for re-alignment of the regional refugee status determination staffing and functional setup for effective discharge of second line responsibilities.**

UNHCR accepted recommendation 7 and stated that it had undertaken further realignment of positions in different functional areas including RSD between headquarters, Regional Bureaux and operations as part of its planning process for 2024 and that there were ongoing processes in 2024. Within the parameters of this corporate process and the limits of available resources, UNHCR would monitor the operationalization of the different lines of responsibilities in the RSD function with a view to enhancing flexibility and consistency.

IV. ACKNOWLEDGEMENT

59. OIOS wishes to express its appreciation to the management and staff of UNHCR for the assistance and cooperation extended to the auditors during this assignment.

Internal Audit Division
Office of Internal Oversight Services

STATUS OF AUDIT RECOMMENDATIONS

Thematic audit of mandate refugee status determination processes at the Office of the United Nations High Commissioner for Refugees

Rec. no.	Recommendation	Critical ⁹ / Important ¹⁰	C/ O ¹¹	Actions needed to close recommendation	Implementation date ¹²
1	The UNHCR Division of International Protection, in coordination with Regional Bureaux, should establish a process for recording reviews and approvals of refugee status determination strategies, case processing modalities, standard operating procedures and supporting forms and establish central and/or regional repositories of such documents.	Important	O	Receipt of evidence of the implementation of a process to support the documentation of reviews and approvals of key RSD documents and establishment of repositories.	31 December 2024
2	The UNHCR Division of International Protection, in coordination with the Division of Human Resources and the Regional Bureaux, should extend mental health and well-being aspects in refugee status determination training and conduct regular activities to promote and monitor staff well-being.	Important	O	Receipt of evidence of activities delivered to further promote and monitor staff well-being.	31 December 2024
3	The UNHCR Division of International Protection, in coordination with Regional Bureaux, should support field operations' periodic assessments of refugee status determination (RSD) needs and adjust related case processing capacity accordingly, and implement agile RSD workforce arrangements to respond to urgent or temporary needs.	Important	O	Receipt of evidence of actions taken to support operations in assessing and adjusting RSD case processing capacity and staffing needs and to promote agile workforce arrangements.	31 December 2024
4	The UNHCR Division of International Protection, in conjunction with Regional Bureaux, should assess the viability of system and business process enhancements, share good practices and enhance	Important	O	Receipt of evidence of proGres v4 and business process enhancements, and support and oversight provided.	30 June 2025

⁹ Critical recommendations address those risk issues that require immediate management attention. Failure to take action could have a critical or significant adverse impact on the Organization.

¹⁰ Important recommendations address those risk issues that require timely management attention. Failure to take action could have a high or moderate adverse impact on the Organization.

¹¹ Please note the value C denotes closed recommendations whereas O refers to open recommendations.

¹² Date provided by UNHCR in response to recommendations.

STATUS OF AUDIT RECOMMENDATIONS

**Thematic audit of mandate refugee status determination processes at
the Office of the United Nations High Commissioner for Refugees**

Rec. no.	Recommendation	Critical ⁹ / Important ¹⁰	C/ O ¹¹	Actions needed to close recommendation	Implementation date ¹²
	oversight over the management of mandate refugee status determination.				
5	The UNHCR Division of International Protection should: (a) in coordination with the Global Data Service and Regional Bureaux ensure consistency of mandate refugee status determination (RSD) reporting among relevant institutional sources; (b) enhance the RSD dashboard; and (c) in the interim provide guidance on ways to measure RSD efficiency gains.	Important	O	Receipt of evidence of tools, processes and training implemented to ensure consistency of RSD data reporting.	30 June 2025
6	The UNHCR Division of International Protection, in conjunction with Regional Bureaux, should provide necessary support to operations to address mandate refugee status determination backlogs.	Important	O	Receipt of evidence of support provided to country operations and measures implemented to address mandate refugee status determination backlogs.	31 December 2024
7	The UNHCR Division of International Protection, in collaboration with Regional Bureaux, should through the annual planning and resource allocation processes, review and assess the need for re-alignment of the regional refugee status determination staffing and functional setup for effective discharge of second line responsibilities.	Important	O	Receipt of evidence of actions implemented to ensure re-alignment of functions between Regional Bureaux and DIP to ensure effective and consistent discharge of second line responsibilities.	30 June 2025

APPENDIX I

Management Response

Management Response

Thematic audit of mandate refugee status determination processes at
the Office of the United Nations High Commissioner for Refugees

Rec. no.	Recommendation	Critical/ Important	Accepted? (Yes/No)	Title of responsible individual	Implementation date	UNHCR comments
1	The UNHCR Division of International Protection, in coordination with Regional Bureaux, should establish a process for recording reviews and approvals of refugee status determination strategies, case processing modalities, standard operating procedures and supporting forms and establish central and/or regional repositories of such documents.	Important	Yes	Chief of Asylum Systems and Determination Section	31 December 2024	(1) UNHCR has already established a central repository, the RSD Practitioners Platform (RSD PP), to share RSD-related information on case processing and procedures. (2) The Division of International Protection (DIP) and Regional Bureaux (RB) will assess the most effective way to establish or expand repositories to address the gaps identified, including by expanding the RSD PP to host region-specific content or by establishing complementary regional repositories. (3) DIP, in coordination with RB will establish a process for better documentation of approvals and reviews of key documentation, such as case processing modalities and procedures, including by developing templates and/or guides for these reviews and/or approvals.
2	The UNHCR Division of International Protection, in coordination with the Division of Human Resources and the Regional Bureaux, should extend mental health and well-being aspects in refugee status determination training and conduct regular activities to promote and monitor staff well-being.	Important	Yes	Chief of Asylum Systems and Determination Section	31 December 2024	(1) UNHCR has already partially fulfilled this recommendation as mental health and well-being considerations have already been mainstreamed into key learning products on RSD and related topics (e.g., the RSD Learning Programme workshop and the Interviewing for Protection Learning Programme (IPLP) contain elements relating to staff well-being, including dedicated webinars and a module in the IPLP eLearning).

Rec. no.	Recommendation	Critical/ Important	Accepted? (Yes/No)	Title of responsible individual	Implementation date	UNHCR comments
						<p>(2) The project on secondary trauma for staff working in individual case processing, with a particular focus on the role of the manager, which is currently being led by DHR's Psychosocial Well-being Section (Staff Health and Wellbeing Service), with the support of the Division of International Protection, Global Learning and Development Centre and the Global Data Service, will have additional activities and initiatives to support staff wellbeing over the implementation period.</p> <p>(3) DIP and RB will ensure that mental health and staff wellbeing considerations are emphasized in any RSD-related learning initiatives and will hold dedicated learning sessions on this topic. Regular engagement with country operations will also be used as an opportunity to promote dialogue on how to address staff well-being.</p> <p>(4) There is already a staff well-being page on the RSD PP that includes resources and good practices. DIP and RB will enhance that page with additional resources as they become available.</p>
3	The UNHCR Division of International Protection, in coordination with Regional Bureaux, should support field operations' periodic assessments of refugee status determination (RSD) needs and adjust related case processing capacity accordingly,	Important	Yes	Chief of Asylum Systems and Determination Section	31 December 2024	<p>The implementation of this recommendation will need to take into account available resources, operational needs and realities:</p> <p>(1) UNHCR is in the process of revising its internal Strategic Direction on RSD. As part of that</p>

Rec. no.	Recommendation	Critical/ Important	Accepted? (Yes/No)	Title of responsible individual	Implementation date	UNHCR comments
	and implement agile RSD workforce arrangements to respond to urgent or temporary needs.					<p>revision, guidance will be provided on planning for RSD case processing capacity and workforce arrangements.</p> <p>(2) Drawing on lessons learned from past experiences, DIP and RB, with support from other entities within UNHCR, as applicable, will assess possibilities for expanding the availability of urgent or emergency RSD staffing using existing or new agile workforce arrangements.</p>
4	The UNHCR Division of International Protection, in conjunction with Regional Bureaux, should assess the viability of system and business process enhancements, share good practices and enhance oversight over the management of mandate refugee status determination.	Important	Yes	Chief of Asylum Systems and Determination Section	30 June 2025	<p>To address this recommendation a number of global and regional initiatives will be undertaken. Activities will be agreed with each RB and take into consideration the amount of RSD conducted in each region as well as the strengths and weaknesses identified in Mandate RSD processing:</p> <p>(1) UNHCR will undertake an annual update of the RSD Procedural Standards Checklist and related dashboards to enhance the availability of information for effective oversight of adherence to the RSD Procedural Standards.</p> <p>(2) As a result of the RSD Procedural Standards checklist exercise, UNHCR will hold webinars on key areas of strength and weakness to share good practices.</p> <p>(3) DIP and RB will hold regular global and regional meetings on Mandate RSD to enhance support and oversight, discuss issues and share good practices.</p>

Rec. no.	Recommendation	Critical/ Important	Accepted? (Yes/No)	Title of responsible individual	Implementation date	UNHCR comments
						<p>(4) UNHCR will undertake data clean up and implement enhancement to the RSD Module of proGres v4 as part of the implementation of the business process flows.</p> <p>(5) UNHCR will undertake a pilot project on using proGres v4 data to enhance identification of bottlenecks in the Mandate RSD process. Additional region specific activities to address this recommendation will be undertaken when possible. Elements of this recommendation will also be addressed through the actions undertaken to address Recommendation No. 1.</p>
5	The UNHCR Division of International Protection should: (a) in coordination with the Global Data Service and Regional Bureaux ensure consistency of mandate refugee status determination (RSD) reporting among relevant institutional sources; (b) enhance the RSD dashboard; and (c) in the interim provide guidance on ways to measure RSD efficiency gains.	Important	Yes	Chief of Asylum Systems and Determination Section	30 June 2025	<p>(1) GDS and DIP will develop a tool to identify data quality issues in proGres v4 RSD data, building on the tool already being created to assess data quality in registration data.</p> <p>(2) GDS, DIP and RB will conduct learning sessions on the completion of the different institutional reporting tools to enhance consistency of data across these tools.</p> <p>(3) UNHCR has already included additional indicators in the RSD Dashboard to align with COMPASS reporting and to enhance the ability of operations to measure efficiency.</p>
6	The UNHCR Division of International Protection, in conjunction with Regional Bureaux, should provide necessary support to	Important	Yes	Chief of Asylum Systems and Determination Section	31 December 2024	The implementation of this recommendation will need to take into account available resources:

Rec. no.	Recommendation	Critical/ Important	Accepted? (Yes/No)	Title of responsible individual	Implementation date	UNHCR comments
	operations to address mandate refugee status determination backlogs.					<p>(1) UNHCR is in the process of revising its internal Strategic Direction on RSD. As part of the supporting material that will accompany that revision, guidance will be issued on when Mandate RSD should be undertaken, prioritized and deprioritized to assist in managing backlogs.</p> <p>(2) DIP and RB will issue additional guidance and further systematize resources on RSD case processing modalities to maximize case processing efficiency and address backlogs.</p>
7	The UNHCR Division of International Protection, in collaboration with Regional Bureaux, should through the annual planning and resource allocation processes, review and assess the need for re-alignment of the regional refugee status determination staffing and functional setup for effective discharge of second line responsibilities.	Important	Yes	Director of DIP	30 June 2025	UNHCR has undertaken further realignment of positions in different functional areas, including RSD, between HQ, RB and Operations as part of its planning process for 2024 and there will be ongoing processes in 2024 to ensure alignment of roles, functions, structures and capacities across HQ and RB. Within the parameters of this corporate process and within the limits of available resources, UNHCR will monitor the operationalization of the different lines of responsibilities in the RSD function with a view to enhancing flexibility and consistency.