

AI Index: ACT 34/14/97
Distr: CC/RC

Amnesty International
International Secretariat
1 Easton Street
London WC1X 8DJ
United Kingdom

May 1997

SURVEY OF REFUGEE PROTECTION
According to the 1951 Refugee Convention and the 1967 Protocol

(questionnaire prepared by Amnesty International)

1. General

- a. Has your country ratified and implemented the 1951 Convention relating to the Status of Refugees and its 1967 Protocol? If not, why not? Is your country party to any regional agreements for the protection of refugees?
- b. What is the number of people currently seeking asylum in your country? Please provide data for the past three years of those seeking asylum and those recognised as Convention refugees, with a breakdown by country of origin and gender. Is this data provided publicly on a regular basis?
- c. Is the principle of *non refoulement*, including non rejection at the frontier, established clearly in legislation? In practice, what guarantees are there that it is not violated?
- d. Does your country use a category other than Convention refugee status to protect asylum seekers in refugee-like situations (i.e. temporary protection or humanitarian status)? If yes, what criteria are used to differentiate between those afforded Convention refugee status and those accorded any other status? On what grounds and subject to which procedures are temporary or humanitarian status (or any other non-Convention refugee status) ended? Are there differences in the rights accorded to different categories of asylum seekers that your country protects? (i.e. right to family reunification, right to work, access to social benefits etc)?

2. Pre-Entry Measures & Procedures at the Frontier

- a. For which countries do you impose visa requirements? What is the criteria for imposing visa requirements?
- b. What, if any, sanctions are imposed on transport carriers for bringing to your country aliens who do not possess the required documents? How do you ensure that people wishing to seek asylum are not denied transport to your country? What is the number and country of origin of those who have been denied boarding by transport operators in the past three years?

- c. Does your country impose sanctions or penalties on traffickers? If so, what are they?
- d. Are there any provisions for asylum seekers to be summarily expelled / deported at the frontier, due to the route they had travelled or for any other reason? If so, what number of people were subject to this sort of expulsion over the past three years? What assurances were sought from the country to which asylum seekers in this situation were returned so that they would receive adequate protection from *refoulement*? Has your government conducted any kind of monitoring of these asylum seekers' situation after removal to another country?
- e. What kind of formal training is conducted for border officials so that they can identify people who fear returning to their country? What kind of instructions are issued to them regarding cases of asylum seekers at the frontier?

3. Asylum Determination Procedures

- a. Are procedures for filing and assessing an asylum claim set out in legislation? What are they? Where and when can an application be filed (i.e. at an embassy, at the border, within the country)? What provisions are there for determining who might be at risk of serious human rights violations if returned to their country? How are these procedures implemented in practice?
- b. What criteria are applied for the application of admissibility/accelerated procedures (i.e. national security, fraudulent applications, undocumented asylum-seekers, non-compliance with time limits, safe third country practices, safe country of origin principle, manifestly founded or unfounded applications etc).
- c. If there are procedures for the assessment of an asylum claim, what body decides on an asylum case, both in the first instance and at any appeal stage? Are these bodies formally independent of other government bodies? What other responsibilities, if any, does this body have?
- d. Is there an opportunity for the asylum seeker to be interviewed? Is this interview conducted by the actual decision maker, or by a different official? Are publicly funded interpreters provided at all stages of review in the asylum procedure?
- e. Who within the body makes the actual decision regarding an asylum case? What kind of formal training is conducted for these officials, both before and during appointment? What information do the decision makers utilise as the basis of their decisions?
- f. Is there an opportunity for a rejected asylum seeker to seek judicial review of his or her rejection? If so, is it possible to seek judicial review on the substance of his case?
- g. What special provisions exist for the protection of women asylum seekers? Is there an adequate number of women interviewers and interpreters to conduct status determination interviews of women asylum seekers?
- h. What special provisions exist for the protection of asylum seekers who are unaccompanied minors? Are such asylum seekers provided with trained personnel to act as their legal guardians?
- i. What legal status is afforded to asylum seekers during the time that their asylum application is being considered; i.e does he or she receive a special status or is he or she subject to normal immigration control? What rights does this status offer; in particular, does it offer formal

protection against expulsion? Do asylum seekers receive social assistance during this time? Please provide details on the nature of any social assistance (quantity and how it is provided).

4. Immigration Control and Detention

- a. What laws, regulations or administrative practices apply to asylum seekers who enter or are present in the country without authorisation or who are undocumented? Are they subject to general immigration control legislation?
- b. On what grounds are asylum seekers detained or is their freedom of movement restricted during the asylum determination procedure? For those who are detained, is their detention subject to regular, adequate, and automatic review? What kinds of facilities are asylum seekers detained in and which governmental authority regulates these facilities? Please provide data regarding the numbers of asylum seekers who have been detained, their country of origin, their gender, the reasons and place for their detention, and the length of time they were detained.

5. Mass Influx

- a. Are there any provisions for the protection of asylum seekers in the case of a sudden influx of a large number of people seeking asylum? Do the rights this status afford differ from refugee status under the relevant provisions?
- b. Are asylum seekers and / or refugees required to live in camps, settlements, of defined parts of the country? If so, to what extent may refugees move outside these camps, settlements, or areas? What is the legal basis for these restrictions? Are there any sanctions for refugees residing outside of the defined area?
- c. Are there any special provisions or guidelines for ensuring security within the camps or settlements? Are there any official guidelines relating to the geographical location of camps or settlements?

6. Other

- a. Are there any national bodies whose function it is to promote the interests of refugees and asylum seekers? Are they funded by public funds or privately? Do they inform asylum seekers about asylum determination procedures? Do they inform the general public about the need to protect asylum seekers and the reasons that they cannot return to their home countries?
- b. What, if any, are the main difficulties your country faces in successful implementation of the terms of the Convention?
- c. What financial contributions does your country provide to the UNHCR? Are these contributions dedicated to specific or general programs?