

Kosovars Some 2,100 Kosovars returned voluntarily to Kosovo during 2002, while about 3,400 were deported (mostly ethnic Albanians). The government's stated policy was not to return non-Albanian Kosovars to Kosovo. UNHCR, however, reported that the government did deport a number of them anyway. In addition, the government deported ethnic Albanians from southern Serbia to Kosovo.

There are approximately 33,000 non-Albanian Kosovars in Germany, predominately Roma (21,500), Ashkali (6,300), and Egyptians (1,000), most holding toleration status. USCR counts them among refugees and asylum seekers in need of protection.

Some 12,500 Kosovars received a two-year residence permit pursuant to a regulation adopted in 2001 allowing those Kosovars who had resided in Germany for six years and had been employed for two years to apply.

Bosnians Approximately 560 Bosnians repatriated during the year. Between 1992 and 1996, Germany gave war-refugee protection to between 320,000 and 350,000 Bosnians, about half of all Bosnians who sought protection in Western Europe during the Bosnian war. While the overwhelming majority of them have repatriated or been resettled in third countries, an estimated 24,000 Bosnians remained in Germany at the end of 2002, most with temporary residence permits or toleration status. USCR counts them as refugees and asylum seekers in need of protection because many have ethnically mixed marriages or come from areas where they would be ethnic minorities should they return and would possibly face persecution by non-state actors. Flight alternatives in other areas of Bosnia may not be reasonable due to economic constraints and property disputes.

Legislation In January of 2002, an antiterrorism law entered into force excluding terrorists from refugee status pursuant to Article 1F of the UN Refugee Convention.

In June 2002, a new immigration law passed, but in December, the German Constitutional Court invalidated it due to defective parliamentary procedures. The law would have given refugee status to those fearing persecution by non-state actors and those fearing gender-based persecution. The law also would have given only temporary residence permits to all asylees. After three years, authorities could allow indefinite residence, under the law, if they determined that the requirements for refugee status were still being met. Persons granted protection against *refoulement* could also receive enhanced rights to family reunification.

The new law would also require immigrants to receive instruction in German law, culture, language, and society. Failure to attend the course would allow denial of unlimited residence permits.

After the law was struck down, the government said it would reintroduce the bill.

Greece

At the end of 2002, Greece hosted around 1,800 refugees and asylum seekers in need of protection, including 1,700 with asylum claims pending, 64 persons granted humanitarian stays of removal, and 36 persons granted asylum. The authorities rejected about 9,300 asylum claims, and approximately 830 claims were abandoned or closed.

Around 5,600 persons applied for asylum in Greece in 2002, a slight increase from the 5,500 persons that applied in 2001. The largest numbers came from Iraq (2,600), followed by Afghanistan (1,200) and Iran (400).

The 64 persons granted humanitarian relief came largely from Iraq (18), followed by Turkey, Azerbaijan, and Afghanistan with 6 each.

The UN High Commissioner for Refugees (UNHCR) expressed concern about the small number of refugees recognized in Greece, which has one of the lowest acceptance rates for asylum seekers in Europe despite having some of the most liberal asylum laws. In 2002, only about .4 percent of cases decided were granted asylum.

Asylum Procedure Presidential Decree No. 61, issued in 1999, regulates the asylum procedure. A specialized staff within the police directorates is assigned to interview asylum seekers. After interviewing applicants, the police forward the applications along with their recommendations to the Ministry of Public Order (MPO), which issues decisions.

The decree includes procedures for handling the asylum applications of unaccompanied minors, including the appointment of a guardian. The decree also gives asylum seekers the right to an interpreter, mandates the referral of torture victims to specialized experts, and provides for female officers to interview female applicants. Regulations oblige the authorities to give asylum seekers an information leaflet that explains the asylum procedure and provides the contact information of organizations that assist asylum seekers, including UNHCR. The decree also instructs interviewers to consult the *UNHCR Handbook on Procedures and Criteria for Determining Refugee Status* and the European Union (EU) joint position on the definition of a refugee when evaluating claims.

Gross Deficiencies in the Asylum Process As in the past, many officials handling asylum claims were poorly trained, resulting in many substandard interviews and asylum decisions in 2002, according to diplomatic sources. In June, a group of 47 human rights groups, including Amnesty International, Human Rights Watch, and the International Helsinki Federation, issued a joint statement criticizing human rights violations against foreigners, potential asylum seekers, asylum seekers, and undocumented migrants in Greece. According to these groups, the Greek authorities failed to provide competent translators, failed to inform foreigners of their rights,



provided misleading information, refused to provide asylum application forms, and maintained poor detention conditions. In some cases, asylum seekers without legal counsel were ordered deported after an examination of only a few minutes. Authorities often did not give persons the opportunity to apply for asylum prior to arresting them as illegal immigrants.

Recognized refugees are issued five-year residence permits, work authorization, and travel documents. They are also entitled to apply for separated spouses, minor children, and other dependent family members to join them in Greece. Asylum seekers may work and have access to medical services.

Rejected asylum applicants have 30 days to file an appeal with the Appeals Board, which includes a representative of the Athens Bar Association and an official from UNHCR. The Appeals Board only has the power to make recommendations on cases to the MPO, which retains the authority to issue appeals decisions. As in past years, the MPO disregarded a significant number of Appeals Board recommendations to grant asylum or humanitarian status in 2002.

Claimants with improper documents in the transit zones of airports, persons traveling from countries deemed safe, and applicants with claims deemed manifestly unfounded are put into an accelerated procedure, also decided by the MPO. Authorities may detain persons in the accelerated procedure for a maximum of 15 days.

The 2001 Aliens Law imposes carrier sanctions and stiff penalties, such as fines and prison terms, for individuals who either employ or facilitate the entry of undocumented foreigners. The law also mandates that smugglers who knowingly transport undocumented aliens in unsafe conditions receive prison sentences of two years for each alien transported. Asylum seekers themselves, however, are exempt from the provisions of the Aliens law.

In 2002, the MPO drafted a Presidential Decree proposing a decentralized refugee status determination procedure at the first instance level (Regional Police Directorates, instead of the MPO), which the government will likely adopt in 2003.

Detention and Ill-Treatment An asylum seeker may be detained for up to three months. The detention is subject to examination by administrative and judicial officials on their own authority or at the request of the detainee.

Detention conditions for asylum seekers were reportedly overcrowded, and police verbally and physically abused detainees.

Police and border guards shot at unarmed persons trying to enter Greece, claiming their weapons went off accidentally. Human rights groups assert that even if the shooting were accidental, the frequency of the incidents was alarming.

Restrictive Measures Greece has urged the EU to assist with patrolling its coasts, as thousands of improperly documented migrants use them as a route into Greece and the rest of the EU. Plans to create such sea patrols were underway amid concerns of asylum advocates who feared it would prevent genuine refugees from having their claims heard. The EU states that by these measures it is trying to prevent genuine refugees from falling into the hands of smugglers.

Many continued to die in the hazardous voyages by sea to Greece. In December 2002 alone, 24 deaths were recorded, with more persons declared missing from four different boat arrivals smuggled through the Aegean Sea.

Greece continued to employ landmines at its borders with Turkey, which caused an unknown number of deaths to immigrants seeking to enter Greece.

Pursuant to a readmission agreement signed with Turkey in 2001, Greece continued to return improperly documented migrants to Turkey in 2002, including persons from Iraq and Iran. The agreement does adequately safeguard them against *refoulement*, since Turkey generally only allows Europeans to claim asylum.

Alternative Forms of Protection Greece allows rejected asylum seekers to apply for "humanitarian stay of removal" if they cannot be returned to their home countries for reasons such as civil war, natural disasters, or an imposed embargo. The MPO may grant a humanitarian stay if the applicant can show that he or she would face torture upon return.

The U.S. Committee for Refugees (USCR) generally does not count recipients of humanitarian forms of relief who have been found not to meet the definition of a refugee. Nevertheless, given the manifest deficiencies of the Greek asylum process and the abysmal approval rate that is likely a result, USCR considers that an adequate process would have granted at least as many applicants asylum as the MPO granted humanitarian stay of removal. Therefore USCR counts such persons among refugees and asylum seekers in need of protection.

Hungary

At the end of 2002, Hungary hosted about 1,200 refugees and asylum seekers in need of protection, including 1,100 asylum seekers with pending cases, and 100 persons granted asylum during the year.

During 2002, about 6,400 persons applied for asylum in Hungary, down about 32 percent from 2001. The largest numbers came from Afghanistan (2,300) and Iraq (2,000). Of the 100 persons granted asylum, most were from Iraq (46), and Afghanistan (10).

Hungary revoked the status of 19 refugees during 2002 for reasons that included voluntary repatriation; changed circumstances in the country of origin; obtaining

Hungarian citizenship; and, in one case, because the person claimed to be Iraqi, but in fact was a European national.

During the year, the government discontinued the applications of about 5,000 persons, mainly because of the disappearance of the applicants.

Authorities granted asylum to fewer than 3 percent of the roughly 4,000 asylum cases decided on the merits.

Asylum Procedure The authorities may grant asylum or two other types of protection—"authorization to stay" and "temporary protection."

The Office for Immigration and Nationality (OIN) grants authorization to stay to individuals who may face capital punishment, torture, or other inhumane treatment upon repatriation. The authorities consider authorization to stay to be protection against *refoulement*. Temporary protection is given on a group basis to victims of foreign aggression, civil war, ethnic conflicts, and grave human rights violations in the country of origin. Although the provision for temporary protection is written into the new law, the government did not issue the necessary decree to effect this legislation during the year. Authorities granted authorization to stay to around 1,300 individuals during the year.

The OIN is responsible for processing asylum claims. Upon arrival, an applicant completes a declaration; the OIN interviews the applicant, and forwards the claim to the National Security Office (NSO), which offers an opinion on the case within 45 to 60 days (5 days in the accelerated procedure). The Hungarian authorities should issue a decision within 90 days application.

When the applicant does not refer to persecution or fear of persecution in his or her home country; does not state his or her identity, citizenship, or provides false or misleading data; is from a country deemed to be safe; is a citizen of a European Union (EU) state; or has filed a late asylum application only to avoid deportation due to illegal entry into Hungary, the OIN uses an accelerated procedure to resolve the claim, which takes only 15 days. An appeal may be lodged against this decision within another 15 days. During the year, about 190 asylum seekers' claims were rejected in the accelerated procedure.

OIN uses a similar accelerated procedure in such cases at airports, except that it makes a decision within eight days. During the year, 7 cases were processed in the accelerated airport procedure.

Hungary deemed countries of the EU, Switzerland, Norway, Bulgaria, the Czech Republic, Croatia, Poland, Slovenia, Cyprus, Romania and the Slovak Republic as safe in asylum determinations, but considered this presumption to be rebuttable on a case-by-case basis.

An applicant denied asylum can appeal the decision within 15 days to the Immigration and Citizenship Office. It is possible to appeal a decision of that office to the Municipal Court, and finally to the Supreme Court.

New Legislation A new asylum law entered into force in January 2002, bringing the country's policies largely in line with EU standards. Among the most important amendments were provisions that allow undocumented asylum seekers full access to the asylum system (before they often were denied asylum and given other statuses), procedural safeguards for the treatment of unaccompanied minor asylum seekers (such as considering the best interest of the child), and allowing the UN High Commissioner for Refugees (UNHCR) to monitor the process by receiving court decisions.

Additionally, in an effort to shorten the asylum procedure and improve safeguards against *refoulement*, the OIN has exclusive authority to issue expulsion orders at the end of first-instance asylum procedures (to be suspended upon appeal), or to grant a humanitarian residence permit to individuals authorized to stay.

Although the aim of the legislation was to shorten the asylum determination procedure, in fact the new law, lengthened the time for the procedure by creating a four-level refugee determination process, with an extra layer of administrative review added.

The law limits detention to 30-days for illegal entry or stay. Under exceptional circumstances, migrants may be detained up to 12 months. Under the previous law, the limit was 18 months. According to UNHCR, however, varying interpretations of the law resulted in detention of asylum seekers for up to 24 months.

Children seeking asylum may attend primary school.

Reception Asylum seekers normally stay in a community dwelling or reception center, though in certain cases they may stay with relatives or friends. An asylum seeker is given a certificate authorizing temporary stay until his or her case is decided. Asylum seekers may not work except for within the reception center.

UNHCR reports that open community shelters for persons authorized to stay lack qualified social workers, properly furnished community areas, organized activities for residents, and premises for children's activities. According to UNHCR, armed guards and dogs escorted foreigners from the community shelters to the communal canteen or to the exit gate of the Border Guard barracks and back, restricting freedom of movement. Increasing numbers of vulnerable groups, including women and children, were being accommodated at the shelters.

Refugees receive identity cards valid for 6 to 15 years, depending on the age of the person concerned, and the same public benefits as Hungarian nationals. In coordination with UNHCR, nongovernmental organizations provide job counseling, language training, and other assistance.

Hungary grants persons authorized to stay a residence permit valid up two years. However, during the year, these persons were only issued with a temporary residence certificate valid between one and six months, pursuant to



Section 24 of the Alien's Act. The government stated that this was because the document designed for persons authorized to stay was not available for technical reasons.

Restrictive Practices The Hungarian government has readmission agreements with Croatia, Latvia, Macedonia, Romania, and Yugoslavia. During the year, Hungary entered into readmission agreements with Estonia, the Benelux states, the Slovak Republic, and Greece, although they were not in force at year's end.

Roma After thousands of Roma left Hungary to seek asylum in past years, most notably in France and Canada, Hungary sought to improve conditions for Roma. The new Prime Minister's office established a state secretariat in charge of Roma affairs; several ministries appointed commissioners responsible for Roma issues, and Parliament appointed an ombudsman for minorities. The government drafted anti-discrimination laws and amendments to the criminal code to punish hate speech. In practice, however, discrimination persisted towards Roma throughout the year in employment, housing, and education.

Ireland

At the end of 2002, Ireland hosted more than 6,500 refugees and asylum seekers in need of protection. These included some 4,500 asylum seekers with pending applications, 2,000 persons granted refugee status during the year (1,100 on appeal and 900 in the first instance), and 23 refugees admitted from overseas.

Ireland received 11,600 asylum applications in 2002, about 12 percent more than in 2001. According to the UN High Commissioner for Refugees (UNHCR), the largest numbers of applicants came from Nigeria (4,100), Romania (1,700), Moldova (500), Zimbabwe (360), and Ukraine (350).

Ireland granted refugee status at a rate of 13 percent in initial decisions, up from 9 percent in 2001. Additionally, 1,100 individuals were granted on appeal. Over 100 asylum seekers were granted temporary protection during the year.

Ireland rejected around 6,000 applications during 2002, while another 8,200 applications were deemed abandoned and administratively closed following failure to attend a second interview.

Around 300 unaccompanied children sought asylum in Ireland in 2002, less than half the number in 2001.

Asylum Procedure The asylum procedure is governed by the 1996 Refugee Act, amended in 1999. Asylum seekers apply at the Ministry of Justice, where they have a preliminary interview and complete a questionnaire, after which the Ministry notifies them of their right to consult a lawyer

and UNHCR. Asylum seekers over age 14 are fingerprinted and those who refuse may have their application accelerated and denied as manifestly unfounded. Asylum seekers receive a temporary residence certificate.

The office of the Refugee Applications Commissioner adjudicates the asylum applications, conducting a second, substantive interview with each asylum seeker. The government provides interpreters where it deems them necessary and possible. Rejected asylum seekers may appeal with the Refugee Appeals Tribunal within 15 working days based on written evidence, unless they request a hearing. Ireland employs an accelerated procedure for applications deemed manifestly unfounded, allowing only ten days to appeal. In 2002, around 100 applications were rejected as manifestly unfounded.

Police or immigration officers may detain asylum applicants with fraudulent documents, or who are not deemed to have made reasonable efforts to establish their identities. According to UNHCR, no asylum seekers have been detained in Ireland under this measure. However, in July, 25 Indian nationals who refused to re-embark their plane during a stopover at Ireland's Limerick Airport were detained on national security or public order grounds. UNHCR reported that the group applied for asylum while detained, but withdrew their applications before interview and consented to deportation.

Temporary Protection After exhausting the procedure for refugee status, asylum seekers may apply for "temporary protection." The criteria for this status are either undefined "humanitarian considerations" or non-protection factors such as employment prospects, family ties, domestic circumstances, and connections with Ireland. The granting of temporary protection is discretionary and there is no appeal mechanism against a refusal. UNHCR recommended that temporary protection be considered automatically, but draft immigration legislation prepared in 2002 did not contain such a provision.

Asylum seekers may not work while awaiting a decision on their application, with the exception of those who arrived before July 1999 and have been waiting at least 12 months for a final decision. The Irish Refugee Council (IRC) called for asylum seekers to be allowed to work six months after application. However, in 2002, Ireland increased its capacity to make status determinations and reduced the backlog of pending applications by 40 percent on the previous year, despite the increase in applications. According to UNHCR, most asylum seekers received initial decisions within six months during 2002.

In 2002, Ireland removed 191 applicants under the Dublin Convention. No figures were available on the number of applicants transferred to Ireland under the convention during the year, but UNHCR believed it to be "considerably higher" than the number removed. (See "Dublin Convention" box, p. 176.)

Persons granted refugee status are issued a residence permit automatically renewable on a yearly basis and receive the same rights and benefits as citizens. After three years of continuous residence, refugees may apply for citizenship. Officials may take into account the period spent as an asylum seeker in calculating length of residence. During 2002, around 300 refugees were granted citizenship in Ireland.

Children born in Ireland are entitled to Irish citizenship and their non-citizen parents have been allowed to remain in Ireland. The number of allowed asylum seekers staying in Ireland through their Irish-born children increased from 900 in 2000 to 4,000 in 2002. In April, however, the High Court ruled that asylum seekers were not entitled to remain in Ireland merely on that basis. The judge said that in considering deportation orders for such people, immigration officials should take into account the length of the parents' stay in Ireland, the age of the child, and his or her ability to adapt to the parents home country.

(In January 2003, the Supreme Court upheld the High Court decision.)

New Legislation The Irish Senate debated a new Immigration Bill in December, which is likely to be enacted in 2003. The draft law introduces carrier liability fines equivalent to \$2,700 (3,000 Euros) and denies public assistance to asylum seekers who do not apply immediately on arrival. The bill also provides for resettling refugees in Ireland through UNHCR, adds a new asylum determination category of "withdrawn" for asylum seekers who withdraw their applications or fail to comply with procedural requirements, and allows the Refugee Appeal Tribunal to rank cases according to the grounds and date of applications, and the country of origin, family relationships, and ages of applicants in order to speed up the process. The IRC said that carrier sanctions would deny legitimate asylum seekers the chance to apply and would cause more smuggling, and that denying public assistance would cause destitution.

Assistance and Accommodation Since 2000, the government has housed asylum seekers in reception centers for two weeks and then transferred them to shelters in some 50 towns and cities around the country where they receive meals and the equivalents of \$17 (19.50 Euros) per adult and \$8.50 (9.75 Euros) per child weekly. Asylum seekers may live elsewhere but will not receive meals or cash if they do. Parents may claim additional payments for each of their children, although the government announced during the year its intention to review eligibility for this payment.

Asylum seekers receive legal advice on their claims for a nominal fee from the government-funded Refugee Legal Service.

In a 2001 report, the IRC found that the dispersal plan resulted in "extreme material deprivation" to asylum seekers with children, 92 percent of whom said that they

needed more food than they received, though most could not afford it. According to the IRC, the inadequate food particularly affected pregnant women and babies, and overcrowded accommodations resulted in psychological stress and health and safety risks to both parents and children.

Visa Requirements, Readmission Agreements, and Repatriation During 2002, Ireland imposed entry visa requirements on Zimbabweans following a sharp rise in the number of asylum applications from Zimbabwean nationals during the year. The government had readmission agreements with Poland and Romania, and signed more agreements with Nigeria and Bulgaria during 2002, due to be ratified in 2003.

In November 2001, the International Organization for Migration began a one-year trial program in Dublin to facilitate voluntary repatriation of rejected asylum seekers. During the year, 12 asylum seekers volunteered under the program, although not all had departed at year's end.

Italy

At the end of 2002, Italy hosted more than 5,200 refugees and asylum seekers in need of protection. These included around 3,800 asylum seekers with pending cases, 1,300 persons granted refugee status during the year, and 110 asylum seekers whose cases were suspended pending additional information.

During 2002, according to provisional statistics, 7,300 asylum seekers filed claims in Italy, 24 percent fewer than in 2001. The majority of applications came from Sri Lanka (1,400), Iraq (1,200), Yugoslavia (1,100), and Turkey (520).

Italian authorities issued decisions on around 17,000 applications, granting refugee status in around 1,300 cases (about 8 percent), and some 700 persons were granted residence permits on humanitarian grounds (4 percent). The rest were denied, either on the merits or because the applicants failed to appear for their hearings. The majority of the approvals were for nationals of Sri Lanka (350), Turkey (150), and Iraq (140).

Asylum Procedure Italy is a party to the UN Refugee Convention, but remained the only European Union member state without a comprehensive law on asylum. The asylum provisions of the Martelli Law of 1990 govern the asylum procedure. On September 10, Italy enacted a new law on immigration and asylum (the "Bossi-Fini law") that changed some of these procedures.

The government may reject asylum seekers at the border if they transited countries that are parties to the Refugee Convention, and they have spent more time in such countries than required for transit.

Persons wishing to apply for asylum in Italy must



submit written applications to the headquarters of the local police (*Questura*). The *Questura* then transmits the applications to the competent authority for deciding asylum claims, formerly the Central Commission for Recognition of Refugee Status, but one of seven or eight territorial commissions under the Bossi-Fini law. The UN High Commissioner for Refugees (UNHCR) will have voting rights on each territorial commission. The territorial commissions will consider protection for applicants under the European Convention on Human Rights as well as the Refugee Convention. A new authority, the National Commission for the rights of asylum will oversee the work of the territorial commissions.

Under the new law, asylum seekers will be held in identification centers while awaiting first-instance decisions, which should take no longer than 30 days. Most applicants received decisions in 12 to 15 months in 2002, according to UNHCR. Asylum seekers in Italy may not work during the asylum procedure, but receive free medical care.

The National Commission may recommend that the *Questura* grant rejected asylum seekers one year, renewable residence permits on humanitarian grounds if they cannot be returned home because of unstable conditions in their countries of origin allowing them to work and study in Italy.

The Bossi-Fini law reduced the period in which an applicant may appeal a negative decision from 60 to 5 days. Under the new law, appellants must first apply to their local territorial commission and then to the administrative court in the region where they filed their claim. Previously, they appealed directly to the administrative court. Under the Bossi-Fini law, appeals to the administrative court do not suspend deportation, but the asylum seeker may apply to the Ministry of the Interior for permission to remain while the appeal is pending. Further appeals to the Council of State and the president of Italy will no longer be permitted.

Refugees receive a two-year, renewable residence permit. They receive medical care, public assistance, and education and may work. Refugees may apply for citizenship after five years.

The Bossi-Fini law imposes stricter penalties, including prison sentences, for illegal entry and stay in Italy, and for trafficking migrants.

Boat Arrivals Thousands of asylum seekers and other migrants continued to arrive by boat in Italy throughout 2002, almost all using smugglers who often transported passengers in unsafe vessels. Many were from Iraq, Turkey, Sri Lanka, Pakistan, North Africa, Somali, and Eritrea. Large ships transporting the undocumented arrived from Libya, the eastern Mediterranean ports in Turkey, Albania, and elsewhere during the year, but many others took small boats prone to capsize.

On March 18, a cargo ship arrived from Cyprus at a Sicilian port carrying more than 900 undocumented migrants. The Minister of Interior declared a state of emergency to release funds and enable local authorities to requisition buildings as reception centers for the ex-

hausted asylum seekers, more than half of who were women and children.

Under the Bossi-Fini law, the government may deploy police and naval vessels to intercept at sea ships carrying undocumented migrants and escort them into an Italian harbor.

During 2002, some 20,400 undocumented foreigners entered Italy by boat, according to the Interior Ministry. The government reportedly believes that twice that number managed to enter Italy undetected.

Removal The law provides for the detention of undocumented entrants for up to 30 days pending their deportation, a measure which increased expulsions tenfold in its first year of implementation.

In September 2002, the Bossi-Fini law allowed an additional 30 days detention, if officials cannot obtain travel documents or verify the detainees' identity or nationality. The law also allows for the immediate removal of undocumented immigrants once they have received an expulsion order. In 2001, the government reported that 42,100 migrants were expelled.

Under the Bossi-Fini law, foreigners who reenter Italy illegally after being expelled are liable to imprisonment for up to four years.

Lithuania

At the end of 2002, Lithuania hosted more than 200 refugees and asylum seekers. These included 1 person granted refugee status during the year and 200 asylum seekers awaiting first-instance decisions.

During the year, about 300 persons applied for asylum in Lithuania, including 250 persons from Russia (mostly Chechens) and 17 from Afghanistan. Of the 325 cases decided in 2002, Lithuania made one grant of refugee status in the first instance. Some 24 persons were rejected in initial asylum determinations. 220 persons (mostly ethnic Chechens from Russia) were granted temporary residence.

Asylum Procedure The Law on Refugee Status, regulations introduced in 2001, and the Aliens Law define the Lithuanian asylum procedure. Asylum seekers, except for those arriving from countries deemed safe, may submit applications with any state official, which forwards the request to the Migration Department in the Ministry of the Interior. Asylum seekers arriving from countries deemed safe are barred from admission at the border.

Asylum seekers who have arrived legally may live where they chose or stay in the Refugee Reception Center in Rukla until the Migration Department decides on their application—usually within six months. Asylum seekers coming from countries deemed safe are considered to have manifestly unfounded claims and, along with those who arrive

with improper documents, are processed under an accelerated procedure and are held at the Foreigners Registration Center in Pabrade until they receive a decision—usually within one month. During the year, 25 applications were rejected as manifestly unfounded. Asylum seekers may not work in Lithuania.

On November 5-6, the Lithuanian Border Service expelled 26 Chechen asylum seekers, mostly women and children, to Belarus. According to UNHCR, this was a violation of the UN Refugee Convention and international customary law. Following the intervention of UNHCR and nongovernmental asylum advocacy groups, the asylum seekers were allowed to return and apply. UNHCR also expressed concern over Lithuania's restrictions on admitting asylum seekers from regions of armed conflict.

Chechen asylum seekers who traveled to Lithuania by transit trains during the year complained that border guards prevented them from disembarking to claiming asylum at Vilnius. According to the Lithuanian Red Cross and news reports, Chechen families resorted to pulling the emergency brakes and jumping off the trains outside of town in order to have their asylum claims registered.

Temporary Residence Adjudicators may grant "temporary residence" to asylum seekers on humanitarian grounds. During the year, 220 asylum seekers from countries with armed conflicts, and 67 asylum seekers with other humanitarian needs, including those requiring medical treatment, received temporary residence permits.

Rejected asylum seekers may appeal against negative Migration Department decisions to the administrative courts, but must do so within 14 days.

On January 28, an act of parliament eased fees for extension of residence permits. Holders of temporary residence are usually unemployed and usually could not afford the \$110 to renew their permits, causing them to be regarded as illegal residents.

New Legislation On January 15, the Lithuanian Parliament passed amendments to the Law on Refugee Status that brought Lithuanian asylum policies further in line with international and European Union standards. The amendments introduced temporary guardianships for unaccompanied child asylum seekers and the right to apply for family members of separated children granted refugee status.

Detention A 2001 regulation relating to the accommodation of foreigners at detention or registration centers required that asylum seekers be segregated from other detained foreigners, and that unaccompanied children be separated from adults. The regulation included lists of detainees' rights and duties, including the right to legal assistance, interpreters, medical care, food, clothing, and pocket money. However, the Lithuanian Red Cross reported that authorities in the registration centers ignored the applications of some would-

be asylum seekers. Also, asylum seekers and other detained foreigners are sometimes commingled.

The Foreigners' Registration Center is used not only for detention of asylum seekers and illegal aliens in general, but also for some asylum seekers not under detention orders. Since the beginning of 2001, such residents have been allowed to leave the center with permission from the administration. The Refugee Reception Center makes similar allowances. At year's end, the Refugee Reception Center housed 100 asylum seekers, while the Foreigners Registration Center had 300 residents, including 122 asylum seekers.

Macedonia

At the end of 2002, around 8,500 persons remained internally displaced within Macedonia as a result of the conflict in 2001.

During the year, about 5,000 Macedonians sought asylum abroad. Large numbers filed claims in Switzerland (1,100), Austria (740), Sweden (500), Germany (500), and Belgium (340). Around 750 who had fled the 2001 conflict remained in Kosovo at year's end and less than 100 remained in southern Serbia. The majority of Macedonians in Serbia and Kosovo were ethnic Albanians from Macedonia, although there were some Roma.

Macedonia also hosted more than 2,700 refugees and asylum seekers, almost all of them ethnic Roma, Ashkali, and Egyptians (RAE) from Kosovo with Temporary Humanitarian Assisted Person (THAP) status. There were also 4 persons with pending claims at the first-instance level, 1 person granted asylum, and 30 Bosnians without status or protection who fled the civil war in Bosnia.

Asylum and THAP Status Nearly all of the refugees in Macedonia at the end of the year were non-Albanians from Kosovo granted THAP status (2,700) in 2002. The authorities renewed THAP status through March 2003. Persons with THAP are not permitted to work and are therefore dependent on international humanitarian assistance. Persons with THAP status are not eligible to apply for asylum according to Macedonian law. The government grants THAP by directive, and reviews the status approximately every six months to determine if THAP status holders remain in need of temporary protection. Conditions in both host families and collective centers where they stayed remained poor. The U.S. Committee for Refugees (USCR) counts the RAE from Kosovo with THAP status among refugees and asylum seekers in need of protection because they remained subject to ethnic persecution in Yugoslavia, and yet THAP status precludes them from applying for asylum.

The UN High Commissioner for Refugees (UNHCR) considered another 30 Bosnians "persons of concern" since they do not have legal status in Macedonia, but would be



vulnerable upon return to Bosnia and Herzegovina. USCR counts them among refugees and asylum seekers in need of protection because, although they are eligible to apply for asylum in Macedonia, the documented inadequacy of the asylum process does not make this a reasonable protection option.

Around 120 asylum seekers filed claims in Macedonia in 2002, the majority of them from Kosovo and mostly ethnic RAE. During the year, the government made decisions on 53 cases (involving 120 persons): 1 person was recognized as a refugee (a Kosovar Albanian), 42 claims were rejected at the first-instance level, 9 claims were withdrawn, and 1 decision (involving 4 persons) was pending at the first-instance level. There were 25 cases pending on appeal.

UNHCR facilitated the repatriation of around 260 Kosovars to Yugoslavia during the year, including 80 persons to Kosovo, and 180 to southern Serbia. Others returned without assistance. The Kosovars in Serbia have become internally displaced persons within Yugoslavia. The Macedonian authorities did not forcibly return rejected asylum seekers.

UNHCR also facilitated the resettlement of around 230 refugees to countries outside the region in 2002, the bulk of them were Yugoslavs (170) resettled to the United States.

The authorities allowed all ethnic Gorani who had fled from Kosovo to apply for citizenship in 2002.

Asylum Law and Procedures The Interior Ministry adjudicates asylum cases. Persons denied asylum have the right to administrative and court appeals but, in practice, the courts do not generally overturn initial decisions. On appeal, the applicant is not heard and the official who made the decision in the initial proceeding participates in the administrative appeals commission who issues the appeal decision. The final level of appeals is the Supreme Court. UNHCR reports that at both appeal levels more training of decision makers is required.

UNHCR reports poor interviews and poor analysis of the information gathered by the decision makers at the initial stage. In particular, adjudicators place undue emphasis on internal flight alternative, without balancing it against protection principles.

A draft asylum law from 1998, with revisions made in 2000, was still waiting to be submitted to parliament for approval. The Aliens Law, which grants no complementary forms of protection to those denied asylum, governed Macedonia's treatment of asylum applications during the year.

Recognized refugees receive identity cards. The duration of their residence permits is determined by age (7 years for persons under 26; 15 years for persons 26 to 50; and permanent for persons over 50). Recognized refugees bearing identity cards are eligible for medical

benefits and other benefits comparable to those of other permanent residents.

Refugees from Macedonia UNHCR reported that the main obstacle for return for those who remain outside Macedonia appears to be property destruction.

Readmission Agreements Macedonia entered into readmission agreements with the Slovak Republic, Bulgaria, and Croatia during 2002, although the latter two agreements had yet to be implemented. An agreement with Germany was signed but not ratified. Recognized refugees must find their own accommodation, but may stay with asylum seekers in collective centers until they do.

Political Developments The Ohrid Agreement of August 2001 largely ended the civil war between the Macedonian government and the Albanian-led opposition. Inter-ethnic violence, however, including shootings, bombings and kidnappings, which increased before the September elections, strained the peace. A new multiethnic government came into power after the elections, including five cabinet members from the Democratic Union for Integration party, led by the ethnic Albanian former rebel leader, Ali Ahmeti.

The Netherlands

At the end of 2002, the Netherlands hosted an estimated 17,200 refugees and asylum seekers in need of protection. These included about 9,400 asylum seekers awaiting initial decisions on their applications, an estimated 4,200 individuals with humanitarian protection, and about 3,600 persons granted asylum.

Some 18,700 asylum seekers filed first-time applications during 2002, about a 42 percent decrease from 2001. The largest numbers of asylum seekers came from Angola (1,900), Sierra Leone (1,600), Afghanistan (1,100), Iraq (1,000), and Iran (660).

Dutch authorities issued decisions on 34,300 applications during 2002, with an approval rate of about 11 percent.

An estimated 12 percent of the applicants received humanitarian status.

Asylum Procedure Asylum seekers must apply at one of four registration centers where the Immigration and Naturalization Service (IND) conducts an interview to elicit the asylum seeker's identity, nationality, and travel route. The IND then determines whether or not the asylum seeker will be placed in the accelerated procedure or in the regular procedure. The IND places cases in the accelerated procedure if it deems to be manifestly unfounded or if it believes the case does not require extensive research. Although the accelerated procedure is substantively the same as the regular one,

it is usually completed within 48 hours. If the asylum seeker is placed in the regular procedure, he or she is sent to a Screening and Reception Center.

Next, the IND conducts a second more detailed interview to assess the claim. If the IND intends to deny the asylum request, it gives the applicant its intended decision with reasons, and the applicant has an opportunity, with the support of a legal advisor, to respond. The authorities must take the response into consideration when making a final decision. If the IND denies the claim anyway, the applicant may appeal to a judge and can remain in the Netherlands pending judicial review. However, if the asylum seeker is appealing a decision made in the accelerated procedure, he or she is not entitled to remain in the Netherlands.

The asylum seeker may also appeal the judge's decision. Such an appeal will not automatically suspend removal, but the Ministry of Justice may do so at its discretion.

If the IND approves the asylum request, the refugee receives an asylum permit valid for up to three years. The government can revoke the permit if it decides that conditions in the refugee's home country have improved sufficiently to allow repatriation. After three years, permit holders may obtain indefinite residence permits.

Generally, the authorities must issue a decision on an asylum application within six months. The IND may postpone the decision as many as six months to further investigate a case.

Alternative Forms of Protection In addition to granting asylum, the government may grant "humanitarian protection" when the asylum seeker has been traumatized either as a direct victim of acts of violence by the authorities or if close relatives were victims, if there is no final decision on the asylum request within three years, or if the rejected asylum seeker faces a risk of torture in the sense of the European Convention on Human Rights.

The U.S. Committee for Refugees (USCR) counts persons granted humanitarian protection the Netherlands among refugees and asylum seekers in need of protection. This is because humanitarian protection may well be the only form of relief available in the Netherlands to victims of such past persecution as to give rise to compelling reasons for non-return, even if they may no longer have a well-founded fear of future persecution.

The Ministry of Justice can also grant "war refugee" status to specific groups of asylum seekers and issue a moratorium on decisions in their cases for up to one year beyond the period allowed to the IND. If the situation in the home country does not improve within that period, they then become eligible for the three-year status available to refugees. Because they remain asylum seekers, USCR also counts persons granted war refugee status among refugees and asylum seekers in need of protection.

Accelerated Procedures According to nongovernmental organizations, the accelerated procedure denies many asylum seekers a fair determination of their claims and subjects them to *refoulement*. Although the accelerated procedure was initially designed for manifestly unfounded cases, by mid-2002 it was applied to at least 60 percent of all cases in the Netherlands: triple the amount in past years. Many of the cases decided under this procedure were complex and unsuited for accelerated procedures, according to Human Rights Watch (HRW). HRW argues the criteria for the cases that should be in this procedure are vague and allow wide discretion to the IND. HRW documented cases where the IND used the accelerated procedure to process claims from elderly persons suffering health problems, mentally ill persons, persons who had survived torture or sexual violence, and other traumatized persons, as well as young children. They concluded that such persons could not reasonably present their claims within 48 hours.

Frequently the interviewer in the second interview takes a passive role, requiring the applicant to bring forward all the information about the claim. The limited time allowed makes it difficult for asylum seekers to gather the necessary evidence and documentary support for their claims.

Lawyers are not present during the interviews, but asylum seekers may have access to a legal aid lawyer, between the first and second interview, and after the second interview—although not necessarily the same lawyer. The first meeting with the lawyer is usually only for two hours and the second meeting is only for three hours, during which time the lawyer and asylum seeker must review and discuss the IND decision, often through translation.

Children Around 30 percent of children have their claims determined in the accelerated proceedings. According to HRW, interviews are adversarial in nature and not age-appropriate for young children who may already be traumatized. Although a guardian is appointed for unaccompanied children after the first interview, the guardian is not usually trained in asylum law or policy. The guardian is not normally with the child in the second interview, although the guardian may observe the proceeding by a video monitor.

Even if a child arrives alone, if he or she has relatives in the Netherlands—even if they are distant ones and regardless of their immigration status or familiarity with the child—authorities consider that child to be accompanied. If the authorities determine that a child is accompanied and that child's claim is rejected, it is the responsibility of the adult to accompany the child back to his or her country of origin or safe country outside of the Netherlands. The adult must also provide the child with shelter, guidance and care, or to arrange alternative care of the child outside of the Netherlands.



Readmission Agreements In 2002, the Benelux countries prepared readmission agreements with Algeria, Armenia, Azerbaijan, the Czech Republic, France, Georgia, Hungary, India, Kyrgyzstan, Macedonia, Nigeria, the Slovak Republic, Switzerland, and Yugoslavia. Of these, they signed readmission agreements with Hungary, the Slovak Republic, and Yugoslavia but the ratification procedure was not finalized at year's end.

Reception and Integration Most asylum seekers remain in collective centers throughout the process. Repeat applicants for asylum, those appealing cases under the accelerated procedures, and those asylum seekers who are subject to transfer by the Dublin Convention do not receive accommodation or social assistance. The government makes exceptions to this rule for pressing humanitarian circumstances or if the Dublin referral claim is not timely. (See "Dublin Convention" box, p. 176.)

Asylum seekers receive a weekly allowance for food and clothing, free medical care, and legal support. Asylum seekers are allowed to work, but not during the first six months of their stay and only for periods of limited duration (like the summer season). Children are able to attend school. Asylum seekers must leave their reception center 28 days after notification of a first-instance asylum application denial, even if they are awaiting the outcome of an appeal.

Norway

Norway hosted 5,940 refugees and asylum seekers at the end of 2002. These included 4,340 asylum seekers with pending asylum claims, about 1,270 refugees resettled in Norway during the year, and 330 persons granted asylum.

During the year, around 17,500 persons applied for asylum in Norway, 16 percent over the previous year and the highest number of applications ever received in a single year. The largest numbers of asylum seekers came from Yugoslavia (2,460), the Russian Federation (1,720), Iraq (1,620), and Somalia (1,530).

In 2002, out of 12,360 decisions, the Directorate for Immigration (UDI) granted asylum to 330 persons (3 percent), residence permits on humanitarian grounds to around 2,960 persons (24 percent), and rejected 9,070 (73 percent). Additionally, some 3,760 cases were referred to other European Union countries under the Dublin Convention, and 1,730 applicants withdrew their applications.

During 2002, Norway resettled refugees referred by the UN High Commissioner for Refugees from countries including Afghanistan (350), Iran (320), and Yugoslavia (130).

Asylum Procedure The Aliens Law of 1988 and the Aliens Decree of 1990 govern Norway's asylum procedure. Police

conduct an initial screening of asylum seekers, who receive limited legal assistance in filing their applications. The police forward the asylum claims to the UDI, which interviews the asylum seekers on the merits of their claims.

After submitting their applications, asylum seekers are either transferred to a reception center or stay with relatives or friends while awaiting decisions. At the end of 2002, some 16,000 persons lived in 140 reception centers across the country. This number includes both asylum seekers waiting for a decision, and those who have received residence permits, but due to widespread housing shortages in Norway, have to stay in reception centers for up to eight months to obtain a separate residence. During the normal asylum procedure, the Norwegian government provides a limited monthly allowance and medical care and permits them to work. The Norwegian Organization for Asylum Seekers, a nongovernmental organization, provides free legal advice to asylum seekers.

Humanitarian Residence Permits In addition to granting asylum based on the UN Refugee Convention, the UDI may also grant "humanitarian residence permits" to persons who do not meet the definition of a refugee, but who are nevertheless in need of international protection "on the grounds of strong humanitarian considerations" or to asylum seekers who have "strong attachments" to Norway. Humanitarian residence permits are valid for one year and may be renewed annually. The UDI grants permanent residence status to applicants after three years.

The government may also extend temporary protection to groups in situations of mass refugee flight.

Rejected applicants have three weeks after notification to appeal a negative decision. Appeals of claims deemed manifestly unfounded do not suspend deportation orders. In 2001, a Board of Appeals was established as an independent body of the Ministry of Local Government and Regional Development to replace the Justice Ministry to review all UDI decisions.

Local municipalities are responsible for providing recognized refugees with housing and integration services, such as language and vocational training. Refugees and holders of humanitarian residence permits are eligible for the same medical care and public assistance as Norwegian citizens.

Restrictive Measures Asylum seekers are usually deemed inadmissible to the asylum procedure if they have traveled through a country deemed able to offer protection. While Norway does not use official lists to determine safe countries, in practice the authorities consider Denmark, Sweden, and Germany to be safe.

Under a new regulation introduced in August 2002, the government restricted grants of residence permits, normally given to asylum applicants automatically after more

than 15 months' delay, to those who came with valid travel documents and are not responsible for the delay. On June 1, 2002, the government removed rejected asylum seekers' entitlement to welfare benefits.

Poland

At the end of 2002, Poland hosted an estimated 280 refugees and asylum seekers in need of protection.

During the year, nearly 5,200 persons filed asylum applications in Poland, 14 percent more than in 2001. The largest numbers of asylum seekers came from the Russian Federation (3,000), Afghanistan (600), Armenia (220), and India (200). Polish authorities granted asylum to 250 persons during 2002, an approval rate of 5 percent, down from 9 percent in 2001. Nationals of the Russian Federation (mostly Chechens) accounted for most of the approvals. Poland denied the applications of around 4,700 applicants, deeming 710 of them manifestly unfounded. Some 39 asylum seekers appealed denials to the Refugee Board during the year, of whom 6 were granted asylum.

The government closed 490 of the 5,480 cases considered in 2002 because the applicants had abandoned their claims, far less than the 1,820 cases closed in 2001.

In early November, the UN High Commissioner for Refugees (UNHCR) intervened with the Polish government on behalf of more than 150 Chechen asylum seekers who claimed they had been denied entry into Poland by Polish border authorities during the Chechen hostage-taking incident in Moscow.

Asylum Procedure Poland amended its 1997 Aliens Law in July 2001, bringing the law's provisions for asylum seekers and refugees further in line with European Union (EU) standards.

The 2001 amendments created a new independent government body, the Central Office for Repatriation and Aliens, which includes a Refugee and Asylum Procedures Department, to handle asylum claims. While removing strict filing deadlines for asylum applications, the new law was expected to speed up the decision-making process, which in previous years has been very slow. In 2002, the average time for initial decisions was about eight months for applicants living independently and ten months for those housed in reception centers.

Under the 2001 law, Poland introduced an expedited procedure for cases deemed manifestly unfounded. Under the law, the cases of applicants who originate from or travel through countries deemed safe are considered manifestly unfounded, but the government does not maintain official lists of such countries. Applications that are made to avoid deportation, contain "unreliable or untrue" information, or have no grounds under the Refugee Convention are also deemed manifestly unfounded. Under the expedited procedure, applicants should receive a response to their initial claim within two days. If denied, they can appeal to an independent body, the Refugee Board, which should issue a response within five days. Appeals have the effect of suspending deportation.

Asylum seekers whose applications are denied in the regular procedure may also appeal to the Refugee Board. Asylum seekers may further appeal to the High Administrative Court, which can rule on legal points, but not on the factual findings in a case. Under the 2001 amendments, the final decision on granting or denying asylum should be made within six months.

The 2001 law allows the government to grant temporary protection in situations of mass influx and also permits residence to be granted on humanitarian grounds to those who do not qualify for refugee status, but risk torture if returned to their countries of origin.

UNHCR found Poland's asylum legislation to lack adequate procedures for unaccompanied minor asylum seekers. However, draft legislation in October mandated the appointment of guardians for unaccompanied minors. UNHCR also reported that significantly fewer persons were abandoning their asylum applications, and that fewer persons were leaving the country after receiving status during 2002, indicating that Poland is becoming less of a transit point for refugees.

Assistance and Integration Asylum seekers usually reside in government-run reception centers during the normal asylum procedure. At year's end, about 1,500 asylum seekers were receiving assistance at ten centers around the country.

Recognized refugees have the right to work and receive public assistance on the same terms as citizens, and can apply for permanent residence after three years. Refugees may apply for family members to join them according to EU standards. The Ministry of Labor's Department of Social Assistance is responsible for running integration programs for recognized refugees. However, according to the U.S. State Department, funding for refugee integration is inadequate, and nongovernmental organizations must often assist refugees in meeting their basic needs.

Deportation and Border Control Poland has readmission agreements with 19 European countries. During the year, Poland deported some 4,800 migrants, many under readmission agreements. Poland also apprehended some 2,100 persons for illegal border crossings, mostly persons attempting to enter Germany.

In October, the Polish Ministry of Interior announced that its border surveillance would be increased to EU standards by the end of 2003, in preparation for Poland's entry into the EU in 2004. Poland intends to impose visa requirements on nationals from Belarus and Ukraine in July 2003.