

# Nepal

Refugees and asylum seekers	130,000
Bhutan	109,200
China	20,500

New asylum seekers	2,300
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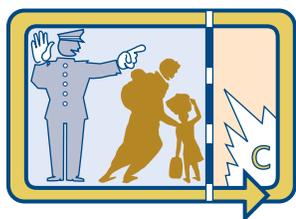
1951 Convention: No  
1967 Protocol: No

Population: 27.8 million  
GDP: \$9.6 billion  
GDP per capita: \$347

Nepal . Statistics .

**Introduction** Nepal hosted 130,000 refugees, including nearly 110,000 from Bhutan and more than 20,000 Tibetans from China. The Nepali-speaking Lhotsampa from Bhutan fled ethnic cleansing in 1991 and 1992. Tibetans arrived in 1959 and the early 1960s.

The Office of the UN High Commissioner for Refugees (UNHCR) also assisted about 300 refugees and asylum seekers of various nationalities that it recognized under its mandate in Kathmandu.



### Refoulement/Physical Protection

Nepal reportedly handed one Tibetan over to Chinese officials in July, after fining and jailing him under suspicion of theft. The Government blamed the deportation on policy confusion

and internal miscommunication. Nepal also deported four asylum seekers to their most recent countries of transit, after arresting them for illegal entry or lack of documentation.

In February, Bhutanese refugees in Sanischare camp and members of the local community clashed in a dispute over firewood. One refugee died, eight were injured, and several huts in the camp burned. After the United States announced plans to resettle 60,000 Bhutanese refugees over five years, there were clashes between pro- and anti-resettlement factions in the camps. In late May, clashes escalated to a riot outside Beldangi II Camp, during which Nepalese police shot and killed two refugees. In December, unknown assailants shot and wounded a refugee. In August, a group of women refugees beat a camp secretary in a conflict over who

would attend a meeting in Thailand about resettlement. Later that month, nearly 100 refugees fled the camp after refugee youths allegedly assaulted pro-resettlement refugees. After the May census, the Government began reinstating a permanent police presence in the camps for Bhutanese refugees.

Since 1990, Nepal had not allowed Tibetan entrants to seek asylum, allowing them only to travel on to India or other countries. Refugees alleged that Nepal allowed Chinese incursions into the country to pursue Tibetans and that Nepali Maoists robbed them as they transited the country.

Nepal was not party to the 1951 Convention relating to the Status of Refugees and had no refugee law. However, in September, the Supreme Court, in a decision that forbade the deportation of four Pakistanis whom UNHCR recognized as refugees, urged the Government to pass one. Nepal's 1992 Immigration Act did allow the Government to exempt "any class, group, nationality or race from any or all of [its] provisions" and the 1988 Extradition Act prohibited extradition for "political crimes." The 1958 Foreigners Act and administrative directives determined refugees' legal rights.

Nepal maintained a refugee status determination process for Bhutanese asylum seekers only, although it had suspended it in 2006, when it launched a census of Bhutanese refugees. It applied international standards in these determinations, allowing UNHCR an observer role in first instance cases and a full vote in appeals cases.

UNHCR recognized non-Tibetan, non-Bhutanese refugees under its mandate in Kathmandu until March, when Nepal requested that it stop. It had registered 45 asylum seekers before March and granted mandate refugee status to 14. Although UNHCR-recognized refugees and asylum seekers were technically in violation of immigration laws, the Government generally did not prosecute them, with the exception of four Pakistanis, described below.

### Detention/Access to Courts

In March, Nepal arrested four Pakistanis, whom UNHCR had recognized as refugees, for overstaying their visas. In April, a court sentenced them to 10 years in prison under Nepal's Immigration Act. Under the Act, authorities could imprison violators who could not pay their fines, sentencing them to one day in prison for every 25 rupees (\$0.40) unpaid. UNHCR hired an attorney for the refugees. The Supreme Court ordered their sentences reduced as the Government had used the wrong section of the law in calculating them, but did not order their release. One of the four refugees paid his fine and left for resettlement. The others remained in detention.





**Nepal's Goldhap refugee camp in the wake of a March 2008 fire. Nepal does not allow electricity in the camps, forcing refugees to use open flames for cooking, heating, and lighting.**  
*Credit: UNHCR*

The law allowed the police to hold suspects for 25 days without a court appearance, but security forces occasionally held prisoners longer and refugees had difficulty obtaining bail. UNHCR generally had access to detainees. Detainees could have lawyers and challenge their detention in the courts.

In December, UNHCR and the Government issued 8,200 identity cards to Bhutanese refugees for the first time. The Government also supplied most adult Tibetan refugees with identity cards, but not to some 5,000 refugees who turned 18 after 1989. Until March, UNHCR gave refugees and asylum seekers in urban areas individual certificates with photographs that defined their status. UNHCR maintained a list of those who had approached its office after the Government made it stop doing so and authorities took no action against them.

The 1990 Constitution provided that "No person shall be denied the equal protection of the laws," that "No person shall be deprived of his personal liberty save in accordance with law," and extended

most criminal procedure protections to all persons, with some exceptions for citizens of enemy states. It reserved for citizens, however, its specific protections against discrimination in the application of laws or other functions of the state on grounds of religion, race, sex, caste, or tribe. Generally, refugees had access to courts, including for civil matters, but only citizens had standing to challenge the constitutionality of a law before the Supreme Court.

### **Freedom of Movement and Residence**

Nepal restricted Bhutanese refugees to seven camps in the Jhapa and Morang districts in the east. Camp rules required Bhutanese refugees to obtain prior permission and passes if leaving the camp for more than 24 hours and generally to return within a week. Refugees could, however, obtain renewable six month passes for educational purposes. Authorities generally granted requests for passes but temporarily suspended

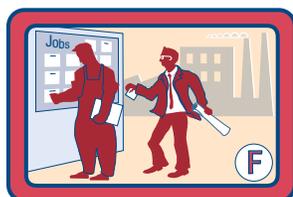


ration cards if refugees were absent without permission for an extended period.

Tibetans who arrived before 1990 and refugees in urban areas enjoyed freedom of movement. They could live where they wished if they had refugee cards. Tibetan refugees stayed at the Tibetan Refugee Transit Center in Swayambhu before continuing to India.

The 1990 Constitution reserved its protection of freedom of movement and residence to citizens. The 1958 Foreigners Act authorized the Government to compel foreigners to live in places it prescribed and mandated two years' imprisonment for violations.

To obtain documents for international travel, Bhutanese refugees had to apply to camp officials, supplying an invitation letter and bank balance. Minors and women under 35 also needed a letter of consent. Camp officials passed those they recommended to the Refugee Coordination Unit in Jhapa, which recommended them to the National Unit for Coordination of Refugee Affairs in the Ministry of Home Affairs. Home Affairs recommended the refugee to the Ministry of Foreign Affairs, which issued the necessary documents.



### Right to Earn a Livelihood

Camp rules restricted Bhutanese refugees from engaging in almost any income-generating activity aside from small cottage industries, such as making sanitary napkins, chalk, blankets, and jute

roofing materials. Authorities tolerated some illegal work where there were shortages, such as teaching in remote schools. District authorities shut down some activities the central government permitted, such as soap making, when they competed with locals.

The Government generally allowed Tibetans who entered the country prior to 1990 to run small handicrafts in the informal sector, such as carpet weaving. Some refugees in urban areas formed informal partnerships with locals, paid bribes, or obtained Nepali citizenship through false documents so they could hold title to property.

The 1992 Labor Act heavily restricted the employment of foreigners, without exception for refugees. If no Nepali was available for a skilled post after national advertising, managers could apply to the Labor Department for permission to hire foreigners. After investigation, the Labor Department could grant two year permits but for no more than five years in total. Managers had to arrange to replace the foreigners by training Nepalis and, according to the 1993 Labor Rules, lay off foreigners first in case of retrenchment. Penalties could be as high as \$159 (10,000 rupees) per instance and \$1.59 (100 rupees) per day.

Nepal's labor legislation or social security did

not protect refugees and they often had to pay bribes or use false documents. Refugees could not legally operate businesses, own property, open bank accounts, or obtain drivers' licenses.

The 1990 Constitution reserved its protection of the right to engage in work, professions, trade, or industry, or to form unions, to citizens. It also reserved the rights to acquire, own, sell, and otherwise dispose of property to citizens. But it also provided that "The State shall not, except in the public interest, requisition, acquire or create any encumbrance on, the property of any person."

### Public Relief and Education

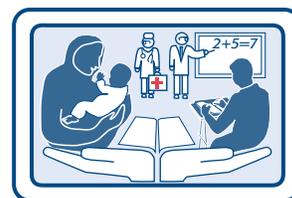
In January, poor insulation in the bamboo huts of three camps in Jhapa district caused some 30 refugees per day, mostly children, to report to the hospital with pneumonia and asthma. In December

2005, UNHCR had switched the refugees' cooking fuel from kerosene to less-expensive briquettes made from compressed coal dust. These produced more smoke, leading to eye, skin, and respiratory complaints. Inadequate fuel rations also compelled refugees to look for firewood outside the camps which led to conflict with locals, such as the clash in February that killed one refugee.

In the camps, the World Food Programme (WFP) gave basic rations, while UNHCR and its implementing partners provided housing materials, water, supplemental food, sanitation, and health services. In 2006, WFP announced that it would cut rations because donors had not funded it for the next two years. Donors restored some funding in February. UNHCR's implementing partners, such as Lutheran World Federation, aided host communities as well. UNHCR supported health services for refugees and asylum seekers in urban areas, although not for all referrals and all treatments. Refugees generally had access to health services on par with nationals, but some hospitals charged all foreigners double. Outside the UNHCR partner hospital, refugees had to pay for treatment.

Within the camps, UNHCR provided education to grade 8. Caritas and others provided education to grade 10 and partial support for grades 11 and 12. UNHCR provided assistance to allow families in its urban caseload to attend Nepali schools. Tibetan refugees, with help from Tibetans abroad, had their own educational and medical systems.

Nepal cooperated with UNHCR and other humanitarian agencies helping refugees and asylum seekers and earmarked a contribution to the WFP for camp refugees. The Government did not, however, include refugees in its 2003 Poverty Reduction Strategy Paper or its 2007 Progress Report for international donors.





# Niger

Refugee and Asylum Seekers	15,700
Chad	15,500
Congo-Kinshasa	100

New Asylum Seekers: 15

- 1951 Convention: Yes
- 1967 Protocol: Yes
- Reservations: None
- UNHCR Executive Committee: No
- African Refugee Convention: Yes

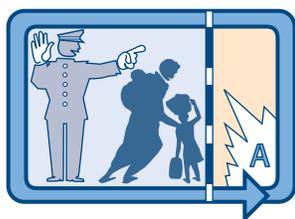
Population: 14.2 million  
 GDP: \$4.2 billion  
 GDP per capita: \$294

Niger . Statistics .

**Introduction** Niger hosted 15,700 refugees and asylum seekers, mostly Mahamid Arabs originally from Chad. Most came to eastern Niger fleeing the 1974 drought, and later, Chad's civil war in the 1980s and lived in the eastern region of Diffa.

In July, an internal UN document reportedly claimed that 30,000 Arabs had crossed into Sudan from Chad and Niger between mid-May and mid-July. The leader of the rebel Sudan Liberation Movement (SLM) accused the Sudanese Government of recruiting 17,000 Mahamid Arabs from Niger to repopulate conflict-ravaged areas of Sudan and of trying to get the Mahamid Arabs to participate in the plans of the Sudanese Government in Darfur.

The Government and UNHCR officially recognized only 340 refugees and asylum seekers from Chad, Congo-Kinshasa, Côte d'Ivoire, and Rwanda and elsewhere. Of those, around 120 received status prima facie.



**Refoulement/Physical Protection** There were no reports of refoulement or physical assault of refugees but some were victims of trafficking.

The Government did not grant Mahamid Arabs refugee status but it allowed them to remain. In 2006, Niger announced plans to expel Mahamid Arabs back to Chad because of disagreements with locals over land and water rights. Although authorities later reversed their decision, some Mahamid Arabs returned unassisted to Chad.

UNHCR did not have an office in Niger, but moni-

tored the country from its regional office in Benin.

Niger was party to the 1951 Convention relating to the Status of Refugees, its 1967 Protocol, and the 1969 Convention governing the Specific Aspects of Refugee Problems in Africa, all without reservation. Niger's 1997 Refugee Law forbade refoulement and created the National Eligibility Commission (CNE) to hear asylum claims and a 1998 decree to implement it. The 1997 Refugee Law granted refugees all the same rights as nationals regarding physical security, freedom of movement, health services, education, and identity documents.

Asylum seekers registered with the CNE's Permanent Secretariat and had a preliminary interview with its assistant coordinator. They could bring translators or lawyers at their own expense to the later interview on the merits of their claims. The police then investigated the character and morality of the applicant, the CNE's Permanent Secretary shared the file with its 17 members from various ministries, human rights groups, and Parliament, and they decided cases by the majority present. Asylum seekers could appeal to a four-member Committee appointed by the Ministry of Interior. UNHCR could attend CNE meetings and comment on individual cases.

The CNE convened once in 2007 and decided on 11 asylum cases, rejecting 6 and accepting 5, while the cases of 13 asylum seekers remained pending at year's end.

**Detention/Access to Courts** There were no reports of illegal or arbitrary detentions or harassment of refugees or asylum seekers.



The 1999 Constitution guaranteed equality before the law to all. The Permanent Secretariat of the CNE and local human rights organizations including the Nigerien Human Rights Association, ANDDH, independently monitored refugee detentions.

After preliminary interviews, the CNE issued asylum seekers attestation certificates which served as residence permits, valid for three months and renewable until authorities determined refugee status. Recognized refugees received identity cards, which were equivalent to residence permits. The Government issued 40 such cards and either issued or renewed around 40 attestation certificates to asylum seekers. Authorities and police recognized and accepted both documents.

Because the Government did not recognize Mahamid Arabs as refugees, they were not eligible for cards although a 2001 census revealed that local authorities had issued identity cards to most of them.

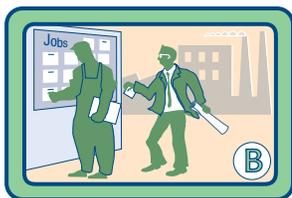
**Freedom of Movement and Residence** There were no refugee camps in Niger and refugees were free to move within the country and could choose their places of



residence. The 1999 Constitution stated that “the state shall recognize and guarantee freedom of movement” without limiting the right to citizens.”

Niger issued both the Refugee Travel Document (TVC) and

the laissez passer to recognized refugees. For the laissez passer, refugees had to submit a request to the President of the CNE with the reason for travel. For the three-year renewable TVC, the refugee had to be at least 18 years old and had to document the reason for travel, such as with proof of registration at a foreign school or university, invitation to a conference, or proof of a medical appointment abroad. If the TVC expired while the refugee was abroad, a local Nigerien embassy could extend it for six months, but it was not renewable. Niger issued two TVC documents and 39 laissez passers. All recognized refugees who applied received them.

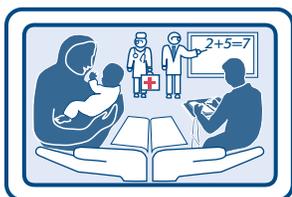


### Right to Earn a Livelihood

Refugees had to obtain prior authorization to work for which the CNE often served as the sponsor. The 1999 Constitution recognized the right of only citizens to work.

Refugees could obtain licenses and operate businesses with no more restrictions than nationals. Refugees could also own and transfer both movable and immovable property.

Mahamid Arabs tended to raise camels and cattle, but their heavy reliance on limited water supplies and pastoral lands for their animals caused tensions with other local populations including Berbers and Toubous.



### Public Relief and Education

Refugees had access to public relief on par with nationals as long as they could document their status.

There were no restrictions on aid to refugees and UNHCR’s implementing partners, including Caritas and the Red Cross.

Refugees enjoyed the same access to education as nationals, paying the same fees, as long as they could document their refugee status. Like citizens, they could enroll in the school of their choice and obtain tuition assistance.

Niger did not include refugees in its 2002 Poverty Reduction Strategy Paper for the international donors nor in its June 2006 annual progress report.

## Pakistan

Refugees and asylum seekers Afghanistan	1,877,800 1,876,300
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Departures	150,000
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1951 Convention: No  
1967 Protocol: No  
UNHCR Executive Committee: Yes

Population: 169.3 million  
GDP: \$143.8 billion  
GDP per capita: \$849

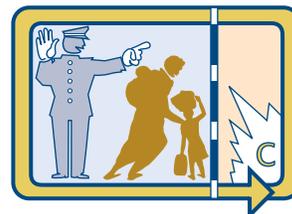
Pakistan . Statistics .

**Introduction** About 2.16 million Afghans registered with the Government. Since 1979, Pakistan had hosted millions of Afghan refugees it recognized on a prima facie basis. In a two-phase UNHCR repatriation program between March and November, over 357,000 Afghans returned, of whom only 150,000 had registered.

### Refolement/Physical Protection

There were no reports of refolement of refugees registered with the Government. In late January, however, officials in Bajaur repatriated nearly 40 Afghans without documents. In March, authorities handed than 50 Afghans over to Afghan officials after arresting them under the Foreigners Act. Afghans were also reportedly among the 554 foreign students of local madrasas whom Pakistan deported in August.

Pakistani officials claimed Taliban insurgents had infiltrated four border camps and used them as a base when attacking NATO and Afghan forces in Afghanistan. In June, police in Peshawar announced they would begin door-to-door searches for unregistered refugees and would expel those they found without valid documentation. In August, UNCHR warned that Pakistan was pressuring refugees to repatriate by closing camps, deeming unregistered refugees illegal, threatening to confiscate their property and documents, and threatening to fine those who rented property to refugees. A survey during registration revealed that more than four-fifths of Afghan refugees were unwilling to return, citing security as their leading concern. Authorities claimed that 20,000 repatriated Afghans reentered in May. In June,





the States and Frontier Regions Secretary acknowledged that Afghan insecurity made returns unsustainable.

In April, refugees stoned a UNHCR repatriation center in Baleli, Balochistan. Police responded with baton charges and tear gas, injuring four. In April, an Afghan refugee died in Peshawar when paramilitary forces fired on a crowd that was beating a UNHCR worker who had allegedly demanded bribes. In mid-May, Afghan refugees clashed with security forces that were trying to bulldoze several homes a day after authorities razed 70 shops and three houses to close Katcha Garhi camp, near Peshawar. During attempts to close Jungle Pir Alizai camp in Balochistan, at least three refugees died and ten sustained injuries in clashes with security forces seeking to make them repatriate or move to a camp in the remote and inhospitable Hindu Kush Mountains. Authorities suspended the closure.

In January, Pakistanis in the Mohmand tribal area stoned a refugee to death after elders sentenced him to death for murder and abduction. Also in January, three or four refugees in Jalojai camp died in a bomb blast authorities attributed to a personal dispute. In February, North Waziristan militants beheaded a refugee for allegedly spying for the United States. In April, unknown persons killed two Afghan girls from Surkhab refugee camp while they were selling bangles. In May, nearly 30 people, mostly Afghan nationals, died, and 31 others sustained injuries in a suicide bombing at a Peshawar hotel popular with refugees. In June, militants in the border province of Bajaur beheaded an Afghan refugee suspected of spying for the United States. In August, North Waziristan militants beheaded another two refugees and shot a third for spying for the United States. In September, they shot a refugee they had abducted earlier. In November, unidentified gunmen in Para Chinar killed four Afghan refugees and injured five others as the group traveled to Afghanistan, intending to bury a fellow refugee who had died in a Peshawar camp.

Pakistan was not party to the Convention relating to the Status of Refugees or its 1967 Protocol and had no legislation to recognize refugees. The 1946 Foreigners Act (amended 2000) continued to be the only standard applying to refugees and asylum seekers. However, Afghans who held new identity cards, issued during the registration exercise, were exempt from its provisions. In August, UNHCR and the Governments of Afghanistan and Pakistan extended the 2003 Tripartite Agreement for another three years, agreeing that repatriations should be "voluntary and gradual."



### **Detention/Access to Courts**

In January, immigration officials arrested over 300 Afghans at Karachi airport, where they landed after Saudi Arabia had deported them for using forged passports to make pilgrimage. In February, authorities

detained at least 22 refugees in connection with a suicide

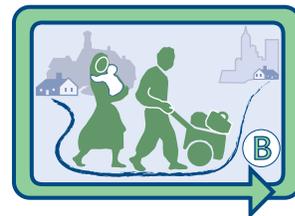
bombing at a Quetta court and arrested over 200 Afghans in a subsequent crackdown. In March, Quetta police detained 60 Afghans for not possessing valid documents and arrested 13 more for illegal entry. In total, they arrested over 100. In June, police in Khar arrested 39 persons, mostly Afghan refugees, in connection with a remote-controlled explosion that injured three persons. Also in June, authorities arrested 50 Afghans under the Foreigners Act for lack of documents. In November, police arrested some 500 Afghans for lack of documents. In December, the Frontier Corps arrested two residents of Ghadgai refugee camp for arms possession and Balochistan police arrested over 80 Afghans for illegal entry through Iran.

The Constitution granted the same protections against arbitrary arrest and detention to all persons in Pakistan.

Between October 2006 and February 2007, authorities issued 2.16 million Afghan refugees Proof of Registration (PoR) cards valid through December 2009. Refugees petitioned in court against the Ministry of Interior and the National Database and Registration Authority (NADRA) that these organizations had failed to register hundreds of other Afghan applicants in Peshawar. On the other hand, tribal elders from the Mohmand tribal area demanded that NADRA rescind the computerized national identity cards it had issued the Hazarabuz, a nomadic tribe they accused of being Afghan refugees. The Potohar Town Council in Rawalpindi also accused Afghans of illegally obtaining such cards. In May, Balochistan officials alleged that most refugees there had also acquired them.

### **Freedom of Movement and Residence**

In general, Afghan refugees enjoyed the freedom to move around Pakistan and to live where they chose, although the 1973 Constitution protected only Pakistani citizens' freedom



of movement. Some 1.3 million lived in the North-West Frontier Province (NWFP), while several hundred thousand lived in Karachi.

Authorities scheduled the closure of four of the largest refugee camps, Jalojai and Katcha Garhi in the NWFP, and Jungle Pir Alizai and Girdi Jungle in Balochistan by the end of the year and gave residents the choice of repatriating or moving to other sites, which the refugees rejected because of their remote and inhospitable location. Nearly 125,000 repatriated from Jalojai camp in the NWFP, but some refugees remained in Jungle Pir Girdi camp in Balochistan despite the October evacuation deadline. After extending the deadline for Jungle Pir Alizai camp three times since 2005, in June, the Government assigned the Frontier Corps to supervise the camps' eviction. Some camp residents refused to leave, claiming Pakistani citizenship. Katcha Garhi camp closed in late July, with the departure of nearly 40,000

refugees. By September, Pakistan had closed down nine of the 24 camps in the NWFP and Federal Administered Tribal Areas of Pakistan.



### Right to Earn a Livelihood

While the 1946 Foreigners Act prohibited the hiring of “a person who has no permission to stay in Pakistan,” authorities tolerated refugees working in the informal sector. According to the 2005 census, only nine percent of Afghans reported having regular jobs, 55 percent of households depended on day labor for their livelihood, and 20 percent described themselves as self-employed. Some Ghazgai Minara camp residents worked as miners and farmhands, while others ran small businesses. Some refugees, like the residents of Khurasan camp, practiced traditional crafts such as carpet weaving. In Lahore, refugees worked mainly in the garbage collecting and recycling business. Around 83 percent of working Afghans earned less than Pakistan’s minimum monthly wage level of 4,000 rupees (\$67) for unskilled workers.

Because the contribution of refugee enterprise to the informal economy was significant, police crackdowns were rare. In June, however, the Cabinet approved a proposal to shut down informal markets owned by refugees and to register restaurants, shops, and vendors.

In formal trade, refugees needed Pakistani partners and could not hold immovable property or the requisite documents to own a business. In the NWFP, refugees dominated the transportation industry -- Katcha Garhi camp was a major trading and transportation services center -- but legally they could not own trucks. The market value of refugees’ assets in the camp was about 740 million Pakistani rupees (over \$12 million). In July, the Minister for States and Frontier Region, Sardar Yar Mohammed Rind, threatened to confiscate the property of all “illegal Afghan immigrants ... as being foreigners they have no right to buy land.” Authorities warned citizens against renting property to Afghans or purchasing property from them.

**Public Relief and Education** UNHCR, in conjunction with the Government and the UN Development Programme, established Refugee Affected Hosting Areas,



Afghan refugees in Jalozei camp, Pakistan clean up in the wake of a bomb blast in January. The explosion killed several refugees, and authorities blamed it on a personal dispute. *Credit: AP/M. Zubair*



whereby refugee and local communities received health, sanitation, and education services. Recognized refugees living outside the camps received some financial assistance. To accelerate repatriation, the Government cut education and health

facilities in the camps. UNHCR increased the repatriation allowance for registered refugees from \$60 to \$100 and extended the allowance to unregistered refugees after Pakistan contributed \$5 million to the fund.

In Balochistan, Afghan refugees reported they could not buy subsidized flour like nationals.

Peshawar health authorities included refugees among the 1.5 million children under 13 whom they immunized against measles. Church World Service provided basic health services to over 57,000 Afghan refugees in three camps in the Mansehra district, NWFP.

UNHCR established schools in or near some camps and around 130,000 Afghan students attended Pakistan's 400 refugee schools, but nearly 71 percent reported no formal education. Afghan refugee children in Karachi attended Afghan language schools built in the early 1990s with Pakistani help. Muslim Hands, an international non-governmental organization (NGO), supported three schools in Quetta, where, to date, 45 Afghan schools served 25,000 students. The Government discouraged Afghans from enrolling in madrasas and began allowing refugee children to enroll in government schools. Refugees outside camps had access to health care through UNHCR's partners.

Pakistan did not include refugees in its 2004 Poverty Reduction Strategy Paper.

**Introduction** Panama hosted 11,500 refugees and asylum seekers, 10,800 from Colombia, and the rest from El Salvador, Cuba, and Nicaragua. Rural indigenous groups and Afro-Colombians comprised a significant percentage of those fleeing the Colombian conflict. There were around 1,900 recognized refugees, over 500 asylum seekers, and nearly 400 asylum applicants.

**Refoulement/Physical Protection**

Between January and March, Panama arrested and deported more than 300 migrants including 166 Colombians, but Panama did not permit the Office of the UN High Commissioner for Refugees (UNHCR) to screen them for fear of return. Panamanian officials also turned back asylum seekers at the southern border town of Puerto Obaldía.



The deportation procedure at the international airport took as little as two hours and UNHCR and the Office of National Protection for Refugees (ONPAR) had no access to monitor them nor were they at remote border locations.

In March, three children died and over 500 people lost their homes in a fire in a predominantly Colombian neighborhood in Panama City. Police suspected arson connected to a gang war. Two months later, another 355 people, mainly displaced Colombians, lost their homes in another fire.

Panamanian law (Decree 23/1998) provided for granting of asylum or refugee status in conformity with the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. The Ministry of Governance and Justice implemented the refugee status determination procedure through its secretariat, ONPAR. ONPAR officials could summarily reject any asylum claims they found manifestly unfounded or abusive, and eliminated 90 percent of asylum applicants at this stage. ONPAR officials often gave rejected applicants merely verbal information about denials or had them sign the decision and sometimes told them no appeal was possible. Rejected applicants had only an accelerated appeal to the same staff who heard the initial request, instead of the administrative review required by Panama's General Administrative Code.

If ONPAR permitted a case to proceed, the National Commission for the Protection of Refugees (the Commission) voted on official recognition of an applicant's claim. Rejected applicants could appeal the Commission's ruling, first to the same body, then to the Minister of Governance and Justice, and finally to the courts but no case had ever used the last two options.

The Commission received 22 cases and recognized 47 persons as refugees, 45 of them Colombian. In September, ONPAR announced it would grant permanent residency permits to 409 refugees living in Panama for over 15 years,

Panama

Refugees and Asylum Seekers	11,500
Colombia	10,800
New Asylum Seekers	22
1951 Convention: Yes	
1967 Protocol: Yes	
UNHCR Executive Committee: No	
Population: 3.3 million	
GDP: \$19.7 billion	
GDP per capita: \$5,980	

Panama . Statistics

and would establish a commission to examine the cases of 800 Colombians settled in the Darien region.

Panama also granted temporary humanitarian protection (THP) under a 1998 decree to all persons who entered Panama fleeing persecution by non-state actors, such as paramilitaries and guerillas. THP lasted only two months, but authorities generally did not enforce the time limit. Around 540 Afro-Colombians, who had 360 dependents, including some Panamanian citizens, held THP status.



### Detention/Access to Courts

In May, Panamanian police and National Migration Office personnel arrested between 75 and 160 migrants of different nationalities in Panama City. Authorities jailed one recognized refugee for delinquency, but he received legal representation. UNHCR did not always learn about the detention of persons in need of protection, but its personnel periodically visited detention centers. It could not monitor migration centers in areas such as La Palma, Darien, and Chiriqui.

Asylum applicants normally had to wait two months to receive documentation showing they had filed for asylum. Refugees received a one-year, renewable identity card that Government and security officials did not always recognize. Those under THP received their card from ONPAR rather than the Migration Department, as they did not have migratory status.



### Freedom of Movement

Individuals with THP status could leave their assigned areas only with permission from the Migration Department. The assigned areas were frequently remote villages that lacked basic health and educational services.

Most asylum seekers and refugees lived in Panama City, but some settled in the port of Jaque and the rural communities of Puerto Obaldia, Riocito, and Tortuga. Indigenous groups and Afro-Colombians generally settled in the border rainforest area of Darien, one of Panama's most impoverished and least developed regions.

Refugees and asylum seekers could leave the country temporarily only with ONPAR's permission.



### Right to Earn a Livelihood

Asylum seekers and those with THP status did not have the right to work, but many worked informally. Recognized refugees could apply for one-year, renewable work permits. The application process

was complex and lengthy, typically taking nine to 11 months.

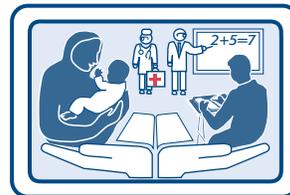
Although the law granted refugees the right to acquire property and open bank accounts, most credit institutions did not recognize refugee identity cards.

### Public Relief and Education

Recognized refugees and asylum seekers had the same rights as nationals to public relief. In urban areas, refugees received UNHCR aid through the Panamanian Red Cross. UNHCR and UNICEF agreed to provide clean drinking water to the border community of Vista Alegre, following Panama's recognition of 47 Wounaan indigenous persons as refugees in late 2006. UNHCR and the humanitarian agency of the European Community installed a clean water system in Alto Playona, where other indigenous Colombians sought refuge. Refugee and asylum seekers had the right to public education. Colombian refugee children, as well as local indigenous Kuna children, attended the only secondary school in Puerto Obaldia, set up to benefit the local community.

Refugees in Vista Alegre worked in a UNHCR-established cooperative for woven handicrafts. In Puerto Obaldia, refugees received UNHCR micro-loans to set up small businesses.

Panama's Poverty Reduction Strategy Plans for international donors did not include refugees and asylum seekers.



## Papua New Guinea

Refugees and Asylum Seekers	10,000
Indonesia	10,000

1951 Convention: Yes  
Reservations: 17 (1), 21, 22 (1), 26, 31, 32 and 34

1967 Protocol: Yes  
UNHCR Executive Committee: No

Population: 6.3 million  
GDP: \$6 billion  
GDP per capita: \$954

Papua New Guinea - Statistics

**Introduction** Papua New Guinea (PNG) hosted about 10,000 refugees, the vast majority from the West Papua region of Indonesia, formerly called Irian Jaya. The West Papuans began arriving in the 1960s after Indonesia gained control of the region, with the largest number



entering between 1984 and 1986. Around 5,000 West Papuans resided in the border areas and about 2,500 lived in the 6,000-hectare East Awin settlement, 1,600 of whom were born there. About 2,000 West Papuans lived in other urban areas, while there were a few non-Melanesian urban asylum seekers and refugees in Port Moresby, Vanimo, and Daru.

The PNG government was more sympathetic to the possibility of local integration for West Papuan refugees than for the small population of non-Melanesians.



### Refoulement/Physical Protection

There were no reported cases of refoulement in 2007, but PNG lacked national refugee guidelines. Authorities attempted to return three Nigerian asylum seekers to Indonesia, but Indonesian au-

thorities refused to accept them without travel documents. With the absence of refugee legislation, there were no screening procedures at borders or ports to differentiate between illegal migrants and refugees. Authorities intercepted an unknown number of illegal migrants for illegal entry and working without permits.

PNG was party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, but maintained seven reservations to the Convention's articles regarding employment, housing, public education, freedom of movement, the unlawful presence of refugees, expulsion, and naturalization. The 1978 Migration Act and its 1989 amendments permitted the Government to "determine a non-citizen to be a refugee," but PNG had no specific refugee legislation or administrative provisions for determining refugee status. Beginning in 1996, the Government granted Permissive Residency Permits (PRPs) to West Papuan refugees living in the East Awin settlement for at least six months. Refugees living outside East Awin were not eligible. The permit was renewable every three years and after eight years, permit holders became eligible for naturalization. Refugees in Port Moresby reported, however, they were not eligible for citizenship. The application for citizenship cost roughly \$3,300, and the Citizenship Advisory Committee (CAC), which examined naturalization cases, met last in 2000. The secretary of the West Papuan urban settlement of Eight-Mile reported that permit holders paid taxes.

By mid-year, the Government had officially recognized only about 2,500 refugees. The Immigration and Citizenship Division had extensive delays in the process and only issued PRPs to Melanesian refugees while the Office of the UN High Commissioner for Refugees (UNHCR) sought to arrange third country resettlement for others. If accepted for asylum in PNG, however, refugees were not eligible for third-country resettlement.

### Detention/Access to Courts

Three Myanmarese crossed into PNG in April seeking asylum in Australia, but authorities detained them for three months in Vanimo prison. Authorities later released them and allowed them to wait in the town while the Government considered their asylum claims.



Authorities detained five West Papuan refugees for attempting to travel to Australia without documents. The refugees escaped, but Australian authorities sent them back and Papuan authorities detained them at the East Awin settlement on the Indonesian border without charges. Under a Memorandum of Understanding with the Australian government, PNG accepted Australia's return of asylum seekers or refugees who had transited through PNG for a minimum of seven days. Once PNG border authorities interviewed the asylum seekers, if they accepted their claims, they either gave them the option of returning to Indonesia voluntarily or allowed them to stay in PNG at the East Awin settlement.

In October, about 100 West Papuan refugees were camping in a squatter settlement outside of UNHCR offices at Ela Beach in Port Moresby, protesting their eviction from Eight-Mile, when a local magistrate crashed into their tents with his car while drunk. An unidentified group attacked and stoned the magistrate to death. Police detained four refugees for the magistrate's murder.

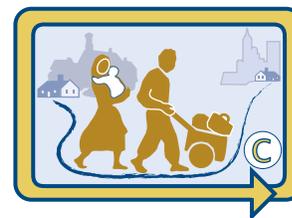
In February 2008, a court acquitted the four refugees for lack of evidence. The victim's family sought compensation from UNHCR, the Government, and the West Papuan community for the death.

For refugee children born in PNG, in 2005 the Government began issuing birth certificates recognizing them as PNG citizens, which allowed them to work legally, go to school, obtain legal employment, and later open a bank account and obtain credit. West Papuans who resided in PNG for more than five years were at risk of becoming stateless under Indonesian law, so the birth certificates served as an additional protection against statelessness.

A local government administrator oversaw the East Awin settlement to resolve disputes.

### Freedom of Movement and Residence

The Government granted PRPs to the 2,500 refugees living in the East Awin settlement, which gave them conditional freedom of movement and allowed them to choose their place of residence but did not permit them to live in the border areas of Western and East Sepik Provinces. About 30 percent of PRP holders had moved away from the settlement. The Government did not recognize or extend the same rights to the 5,000 refugees who lived near the Indonesian border.



A private landowner and former cabinet member evicted about 400 West Papuan refugees from Eight-Mile where they had squatted for nearly 20 years. Local authorities issued the first eviction notice in 2006 and the second in September 2007, during which police began cutting down banana trees around the settlement as a way to coerce the refugees into leaving. While about 100 of the refugees remained at Eight-Mile intending to voluntarily repatriate to Indonesia, about 100 refugees responded to the eviction by setting up temporary tents outside the UNHCR offices on Ela Beach in Port Moresby to demand citizenship or resettlement to a third country.

In October, the situation of the refugees camping on Ela beach was further complicated when a local magistrate was stoned to death after crashing his vehicle into the settlement while drunk. Local police charged 4 refugees with the murder, and transferred about 140 to the local Boroko police station for their own protection out of fear of reprisals by the magistrate's family. By January 2008, the local police were threatening to evict the refugees from the police station, but the Government had identified temporary land to use in Gerehu and Morata and was preparing to transfer them as an interim measure.

The 1978 Migration Act and its 1989 amendments permitted the Government to designate relocation centers where refugees must live, allowing authorities to "use such force as is reasonably necessary for the purpose of taking a person to a relocation centre."

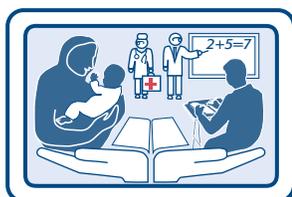
PNG authorities prevented five West Papuan refugees from traveling to Australia without documents. The refugees escaped, but Australian authorities later sent them back. Refugees with PRPs were supposed to have access to international travel documents on a case-by-case basis if they could show urgent need and financial support, but refugees in the Port Moresby settlements reported that they could not obtain them.



### Right to Earn a Livelihood

Refugees who held PRPs had the same rights as nationals to work and engage in business. They largely relied on subsistence farming. In the East Awin settlement, refugees sold produce in the

towns of Kiunga and Tabubil, but their only access to other villages was via a single dirt road that was impassable in the wet season.



### Public Relief and Education

The Government cooperated with UNHCR and nongovernmental organizations to aid refugees and asylum seekers. Those with PRP permits had access to health services and education. Only a few international or domestic NGOs

worked for refugees in PNG, and most had religious affiliations.

The Catholic Diocese of Daru-Kiunga in the Western Province provided health and educational services, including medical clinics, teachers' salaries, and financial aid to students in grades seven and above.

West Papuan refugees in the border region of Vanimo reported receiving no assistance aside from temporary land allotments granted by local private landowners.

Local police, the Red Cross, and the Salvation Army provided food rations to the West Papuan refugees camping at the Boroko police station in Port Moresby. Conditions there became unhygienic toward year's end but, in contrast to their encampment at Ela Beach, the refugees had access to toilets, shower facilities, running water, and electricity—for many of them, for the first time since fleeing 30 years ago.

A 2005 interim development strategy paper drafted for the World Bank did not mention West Papuans or refugees in PNG.

## Russian Federation

Refugees and Asylum Seekers	159,500
Afghanistan	84,500
Georgia	45,000

New Asylum Seekers	3,499
Departures	thousands

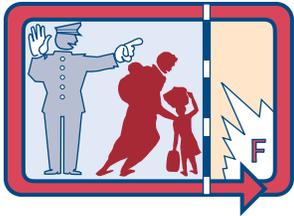
1951 Convention: Yes  
1967 Protocol: Yes  
UNHCR Executive Committee: Yes

Population: 141.7 million  
GDP: \$1.3 trillion  
GDP per capita: \$9,100

Russian . Statistics .

**Introduction** The Russian Federation hosted some 159,500 refugees and asylum seekers at the end of 2007. Most, about 84,500, were from Afghanistan and had either fled the mujahideen who overthrew the pro-Soviet Najibullah regime in 1992 or the Taliban thereafter. About 45,000 were from Georgia and, beginning around 1993, had fled separatist fighting in its Abkhazia and South Ossetia provinces. About 30,000 were from various other countries.

**Refoulement/Physical Protection** As many as a third of the more than 28,000 persons whose expul-



sion the Government ordered were potential asylum seekers denied opportunity to apply for protection, according to the human rights organization Memorial. As many as a quarter of these left the country to avoid detention or illegal status.

Nationals of other Commonwealth of Independent States (CIS) countries—including refugee producers Georgia, Uzbekistan, Azerbaijan, Belarus, and Moldova—did not need visas to enter. Many of these, including refugees, however, left the Russian Federation in the first half of the year in response to vigorous enforcement of new restrictions on foreign labor (see below).

In March, Russia deported a Falun Gong advocate, whom the Office of the UN High Commissioner for Refugees (UNHCR) recognized as a refugee, and her eight-year-old daughter to China, despite a scheduled hearing for her asylum appeal later that month. Authorities barred access to her lawyer, UNHCR, the International Committee of the Red Cross, an interpreter, and her husband. Chinese authorities arrested her upon arrival and held her for nine days.

In April, four months after the Prosecutor General had denied an Uzbek's extradition, unknown assailants possibly in cooperation with agents of the Federal Migration Service (FMS) and the Sverdlovsk police kidnapped and forcefully returned him to Uzbekistan, where authorities imprisoned him.

In May, authorities denied the asylum claim of a 73-year-old, disabled Falun Gong practitioner and, despite his pending appeal to the European Court of Human Rights (ECHR), returned him to China. Also in May, a court found the head of the Moscow immigration detention center guilty of exceeding official powers for allowing the deportation of an asylum applicant to Uzbekistan in 2006, despite the Prosecutor General of the Russian Federation having decided that the Government could not extradite him. (Upon his return, Uzbek authorities sentenced him to five-and-a-half years' imprisonment.)

In December, the Government extradited the husband of a Russian national to Uzbekistan less than two weeks after police had arrested him in Tyumen, western Siberia, despite a 2006 court ruling against doing so. The ECHR also ordered the Government not to extradite him for fear that the Uzbek authorities might jail and/or torture him for allegedly attempting a coup, membership in a banned religious group, and fomenting religious hatred: charges punishable by between 3 and 15 years in prison. The Russian human rights ombudsman had also asked for a delay in the extradition.

Border guards and Aeroflot airlines systematically denied individuals who sought asylum access to FMS and deported them, sometimes to countries where they feared persecution. The Government fined airlines if it had to admit such passengers to the country. Persons arriving at borders

or airports and not yet admitted to the territory applied to one of 114 Point of Immigration Control (PICs), sub-organs of FMS, for admissibility review. The PIC at the airport last accepted a case in 1999. The 1997 Law on Refugees allowed five days for this, during which time authorities held asylum seekers in transit zones or other facilities. Although nongovernmental organizations (NGOs) were able to provide counsel in some areas, they did not have access to the airports.

The Russian Federation was party to the 1951 Convention relating to the Status of Refugees (1951 Convention) and its 1967 Protocol without reservation. The 1993 Constitution provided for "political asylum...in conformity with the commonly recognized norms of the international law." The 1997 Law on Refugees prohibited the forced return of asylum applicants, refugees, and persons granted temporary asylum, but there was little systematic protection for refugees.

The 1997 Decree on Political Asylum provided a stringent procedure for granting asylum to political figures targeted for persecution. According to the Government, only 10 to 20 persons applied for political asylum per year, and most persons seeking protection filed for refugee status instead.

The 1997 Law on Refugees outlined a procedure for granting refugee status using the definition from the 1951 Convention. FMS received and decided claims. Refugee status lasted for three years and was annually renewable thereafter, if grounds remained. The Government implemented and interpreted the 1997 Law on Refugees and the 1951 Convention restrictively, including a "safe third country" rule, a 24-hour deadline for applications, exclusion of applicants for marriage to Russian citizens, and a narrow interpretation of the refugee definition. A 2002 FMS instruction concluded that, because CIS countries were stable and their laws prohibited persecution, most persons from them were economic migrants.

The 1997 Law on Refugees also provided for granting temporary asylum to persons who met the refugee definition or whom the Government could not deport for humanitarian reasons. Although, according to the Law, temporary asylum was valid for one year, authorities in Rostov issued it to Afghans for three or six months. According to the Government, persons in danger of "foreign aggression, occupation or events that seriously disrupt the internal political situation or human rights in that country"; "torture or other cruel, inhuman or degrading forms of treatment or punishment"; and persons from failed states could benefit. The 2001 Resolution on Temporary Asylum defined the procedure.

Russia was party to the 1957 European Convention on Extradition, which prohibits extradition for "political crimes." It was also party, however, to the Minsk Convention, which allowed no such exception. The latter did, however, require detention, which the Code of Criminal Procedure governed and which did have a provision exempting persons already granted asylum from extradition. Sometimes authorities simply ignored the law in the cases of requesting parties such as Uzbekistan and North Korea, which had strong ties

with Russia. According to Memorial, special services of these countries operated freely in Russia and participated in the detention of their citizens for extradition.

The Government did not grant legal status to UNHCR mandate refugees, but tolerated their presence subject to UNHCR's commitment to support them and find durable solutions.

The Government received nearly 3,400 asylum applications and changed its procedures to receive more applicants, up from three per week, and schedule people for interviews earlier. Under the previous system, FMS had scheduled some applicants for 2010. It granted refugee status to 140 persons and temporary asylum to 402, a slight increase from the year before. Nearly 1,300 applied to UNHCR, which referred them all to FMS, whose officials, according to the U.S. State Department, "continued to demonstrate widespread ignorance of refugee law."

There were 230 xenophobic attacks and conflicts in Moscow alone, killing about 70 and injuring hundreds. In February, men attacked two Uzbeks in St. Petersburg, killing one and seriously injuring the other. Police arrested seven for murder and hooliganism, and the prosecutor's office indicated that the attacks were racially motivated.

In the spring, citing security concerns, UNHCR closed its Ingushetia office monitoring asylum seekers from Georgia and other countries.



### **Detention/Access to Courts**

In addition to the thousands of potential asylum seekers the Government administratively expelled, authorities detained 26 persons of concern to UNHCR during the year. In May, authorities

detained an Uzbek shortly after he applied to UNHCR for recognition as a refugee. In June, Uzbekistan National Security Service agents kidnapped another Uzbek outside his apartment in Krasnogorsk and turned him over to local police. According to Memorial, when they "learned that he did not appear on any international wanted lists, the Russian police offered to provide 'cover' for the Uzbek security officials if they quickly presented a search warrant for the detained." Police withheld his application to UNHCR for refugee status. After a municipal court ordered his continued detention for eventual deportation, authorities transferred him to a center from which he could apply for asylum, but he remained in detention at year's end.

In August, St. Petersburg FMS detained in its offices an Eritrean who had gone there to apply for temporary asylum and threatened to deport him if he did not volunteer to leave in two weeks. Only upon a lawyer's intervention did FMS agree to accept his asylum application.

In September, the Government released on a Moscow court order an Uzbek asylum seeker it had detained in January and whose application it had denied in March. A

district court in Meshchansky ordered his expulsion in August just after prosecutors rejected the extradition request. Authorities kept him in detention and reportedly denied UNHCR access to him until September, when the ECHR ordered the Government to suspend the expulsion. Also in September, authorities arrested another Falun Gong practitioner. Moscow's Presnensky area court ordered his administrative expulsion, but an appellate court overturned the order and ordered his release.

In November, militia abducted a North Korean asylum seeker in front of an FMS office in Moscow, which had called him in and turned him over to agents of the North Korean special services. He later escaped from a facility in Vladivostok, from which he understood authorities would repatriate him. Local residents hid him and the intervention of the NGO Civic Assistance, UNHCR, and the human rights ombudsman prevented his deportation. At year's end, he and his Russian-citizen common-law wife were in hiding while seeking resettlement in a third country.

Detention for deportation or administrative expulsion was subject to judicial review. Courts or local prosecutors' offices reviewed detention cases but, without documentation, they generally authorized the detention or its extension. The 2002 Code of Administrative Offenses, which provided for detention of persons courts ordered expelled, did not specify any terms of release short of actual removal resulting sometimes in indefinite detention. Authorities informed UNHCR of asylum applicants they detained for expulsion for lack of documents.

The 1993 Constitution provided that "no person may be detained for more than 48 hours without" a court order.

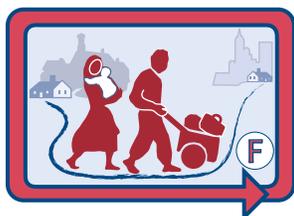
The 1997 Law on Refugees authorized FMS to issue certificates to asylum seekers formally in the national procedure, identity documents to recognized refugees, and temporary asylum certificates to persons with that status, providing a legal basis for them and their families to remain.

In March, a regional court ordered authorities to release 12 Uzbeks with refugee status under UNHCR's mandate they had detained for the past 20 months in Ivanovo, but authorities refused until the ECHR intervened. After FMS denied them even temporary asylum, they appealed to the ECHR and the Government permitted them to remain pending a decision. Uzbek authorities had sought their extradition for alleged involvement in disturbances in Andijan in 2005.

Under international agreements and informal arrangements with former Soviet States, the Government detained persons with outstanding warrants from those countries for up to a month while prosecutors investigated the cases, included those of opposition figures for whom there were no other legal grounds for detaining. In October, the ECHR found that such detention violated the European Convention for the Protection of Human Rights and Fundamental Freedoms provisions against arbitrary detention and assuring due process.



Authorities subjected persons from Africa, the Caucasus, or Central Asia to far more frequent document checks, forcible entrances, searches, detention, excessive fines, extortion, and arbitrary refusal of residential registration stamps. Police investigations of violent xenophobic attacks were frequently ineffective or indifferent, and refugees and asylum seekers were often reluctant to report them to the police. In June, however, a St. Petersburg court sentenced four men to prison for the racially motivated killing of an African student in St. Petersburg in September 2005. Prosecutors had re-tried the four after a jury had acquitted them in 2006.



### Freedom of Movement and Residence

The Government restricted freedom of movement and residence by requiring all adults, regardless of their status, to have internal passports registering their place of sojourn or residence while traveling

and to register with local authorities within 90 days of arrival at new locations. Authorities often singled out persons from the Caucasus or Central Asia for checks of such documents, arbitrary fines, or bribes.

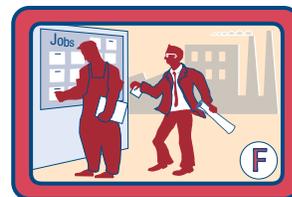
The 1993 Constitution offered freedom of movement to everyone legally in the territory, not excepting asylum seekers and refugees. The law did not expressly restrict the movement of persons with pending refugee status or certificates of asylum claims, but only a few hundred persons had these. The 1997 Law on Refugees obliged refugees and temporary asylees to inform the respective migration service of any change in their residence within seven days. The law also required asylum seekers, temporary asylees, and refugees to surrender their national passports and other identity documents to the migration service prior to receiving certificates acknowledging their status. The Government issued them certificates valid for exiting and reentering the country but also required exit visas.

The 2006 law "On migration (registration) of foreign citizens and stateless persons in the Russian Federation" required foreigners to notify the authorities of their presence in person or by form within three days of arrival. Law enforcement officials, however, still asked to see passports, the migration cards foreigners received upon entry, and stamped application forms.

One Iranian refugee and her two children had to spend nine months at Moscow's international airport, sleeping on the floor and bathing in public restrooms. She had received mandate status at the end of 2006 and authorities allowed her to leave for Canada in March.

**Right to Earn a Livelihood** While the 1997 Law on Refugees allowed the few refugees and asylum applicants with documentation and residential registration to accept wage labor on par with nationals and to run business enterprises, most refugees and asylum seekers did not have

such documentation. The 2002 Code of Administrative Offenses provided for expulsion for illegal employment and the 2002 Law on Foreigners required all foreigners to have permits to work, but the Government issued them only to the employers who then issued them to the workers. Firms had to apply with FMS and obtain a certificate that there were no Russians seeking the job. The Government also limited the number of permits through quotas, charged employers a deposit for the cost of the migrants' return, with no exception for refugees or asylum seekers.



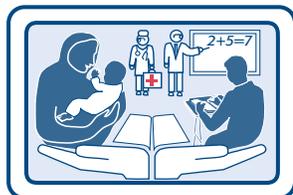
In 2006, the Duma passed "On the legal situation of foreign citizens in the Russian Federation," providing that FMS or the regional migration services would issue work permits 10 days after applicant's submission of identity documents, migration cards with stamps from border guards or migration offices, and 1,000 rubles (about \$40) without requiring employer sponsorship. The 2006 Presidential Decree, "On the introduction of quotas for foreign workers, agricultural workers and traders in the Russian Federation for 2007," set a quota of 6 million and forbade foreigners from selling alcoholic beverages or pharmaceuticals. The law limited foreigners to 40 percent of kiosks and open-air markets until April 2007 and none thereafter. Russia's 5,200 markets were the last remaining legal livelihood for many de facto refugees from Uzbekistan and Azerbaijan, who had ties to produce suppliers in warmer climates, and accounted for a fifth of all retail trade. These provisions did not apply to persons with residence permits or to recognized refugees, but authorities enforced them against them anyway, especially against Afghans.

It also could take weeks for migrants to get the permits from FMS (although, according to the Government, they could also register at hundreds of post offices) and fines for employing illegal workers were up to 800,000 rubles (about \$32,700). Employers were also liable for the costs of deporting illegal workers. FMS fined more than 160,000 employers a total of 4.5 billion rubles (about \$184 million), an amount roughly equivalent to the 5.5 billion rubles (about \$225 million) individuals paid in property taxes in 2006. Prosecutors brought nearly 200 criminal cases for organizing illegal immigration. FMS offices in St. Petersburg conducted about 21,500 raids on construction and trading sites, housing, industrial, and agricultural facilities and deported 366 individuals to CIS countries during the first six months the law was in force. Some 2 million guest workers received permits, four times the year before, and mostly from CIS countries.

Authorities denied sole proprietor registration to Afghans with temporary asylum.

The 1997 Law on Refugees implicitly recognized the right of refugees to own residential property in that it provided for their expulsion from public housing should

they acquire any. The Land Code provided that foreigners could own land, but not in border territories the president designated. If asylum seekers had legal status, then under the 2002 Law on Foreigners they could acquire housing and land on par with other foreigners.



### Public Relief and Education

Under the 1997 Law on Refugees, recognized refugees had rights to medical services, education, vocational training, and social security on par with nationals.

Authorities denied services to those without proper registration, however, and UNHCR had to provide for nonemergency medical assistance.

The 1993 Constitution guaranteed free education to all from pre-school to college. The 1997 Law on Refugees guaranteed refugee children access to state and municipal schools on par with nationals. A 2002 Decree by Moscow area authorities required only indication of their place of residence for access to primary education. It also required schools to report to the authorities those who did not submit sojourn or residence registration. In other regions of the Russian Federation, however, registration rules and lack of documentation still effectively barred asylum seeker children from education.

While the 1993 Constitution provided a universal “right to health care and medical assistance,” it also limited its mandate upon the Government to provide free medical aid to citizens. The law guaranteed refugees access to health services, but those lacking residential registration could not participate in the insurance plan and had access to emergency care only.

**Introduction** Rwanda hosted 54,200 refugees and asylum seekers, including roughly 51,300 from the Democratic Republic of Congo (Congo-Kinshasa) and more than 2,900 from Burundi. There were about 40 refugees and asylum seekers from other countries.

Most Congolese fled various waves of fighting in the 1990s and again from 2000 to 2003. Renewed conflicts in North and South Kivu Provinces in eastern Congo-Kinshasa prompted refugees to enter in late 2006. They lived in Nyabiheke, Kiziba, Nkamira, Nyagatare, as well as Gihembe camp in the north and Kiziba camp in the west, the last two hosting about 18,000 refugees each. Over 1,700 Congolese also lived in urban areas.

Burundian refugees fled to Rwanda mainly in 2005 due to fighting between the Burundian army and the National Liberation Forces (FNL). Most Burundian refugees lived in Kigeme camp in the south since the closure of Nyamure camp, but some 760 also lived in urban areas.

### Refoulement/Physical Protection

In 2007, there were no reports of refoulement or targeted attacks against refugees or asylum seekers.



The Association of Young Congolese Refugees and agents of Congolese rebel leader General Laurent Nkunda recruited Congolese Tutsi refugees in the camps, including at least 11 children, to return to Congo-Kinshasa to fight with the false promise of civilian jobs. Most recruitment took place in the Kiziba and Byumba camps. The Government sent counselors to the camps and requested that refugees report such incidents.

The duration of Congolese refugees' stays in transit camps increased, causing more rape, domestic violence, prostitution, and sexually transmitted diseases.

Rwanda was party to the 1951 Convention relating to the Status of Refugees (1951 Convention), its 1967 Protocol, and the 1969 Convention governing the Specific Aspects of Refugee Problems in Africa (African Refugee Convention). It maintained a reservation to the 1951 Convention's freedom of movement provision and to the Protocol's offer of recourse to the International Court of Justice. The 2003 Constitution recognized a right of asylum, extended all rights it did not reserve for nationals to legal foreign residents, and established the supremacy of ratified treaties over statutory law. The 2001 Refugee Law applied a modified version of the refugee definitions of the 1951 Convention, including ethnic or tribal origins and “opinions divergent from national policies” among applicable grounds of persecution and the more general grounds of the African Refugee Convention. It did not, however, explicitly prohibit refoulement.

The 2001 Refugee Law approved the creation of a National Council for Refugees (CNR) made up of represen-

## Rwanda

Refugees and Asylum Seekers	54,200
Congo-Kinshasa	51,300
Burundi	2,900

New Asylum Seekers	7
Departures	152

1951 Convention: Yes  
Reservations: Art. 26  
1967 Protocol: Yes  
Reservations: Art. IV  
UNHCR Executive Committee: No  
African Refugee Convention: Yes

Population: 9.3 million  
GDP: \$3.3 billion  
GDP per capita: \$357

Rwanda . Statistics .



tatives from several ministries to make policy concerning refugees, to grant and revoke refugee status, and to ensure respect for refugees' rights. The CNR did not begin registering applicants and conducting status determinations until 2004, when Rwanda promulgated the 2001 law. The Office of the UN High Commissioner for Refugees (UNHCR) adjudicated pre-2004 applications and counseled new applicants until 2006 when the CNR assumed full responsibility for them.

Asylum seekers had to report to the provincial or municipal authority closest to their point of entry and register with the closest immigration office within 15 days. The immigration office was to forward the file to the CNR within 15 days which was to decide claims within six months. Immigration officials, who were part of the security apparatus serving the military and intelligence service, however, claimed a period of 30 days to investigate cases before transmitting them to the CNR.

The Refugee Law required the CNR to issue written decisions and allowed rejected applicants to appeal within 15 days and to remain until a final decision by the State Council, which was to rule on their appeals within 60 days. Those granted asylum had the right to bring their spouses and minor children to join them. The Government did not allow independent monitoring of the process.

National authorities managed the transit centers and camps, and immigration officials from the Ministry of Local Government, Good Governance, Community Development and Social Affairs (MINALOC) registered refugees in every refugee camp and transit center. The Government recognized asylum seekers in transit centers on a prima facie basis. The CNR accorded individual refugee status to some 160 people, all of whom were Congolese, and denied status to nearly 20 Congolese and almost 30 from Burundi. It received seven new applications.



### **Detention/Access to Courts**

In October, immigration officials arrested a Congolese national, who reportedly had refugee status in Belgium, for reentering the country illegally after Rwanda had expelled him in 2005 for political

campaigns.

Most arrests were for crimes, but police sometimes detained refugees for circulating without documents attesting to their status. Once they proved their status, police released them. UNHCR, the International Committee of the Red Cross, and other nongovernmental organizations (NGOs) could monitor detention sites, and refugees had access to counsel and were able to challenge their detention.

The Constitution extended to all persons its protections against arbitrary detention and its due process rights. The Refugee Law expressly entitled refugees to recognition before the law.

Most Congolese refugees living in camps with prima facie recognition did not receive any documentation attesting to their status except ration cards. Refugees who had individual status determinations were eligible for refugee identity documents but CNR issued them *A qui de droit* letters instead to refugees and asylum seekers. Generally, local authorities and the police respected these documents.

Despite agreeing to issue refugee identity cards in 2005, the Government insisted that the Rwanda Information Technology Authority issue them, causing delays.

### **Freedom of Movement and Residence**

The Government required refugees to have travel permits or refugee identification documents to travel outside their areas of residence. Camp authorities issued passes to refugees for a specified duration, permitting them to leave the camps or provinces where the camps were located. Some refugees lived in cities but humanitarian aid was limited to those in camps.



Rwanda maintained an exception to the 1951 Convention allowing it to determine refugees' places of residence and to limit their freedom of movement "for reasons of public order." The Constitution reserved to citizens its right to freedom of movement, but the Refugee Law extended it to refugees.

The Refugee Law entitled refugees to two-year international travel documents from the immigration office on demand but they did not receive them because of a disagreement between the Government and UNHCR over the Government's insistence on including its state seal along with the UN logo on the documents. The Government also required refugees to document their need to travel and to obtain a letter of authorization allowing them to travel. Finally, all individuals wishing to leave Rwanda had to have exit visas.

### **Right to Earn a Livelihood**

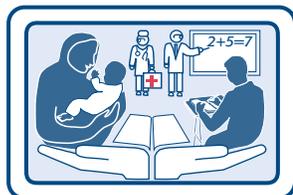
Refugees needed permits to work legally and they cost RWF200,000 (about \$363). Many worked informally in building construction, or as farmers, mechanics, or domestic workers. Some nurses and teachers were able to work in their professional fields, as teaching was not restricted to nationals. Additionally, NGOs in camps recruited refugees to work.



The Constitution extended to all persons the rights to work, to form unions, to strike, and to own private property. The Refugee Law explicitly granted these rights to refugees. A 1996 decree on conditions of employment for foreigners also explicitly allowed refugees to work. Rwanda's

labor and social security legislation covered refugees on par with nationals but refugees received neither social security nor disability insurance.

Refugees and asylum seekers had the right to acquire, hold title to, and transfer movable and immovable property.



### Public Relief and Education

Refugees had access to national hospitals but not the national health insurance program or public assistance. Refugee camps were crowded, with poor water and limited medical staff in Kiziba and

Gihembe camps. The Government and NGOs financed some livelihood projects in the camps, including tailoring, welding, and carpentry.

Refugees had access to primary education both in camps and outside. Most primary-level children enrolled in school, but secondary enrolment was about 40 percent. Giheme camp had 70 classrooms for primary school students and 16 classrooms for secondary schools. In March 2008, a Swedish project in Gihembe, Kiziba, Nyabiheke, and Kigeme camps, targeting some 3,500 girls, paid fees for primary and secondary school as well as for books and uniforms.

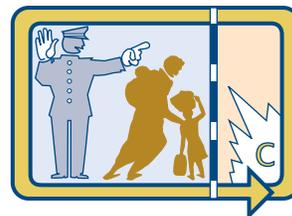
Rwanda mentioned refugees in the September 2007 Poverty Reduction Strategy Paper (PRSP) it prepared for international donors. The PRSP stated that one of Rwanda's objectives was to ensure that vulnerable children, including refugees, had access to education. The PRSP also mentioned a need to undertake risk assessments to prepare for disasters, including possible mass influxes of refugees.

**Introduction** Saudi Arabia hosted about 288,000 refugees, about 287,000 of them Palestinians and about 1,000 others. Most of the non-Palestinians lived without formal status, having entered either as pilgrims or as migrant workers. Between 5,000 and 6,000 Somalis, including children tried to enter Saudi Arabia from Yemen since September.

Hundreds of thousands of Rohingya Muslim refugees from Burma reportedly lived in Jeddah, Mecca, Medina, and along the Red Sea coast without official refugee status.

### Refoulement/Physical Protection

In January, the Government deported several Ahmadi Muslims from Pakistan without allowing them to see a judge despite official persecution of the sect in Pakistan. In February, in a swap with Yemen for a dozen Saudis, authorities repatriated three Yemenis to their immediate arrest with no opportunity to seek asylum. In September, authorities reportedly deported Chinese Muslim Uighurs residing in the Jeddah area. The Government routinely deported trafficked child beggars to Somalia and Chad without looking for their families or assessing the safety of return.



Saudi Arabia was not party to the 1951 Convention relating to the Status of Refugees or to the 1967 Protocol, nor the 1965 Casablanca Protocol concerning Palestinian refugees. The 1992 Basic Law provided that "the state will grant political asylum, if so required by the public interest" but the Kingdom had no legislation implementing this provision and the Government held that only those who had residence permits could apply for asylum and barred those who entered illegally or overstayed on pilgrimage visas from ever receiving it.

In a 1993 Memorandum of Understanding with the Office of the United Nations High Commissioner for Refugees (UNHCR), the Government agreed to "provide protection to refugees present in the Kingdom" and grant refugees temporary permission to stay. Since 1998, UNCHR carried out refugee status determination on the Kingdom's behalf.

In 2004, Saudi Arabia revised its naturalization laws to allow qualified foreigners to apply for Saudi citizenship, provided they were fluent in Arabic, had lived in Saudi Arabia for 10 or more years, had a clean criminal record, and were financially self-supporting. They included the stateless Bidoon but not Palestinians. Applicants also had to meet religious requirements, and Saudi Arabia reserved the right to revoke the citizenship of naturalized citizens within 10 years if they committed a crime.

Although Saudi Arabia classified Palestinians as foreigners, UNHCR reported that the Palestinian refugees

## Saudi Arabia

Refugees and Asylum Seekers	288,000
Former Palestine	287,000

1951 Convention: No  
1967 Protocol: No  
UNHCR Executive Committee: No

Population: 27.6 million  
GDP: \$376 billion  
GDP per capita: \$13,600

Saudi Arabia . Statistics .



had moved toward “a more favorable treatment that still does not exist in the local legislation.”



### Detention/Access to Courts

Saudi Arabia confined some Eritrean refugees, all former military personnel, in the Ministry of Interior’s (MOI) Jizan coast guard facility. The facility also held two more Eritrean pilots who sought asylum in

2006. UNHCR had access to the detained refugees.

In February, when he tried to renew his residency permit, passport officials in Jeddah arrested a Palestinian refugee for working for an employer other than his sponsor. They detained him for weeks in a deportation center without allowing him visitors, telephone calls, or outside food or clothes. In May, a judge dismissed the charges against another Palestinian—his employer sponsor complained that he stole cigarettes—after he had spent about a year and a half in Al Ha’ir Correctional Facility. He could not leave prison, however, until he found a new sponsor. In December, authorities arrested in Mecca a Tunisian who feared religious persecution in his home country and held him without charges in Medina well into 2008.

MOI issued identity documents, which authorities respected, to 161 Iraqi refugees. Refugees reported that some government agencies did not recognize UNHCR certificates.

The Government required all foreigners to carry identity cards designated “Muslim” or “non-Muslim.” Religious police reportedly pressured employer sponsors (see below) not to renew the cards of non-Muslims if they had participated in private non-Muslim worship.

The 1992 Basic Law extended to all individuals its protections against arbitrary deprivation of liberty and ex post facto punishment and explicitly extended to foreign residents access to court in civil matters.



### Freedom of Movement

In December, the Government allowed 151 Iraqi refugees at the Rafha camp to leave and reside in urban areas after having confined them there since the 1991 Gulf War. Eighty-three refugees

remained.

Foreigners, with no exception for refugees, required travel permits for specified distances and periods in order to travel within the country. Palestinians who left Saudi Arabia for six months or more could not return without acquiring a new employer or sponsor, a virtual impossibility from abroad.

The Government prohibited all women from driving, with no exception for refugees, and prohibited them from renting furnished apartments. The Government re-

quired exit visas for anyone to leave the country and women also required permission from a close male relative.

Foreign workers also required their employer sponsors’ permission to travel abroad. Employer sponsors could ask the Government to prohibit employees from leaving the country while commercial or labor disputes were pending and compel employees to accept settlements or be deported.

### Right to Earn a Livelihood

The 1970 Residence Regulations required foreigners, including refugees, to have residence permits. The permits, in turn, required sponsors. Refugees then had to obtain work permits, costing around 5,000 riyals (\$1,300). According to the Regulations, sponsors could cancel sponsorship for “legitimate reasons” and have their workers detained and deported. Foreigners could not change jobs without their sponsor’s permission or without finding a new sponsor. Most employers kept foreigners’ passports although the law prohibited it. The sponsorship relationship sometimes led to involuntary servitude, nonpayment, debt bondage, intimidation, and other abuse. Foreigners sued employers in labor court for violations and sometimes won but it could take years and they could not work unless they found a new sponsor willing to accept liability for any counterclaims from the previous sponsor.



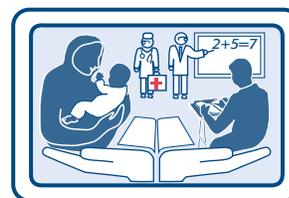
The 1992 Basic Law, however, provided that “the State shall provide job opportunities to all able-bodied people,” implicitly affirming a right of refugees to work.

Refugees enjoyed the same rights as other foreigners to engage in business, but required sponsorship. In practice, most foreigners owned businesses after paying a Saudi citizen who acted as the nominal owner. In September, the Council of Ministers passed regulations to permit foreign businessmen to acquire a 12-month, multiple-entry visa without an invitation from a local company or letter of introduction from the Chamber of Commerce.

The 1992 Basic Law did not limit its protections of property rights to citizens.

### Public Relief and Education

Refugees did not qualify for social security, although the Government granted Iraqi refugees some aid and social services. All refugees had access to education in Saudi Arabia. Saudi authorities cooperated with UNCHR and other humanitarian organizations, allowing them to aid refugees and asylum seekers. While the 1992 Basic Law promised job opportunities for “all able-bodied people,” it reserved its guarantee of health services and social security to citizens.



# Senegal

Refugees and Asylum Seekers	23,800
Mauritania	20,200

New Asylum Seekers: 200  
Departures: 200

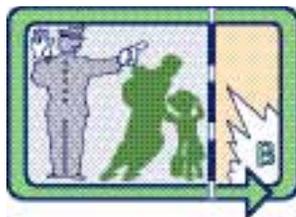
1951 Convention: Yes  
1967 Protocol: Yes  
Reservations: None  
UNHCR Executive Committee: No  
African Refugee Convention: Yes

Population: 12.4 million  
GDP: \$11.1 billion  
GDP per capita: \$897

Senegal - Statistics

**Introduction** Senegal hosted some 23,800 refugees and asylum seekers. Over 20,000 were Mauritians who, between 1989 and 1991, fled ethnic persecution. Thousands of Mauritians lived in two main settlements, N'dioum and Dodel, and most others lived in some 250 villages and small informal settlements in a 360-mile strip along the Senegal River valley, bordering Mauritania. Since 1989, tens of thousands returned. In November 2007, Senegal and Mauritania signed a tripartite agreement with UNHCR for the return of refugees, which began in January 2008.

Senegal also hosted refugees and asylum seekers from Liberia, Sierra Leone, and other countries. There were no camps for non-Mauritanian refugees.



### Refoulement/Physical Protection

There were no reported cases of refoulement, but authorities regularly escorted foreigners without documentation, including asylum seekers, across the Malian border. There were no

reported cases of physical assault or harassment of refugees or asylum seekers.

Senegal was party to the 1951 Convention relating to the Status of Refugees (1951 Convention), to its 1967 Protocol without reservation, and to the 1969 Convention governing the Specific Aspects of Refugee Problems in Africa. The 2001 Constitution established that international agreements were of higher legal authority than local laws. A 1968 law, with a 1978 implementing decree and 1989 revisions, established the National Commission of Eligibility (CNE), composed of representatives of various ministries, to grant or revoke refugee status. UNHCR was an observer. It also

prohibited forcible return and provided that refugees should enjoy all the rights of the 1951 Convention. In rare cases, the CNE rejected individuals that UNHCR deemed in need of protection and recognized under its own mandate. Asylum seekers applied to the CNE, which gave them receipts. Within two weeks, the CNE and the Ministry of Interior conducted interviews with the applicants. If the CNE approved refugee status, it issued certificates to applicants attesting to their recognition, but the President of the country also had to sign a decree approving each case. This sometimes took one to two years. Rejected applicants could appeal in 15 days if they had new facts to present, but to the same CNE members. Failing that, they could also appeal to the President. The Refugee Law stated that applicants could present their cases with counsel in attendance, but in practice, this rarely occurred.

The Government granted only 15 new asylum requests although over 200 applied. The CNE reportedly rejected asylum claims from Côte d'Ivoire, the Democratic Republic of Congo, and Guinea, saying that these countries were at peace or on the path to peace.

### Detention/Access to Courts

Authorities arrested at least six West and Central Africans for lack of valid papers. In April, authorities detained an Ivorian refugee overnight even though he had an attestation of refugee status. In August, authorities arrested two Liberians for illegal residence, held them for three weeks, and sentenced them to a month in prison. The Liberians had applied for asylum four months earlier, but the CNE had not given them receipts.



Authorities could hold persons in administrative detention for up to three months before deportation. No court reviewed refugees' or asylum seekers' detention. Generally, authorities informed UNHCR of arrests and, when necessary, UNHCR intervened to assure release.

1978 and 1987 decrees obliged the Government to issue registered refugees free certificates of their status and identity cards valid for ten years, renewable. At the beginning of each year, refugees would have to present their cards to the authorities in their area of residence. The CNE, however, had not issued any refugee identity cards since the end of 1999, responding to objections from the Mauritanian Government. UNHCR had stopped issuing them in 2001. As a result, most Mauritanian refugees did not have identity cards, retaining only application receipts, some dating back to 1989. Those who had annually renewable refugee cards had to travel to Dakar and pay fees to renew them, and some complained of police harassment when they tried to travel. The Government did issue 203 temporary attestations but, because the documents did not include photos, authorities occasionally detained

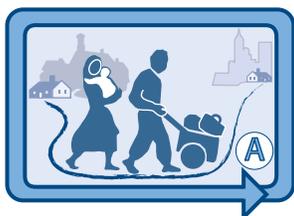


their bearers. Many refugees obtained illegal identity cards so they could find employment and move freely.

The CNE gave asylum applicants receipts to give them the right to move freely and to remain in country while deciding on their asylum cases. Asylum seekers sometimes had trouble renewing their attestation documents, which were valid for anywhere from two weeks to three months.

Refugees and asylum seekers with attestation documents were able to claim their rights in court. One Sierra Leonean asylum seeker filed a complaint against two others for an immigration scam and the court convicted them. The Constitution extended to all the principle of equality before the law and a prohibition of arbitrary detention.

UNHCR and UNICEF encouraged Mauritanian parents in refugee settlements to register the births of their children, but many were reluctant to do so, fearing loss of their Mauritanian citizenship.



### Freedom of Movement and Residence

Refugees were able to choose their place of residence and move relatively freely as long as they had documentation of their status.

To obtain international travel documents, refugees had to apply through the interior ministry with a letter of recommendation from UNHCR, confirm their refugee status, state their reasons for travel, and show a return plane ticket. About 20 received them.

The Constitution reserved to citizens its rights to move about freely, to choose their place of residence, and to leave the country, but the 1978 and 1989 decrees provided that the interior minister would issue international travel documents to refugees if they applied to the prefect of their department of residence.



### Right to Earn a Livelihood

Asylum seekers could not work, nor could the many recognized refugees without documents.

Authorities did not allow a recognized Rwandan refugee to establish a veterinarian's office in Dakar, after years of effort, because he lacked an identity document. Recognized Ivorian refugees without documentation could not get construction jobs. Recognized refugees without documents also could not get drivers licenses, open bank accounts, or receive postal orders. Many, however, obtained illegal cards.

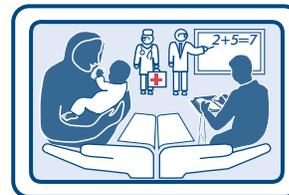
The Refugee Law granted refugees the same right to work as nationals and the Constitution guaranteed to all the right to work, including the right to form labor unions and

strike. The Refugee Law treated refugees seeking to practice professions as foreigners from countries with which Senegal had the most favorable treaty. A 1971 law conditioned foreigners' practice of professions upon authorities authorizing their establishment and certifying that they satisfied all legal requirements.

Refugees could trade and farm pursuant to local arrangements. Although the Constitution reserved to citizens its right to engage in business and to own property, in practice, refugees could own property.

### Public Relief and Education

Registered refugees in Dakar received some aid from the Bureau d'Orientation Social but asylum seekers and those without status did not. Refugees in settlements along the border with Mauritania did not receive aid from the Bureau but UNHCR gave some community aid. The agency also aided refugees in urban areas for six months and, after that, reimbursed them for medical fees.



Registered refugees and asylum seekers had the right to the same health services as nationals but those without identity cards did not.

Children of refugees and asylum seekers with birth certificates could attend primary schools along with nationals. UNHCR offered 58 scholarships for professional training programs and 40 for secondary schools.

The Constitution reserved to citizens its rights to health but extended to all children the right to education. The Refugee Law granted refugees the same rights as nationals with regard to public assistance and education.

Senegal allowed UNHCR and other humanitarian organizations access to aid refugees and asylum seekers. The 2002 Poverty Reduction Strategy Paper it prepared for international donors noted refugees' malnutrition, poverty, and vulnerability. It promised programs to reduce social exclusion and specific arrangements "to allow them to take advantage of wealth-generating opportunities," including, with donor assistance, "a special fund to support displaced persons and refugees" and listed the establishment of this special fund as a priority action. Its 2004 and 2005 progress reports, however, mentioned none of these initiatives, and the Government did not include refugees or asylum seekers in any poverty reduction or development programs. The 2006 Paper noted that Senegal would establish special programs to benefit particular groups, including refugees and displaced persons. The report also said Senegal would focus on improving its strategies to manage refugee populations by providing assistance to returnees, building the capacities of the CNE, updating asylum law, and taking the "gender approach into account."

# Serbia

Refugees and Asylum Seekers	97,800
Croatia	70,000
Bosnia & Herzegovina	27,300

New Asylum Seekers:	64
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1951 Convention: Yes  
 1967 Protocol: Yes  
 UNHCR Executive Committee: Yes

Population: 9.5 million  
 GDP: \$42.7 billion  
 GDP per capita: \$4,390

Serbia . Statistics .

**Introduction** Serbia hosted some 97,800 refugees in 2007, almost all from the former Yugoslav republics of Croatia (70,000) and Bosnia and Herzegovina (27,300), mostly ethnic Serbs who fled the conflicts during those countries' secessions beginning in the mid-1990s. The Government's official count was much higher, but included many who had received Serbian citizenship.



### Refoulement/Physical Protection

There were reports of deportation without appeal but the Office of the UN High Commissioner for Refugees (UNHCR) did not have access to border posts and could not verify that no asylum

seekers were among the thousands of people that Serbia turned away. UNHCR did have an office at the airport to receive asylum seekers, including those who entered through other ports. The Government tolerated persons UNHCR recognized as refugees under its mandate and did not expel them. There were no reports of physical danger to refugees or asylum seekers.

Serbia was party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol with no reservations, by succession from the former Serbia and Montenegro. The 2006 Constitution included a right to asylum and protection against refoulement and provided that foreigners should enjoy all of its rights except those expressly reserved to citizens. In 2006, UNHCR and the European Union (EU) built a reception center for asylum seekers in Banja Koviljača and gave it to the Ministry of the Interior (MOI) but, as of November 2007, it was not yet operational. In

November, Serbia adopted a new asylum law whereby the MOI would handle all legal procedures and the Commissariat for Refugees would manage asylum seekers' centers with help from UNHCR and the EU beginning April 2008. The Government established an Asylum Office within the border police directorate and began to staff it but UNHCR still decided asylum applications, receiving 64 and granting 17 during the year. The Government granted refugees from former Yugoslav republics, generally ethnic Serbs, prima facie status under the 1992 Serbian Refugee Law.

The Serbian province of Kosovo was under the de facto control of the UN Interim Administration Mission in Kosovo (UNMIK). An UNMIK regulation on the movement of persons into and out of Kosovo provided some protection for refugees. UNHCR decided cases under its mandate in Kosovo.

### Detention/Access to Courts

Serbia routinely detained asylum seekers from countries other than the former Yugoslavia for 30 days for entry without proper documents along with illegal migrants without distinction under the 1980



Yugoslav Law on the Movement and Stay of Foreigners. After 30 days, authorities transferred those who sought asylum to the Padinska Skela Reception Center for Aliens in the Belgrade county prison and detained them indefinitely without judicial review until they could establish their identity for repatriation or their asylum cases were resolved. From Padinska Skela, if the MOI cleared it, applicants could contact UNHCR to seek asylum. Where asylum seekers could establish their identity, UNHCR could get them released to other accommodations in Belgrade until it determined their status. Women and children family members of applicants and unaccompanied minors seeking asylum were generally exempt from detention and, after police screening, authorities transferred them to UNHCR housing centers.

Serbia allowed UNHCR access to detained asylum seekers at Padinska Skela and Belgrade international airport if the MOI referred their cases to UNHCR or if they received the MOI's permission to contact UNHCR directly, but allowed no other independent monitoring of detention facilities. There were no reports that the Government detained refugees from the former Yugoslavia.

UNHCR issued identity cards to refugees it recognized and attestation certificates to asylum seekers. While the cards did not formally legalize refugees' and asylum seekers' presence, authorities generally respected them. The MOI issued refugee cards to refugees from the former Yugoslavia if they were not already citizens and did not have permanent status.

The 1992 Refugee Law required the Government to grant refugees from the former Yugoslavia access to courts to vindicate their rights "in the manner set for its own citizens."



Asylum seekers, however, lacking legal status, had little to enforce. In Kosovo, UNMIK provided legal assistance to refugees.

The Constitution extended to all its rights against arbitrary deprivation of liberty, to humane treatment in detention, and to judicial protection of rights but reserved to citizens the right to address international bodies for their protection. The 1980 Law on the Movement and Stay of Foreigners mandated a 30-day sentence for illegal entry, with no exception for refugees and asylum seekers.



### Freedom of Movement and Residence

Refugees recognized by UNHCR and asylum seekers not in detention were, in practice, free to choose their places of residence, though this was not protected by law, and work restrictions

compelled most to live in the UNHCR-funded center in Banja Koviljača. Refugees from the former Yugoslavia had unrestricted freedom of movement and choice of residence.

The number of refugees residing in internationally and state-funded collective centers continued its seven-year decline, dropping to about 2,400. Serbia provided material assistance only to those refugees from the former Yugoslavia living in the collective centers.

Serbia did not issue international travel documents to any refugees, but those from the former Yugoslavia could travel to Bosnia and Herzegovina with their refugee cards and many had Croatian or Bosnian passports anyway. The new asylum law included a right of refugees to travel documents.

The Constitution extended to all its right to freedom of movement but expressly noted that the law would limit the entry and stay of foreigners and allowed restrictions on movement only to conduct criminal proceedings, protect public order and peace, prevent the spread of disease, or defend the country.



### Right to Earn a Livelihood

Serbia allowed refugees from the former Yugoslavia with work booklets to work and practice professions with rights generally on par with nationals, except in public institutions. It did not extend these

rights to other refugees, however. Even some refugees from the former Yugoslavia sometimes were not able to obtain the documents they needed to work, especially if they had lost their personal identification numbers or if the registries in their home towns had been destroyed.

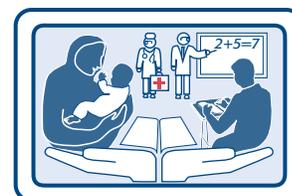
Refugees from the former Yugoslavia could legally operate businesses and own and transfer movable property, but other refugees and asylum seekers could not. Refugees from the former Yugoslavia could obtain real property but the Government would not list it in the tax registry. This

hindered their ability to register permanent or temporary residence. Banks often required at least permanent residence to open an account, which excluded some refugees from the former Yugoslavia.

The Constitution extended to all its rights to work, to strike, and to join unions, and its protection of working conditions. It also provided expressly for the right of foreigners to engage in markets on par with nationals and to own property. The 1992 Refugee Law, which only applied to refugees from the former Yugoslavia, provided specifically for the protection of "personal property and other rights and freedoms of the refugees, and provide for their protection under international law, in the manner set for its own citizens." Refugees from Croatia and Bosnia and Herzegovina enjoyed the protection of national labor laws but asylum seekers and mandate refugees did not.

### Public Relief and Education

The Government granted former Yugoslav refugees medical services on par with Serbian nationals, but not other refugees. UNHCR provided medical services and other assistance to asylum seekers and the refugees it recognized. Only refugees from the former Yugoslavia who resided in the collective centers were eligible for cash aid and rationing.



Officials de-registered some elderly Croatian refugees who had homes rebuilt in Croatia, which made them ineligible for free health services in Serbia because they held Croatian identity cards and registered residences in Croatia. Were they to renounce their Croatian IDs, they would lose reconstruction aid and other rights in Croatia. Rights derived from the right to reside in a certain territory. Without the legal right to own or rent property, refugees could not register permanent or temporary residence and some towns required six months' residence prior to applying for public relief. Compared to municipalities in the south and south-east, municipalities in Vojvodina were supportive.

While refugees from the former Yugoslavia were eligible for unemployment insurance in Serbia, local bureaucracies sometimes made it difficult for them to obtain it. Out of seven basic forms of aid available at social work centers, refugees from the former Yugoslavia could receive institutional accommodation, foster care, and professional/ advisory assistance, but not allowances for children or parents, financial aid, and care for other persons."

Serbia gave all refugees and asylum seekers free primary education, and gave refugees from the former Yugoslavia access to secondary and tertiary education on par with nationals. UNHCR helped asylum seekers and refugees under its mandate with school supplies and transportation.

The German humanitarian group, HELP, with over €1.5 million (\$2.2 million) for two years from the European Commission and the European Agency for Reconstruction,

opened an apartment building for refugees in Petrovac in July and gave a similar building with 23 flats to refugee families in Obrenovac, near Belgrade, and provided some “livelihood enhancement.”

The Constitution extended to all its rights to health services, compensation for temporary unemployment and disability, retirement, free primary and secondary education, and general public relief. Serbia did not obstruct UNHCR and other humanitarian organizations from aiding refugees but, aside from UNHCR, none were doing so.

The 2004 Poverty Reduction Strategy Paper (PRSP) prepared by the then-Union of Serbia and Montenegro for international donors included some 309 references to refugees, but only covering those from the former Yugoslavia. It especially emphasized their work, movement, and property rights:

The problem of poverty among these groups must also be considered from the perspective of basic human rights in view of their difficulties in exercising the right to freedom of movement, obtaining necessary documents, having freedom of disposal of their property, access to the formal labour market, adequate health care services, income support, quality education, and so on.

The PRSP proposed closing down the collective centers, saying the system “intensifies social isolation...and significantly contributes to the development and maintenance of a culture of poverty and inertness.” In 2006, Serbia submitted its first progress report on its implementation, noting the conversion of six former collective centers for refugees into homes for the elderly.

**Introduction** Sierra Leone hosted 8,700 refugees, almost all of them Liberians who fled civil war in their homeland beginning in 1989. Nearly 20,000 Liberians voluntarily repatriated, and the Office of the UN High Commissioner for Refugees (UNHCR) completed its repatriation program at the end of June.

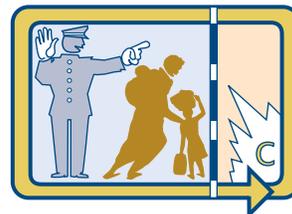
**Refoulement/Physical Protection** There were no reports of refoulement.

A police officer accused of raping a 10-year-old Liberian refugee was still being detained pending trial at year’s end. Also pending at year’s end were the trials of adult refugees accused of sexually abusing two refugee children. Three local youths were turned over to juvenile authorities and returned to their villages after allegedly assaulting a woman refugee, and authorities transferred the woman to another camp. A Sierra Leonean magistrate closed the case of a refugee accused of raping a refugee child for lack of evidence.

Sierra Leone’s legislature approved the Refugees Protection Act, 2007 (Refugees Act) in May, and the Government published it in August. The law mandated the creation of the National Refugee Authority, a committee chaired by the Minister of Foreign Affairs and vice-chaired by the Minister of Internal Affairs, with additional representation from the National Commission for Social Action (NCSA), the Office of National Security, and representatives from the education, labor, health, social welfare, and local government ministries. The Refugees Act called for members of the Human Rights Commission of Sierra Leone and UNHCR to participate as nonvoting members. The Authority’s duties under the act included formulating refugee policy, ensuring the rights of refugees, granting refugee status prima facie in the case of large influxes, and ensuring adequate facilities for reception and care of refugees.

The Refugees Act designated the NCSA as the implementing agency for refugee policy. It authorized the NCSA to make refugee status determinations, during which time asylum seekers had the right to present evidence and be represented by counsel at the Government’s expense. The Refugee Act permitted female asylum seekers to have female interpreters, and if possible, to be interviewed by female NCSA staff members, and it called for appointing representatives to advocate on behalf of unaccompanied minors. It called for granting refugee status based on the standards of the 1951 Convention relating to the Status of Refugees (1951 Convention), the 1969 Convention governing the Specific Aspects of Refugee Problems in Africa (African Refugee Convention), and earlier international agreements on refugees.

If the NCSA denied asylum seekers’ claims, they could appeal to an Appeal Committee within 30 days of their denial, where they could again have legal counsel and present evidence. The Appeal Committee was to include a



## Sierra Leone

Refugees and Asylum Seekers	8,700
Liberia	8,700
Departures	19,000

1951 Convention: Yes  
1967 Protocol: Yes  
Reservations: 17, 29

UNHCR Executive Committee: No  
African Refugee Convention: Yes

Population: 5.3 million  
GDP: \$1.7 billion  
GDP per capita: \$314



judge of the Superior Court of Judicature, representatives of the Human Rights Commission of Sierra Leone, the NCSA, the Christian Council and Council of Imams, the Immigration Department, and nonvoting members from UNHCR and the Law Officers' Department.

Sierra Leone was party to the 1951 Convention, its 1967 Protocol, with reservations on the right to work and exemptions from extra taxes, and ratified the African Refugee Convention in 1987.



**Detention/Access to Courts**

The Government did not detain refugees or asylum seekers for exercising their rights, but police arrested several refugees for other crimes, including rape, destruction of property, and minor criminal offenses.

Authorities arrested two refugees for raping local children during the year; a court convicted one and sentenced him to three years in prison, and the other was on trial at year's end.

The Refugees Act prohibited the detention of refugees or asylum seekers for illegal entry or stay.

UNHCR, the International Committee of the Red Cross, the Lawyers' Centre for Legal Assistance, and other human rights organizations had access to detention facilities.

Refugees based in camps in the southeast of the country used ration cards as identity documents, and UNHCR issued attestation letters to urban and camp-based refugees upon request. Law enforcement authorities recognized both ration cards and letters of attestation.

The Constitution guaranteed equal protection under the law only to citizens of Sierra Leone and expressly exempted foreigners from guarantee of equal protection under the law but extended to all persons its protection from arbitrary arrest or detention.



**Freedom of Movement and Residence**

Government policy dictated that refugees who arrived after 2001 ought to live in camps, but authorities made no attempt to enforce this. Refugees arriving before 2001 had complete freedom of movement and residence.

The only exceptions were former combatants, whom Sierra Leone confined to camps, although they could seek permission to leave from the Sierra Leonean police and prisons department.

The Refugees Act permitted the National Refugee Authority to designate specific areas for refugees' residence, to establish camps, to draft regulations for the administration of camps, and to order refugees to live in such areas.

Sierra Leone's border with Liberia was officially open, but police, customs officials, and soldiers reportedly demanded bribes for passage. Authorities also issued

international travel documents for refugees when UNHCR so requested.

The Constitution explicitly provided for restrictions on the freedom of movement and residence of non-citizens.

**Right to Earn a Livelihood**

Sierra Leone required all foreigners, without exception for refugees, to obtain permits to work. It did not attempt to prevent refugees from working, however, and many did work in both the informal sector and professional positions including teaching or nursing.



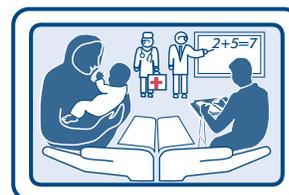
Theoretically, refugees could apply for work permits on their own or through their employers on the same terms as other migrants, and had to pay fees and present passport photos to the Ministry of Labor to obtain them. The permits did not restrict where or in what industries their bearers could work, and cost about 65,000 leones (\$22).

The Refugees Act did not specifically address refugees' right to work, but did say that in formulating regulation to enact it, the National Refugee Authority could require employers to give preference to refugees when hiring foreigners. Sierra Leone maintained a reservation to the 1951 Convention's right of refugees to work, stating that "it considers the article to be a recommendation only" and also maintained a reservation to the 1951 Convention's exemptions from extra taxes, stating that "it reserves the right to impose special taxes on aliens as provided for in the Constitution." The Constitution of Sierra Leone reserved to citizens the rights to "secure adequate means of livelihood," but extended to "all persons in employment" protection of health, safety, and welfare.

Refugees could own movable property, but could not own land or other immovable property. The Constitution provided that authorities could take "no property of any description" arbitrarily, without limiting this to the property of citizens.

**Public Relief and Education**

UNHCR and its implementing partners provided food, education, medical services, water, and sanitation to camp-based refugees. Refugees outside the camps could also access government-run schools and medical facilities.



There were no restrictions on agencies assisting refugees, and the Government granted duty-free concessions to such agencies.

The Constitution of Sierra Leone granted all citizens the opportunity to "be educated to the best of [their] ability, aptitude and inclination." In practice, this assurance

extended to refugees through the provision of education in refugee camps and UNHCR's provision of limited scholarships for tertiary education.

The Government allowed UNHCR and other humanitarian organizations access to assist refugees. The Poverty Reduction Strategy Paper that Sierra Leone prepared in 2005 for international donors did not mention refugees except those returning to Sierra Leone. Its 2007 Annual Progress Report did not mention refugees at all.

The Standing Committee on Refugee Affairs (SCRA) granted more than 1,300 refugees certificates of exemption enabling refugees to apply for permanent residence and UNHCR repatriated nearly a 100 and resettled 28.

### Refoulement/Physical Protection

On average, authorities deported about 10,000 Zimbabweans per month for illegal entry. Between January and September alone the total may have been more than 150,000, many of whom Zimbabwean police detained upon their return. Authorities deported some refugees and asylum seekers for common crimes or failure to pay bribes.



In November, a High Court judge released 12 asylum applicants about whom the Department of Home Affairs (DHA) had given it information out of 50 the Government was about to deport the following day. Some of the rest remained at Pollsmoor prison because DHA had failed to issue them documentation as asylum seekers.

Civilians attacked foreigners, especially Somali refugees trading in informal settlements and townships, and police often ignored appeals for help and, in some cases, joined in. Between August 2006 and February 2007, unknown assailants murdered at least 40 Somalis in Western Cape alone in a possible attempt to drive them from the area. In November, a Zimbabwean asylum seeker died of a fractured skull when Linden police threw him into a van. Also in November, a security guard at the Foreshore refugee center assaulted an asylum seeker from Congo-Kinshasa, after which the victim filed a complaint.

In September, the Supreme Court of Appeals (SCA) upheld, and applied to all five national refugee reception centers, a 2006 High Court ruling that officials had acted unconstitutionally and illegally at Rosettenville and Marabastad refugee reception centers by arbitrarily turning away applicants. The court found it "incomprehensible" that the DHA had not hired more reception officers to ease the backlog, ordered the offices to post notices advising rejected applicants of their right to have their applications re-assessed, and ordered the Refugee Directorate to report in two months on progress resolving the backlog.

According to South Africa's 1998 Refugees Act, DHA officers heard claims and issued decisions at the five reception centers. Rejected applicants had 30 days to appeal to the Refugee Appeal Board whereupon the reception office gave them appeal dates and extended their permits for the duration. If the Board rejected the appeal, the applicant could apply to the High Court for review. Applicants could have counsel in both instances.

Under the Refugees Act, SCRA monitored the refugee reception offices and reviewed any case that asylum officers rejected as manifestly unfounded, abusive, or

## South Africa

Refugees and asylum seekers	144,700
Zimbabwe	48,400
Congo-Kinshasa	24,800
Somalia	12,900
Ethiopia	7,500
Malawi	7,200
Angola	5,900
Burundi	4,300
Bangladesh	4,300
Uganda	3,200
Congo-Brazzaville	3,000
Tanzania	2,800
Rwanda	2,100
Pakistan	2,000
Nigeria	2,000

New Asylum Seekers 45,600

1951 Convention: Yes  
 1967 Protocol: Yes  
 Reservations: None  
 UNHCR Executive Committee: Yes  
 African Refugee Convention: Yes

Population: 47.9 million  
 GDP: \$282.6 billion  
 GDP per capita: \$5,900

South Africa . Statistics .

**Introduction** South Africa hosted about 144,700 refugees and asylum seekers, including about 48,400 Zimbabweans, 24,800 Kinshasa Congolese, 12,900 Somalis, 7,500 Ethiopians, 7,200 Malawians, and 5,900 Angolans. Most were in the 89,000 asylum applicant backlog but 36,700 held refugee status and about 18,900 de facto refugees did not apply, about 11,800 of them Zimbabweans. Some 45,600 applied during the year. Refugees and asylum seekers lived mainly in Johannesburg, Pretoria, Durban, Cape Town, and Port Elizabeth.