



Spain

At the end of 2002, Spain hosted about 160 refugees in need of protection.

During the year, around 6,300 asylum seekers filed applications in Spain, a 32 percent decrease from 2001. The largest numbers of asylum seekers came from Nigeria (1,400), Cuba (1,200), Colombia (1,100), and Sierra Leone (270).

The Spanish authorities issued decisions on 6,130 asylum applications in 2002, granting about 160 persons asylum (about 3 percent) and 70 persons humanitarian protection (about 1 percent). Spain rejected around 5,900 asylum claims (about 96 percent).

Asylum Procedure The asylum procedure is governed by Spain's 1984 Refugee Act 5, as amended by the Asylum Act (Act 9) in 1994. Asylum seekers may file applications with the Ministry of Interior's Office for Asylum and Refuge (OAR), with the police at the border or in the country, or at Spanish diplomatic and consular missions abroad. When applying, asylum seekers must submit evidence of their identity and a credible statement asserting persecution.

The OAR reviews all asylum applications for admissibility to the regular determination procedure. The UN High Commissioner for Refugees (UNHCR) submits an opinion on the admissibility of each claim to the OAR. Spain treats claims deemed inadmissible or manifestly unfounded to an accelerated procedure. Cases may be inadmissible if the person has sought or could have sought protection in a safe-third-country, if the applicant bases the claim on manifestly false or outdated information, or if the application simply reiterates an earlier case denied by the Spanish authorities. According to UNHCR, the safe-third-country concept is not usually applied by itself, but along with other reasons for declaring an application inadmissible mentioned above.

The OAR forwards all admissible applications to the Inter-Ministerial Commission for Asylum and Refugee Status (CIAR), which includes representatives from the ministries of foreign affairs, interior, labor, social affairs, and justice. UNHCR also attends meetings of the CIAR in an advisory capacity.

The CIAR issues a decision, usually within six months of the application's filing, based on the information in the OAR file and the opinions provided by UNHCR and various nongovernmental organizations (NGOs). While awaiting a decision, asylum seekers receive housing and meals and may work if they have been waiting more than six months. However, according to UNHCR, in practice, very few asylum seekers receive work permits as the government procedure for granting authorization can take up to six months.

After evaluating a claim, the CIAR issues its proposed decision to the Ministry of Interior. If the ministry concurs with the CIAR assessment, the decision becomes final. The OAR issues an identity document to approved applicants, making them eligible for residency, work, and public assistance.

Denied asylum seekers may appeal negative decisions to the National Audience, a national court, within two months of notification. Appeals do not immediately suspend removal orders, although asylum seekers may request a suspension, which is usually granted.

In 2000, Spain opened its first Immigration Department. In January 2001, a new law denied undocumented aliens the right to demonstrate and join labor unions. It also grants authorities the ability to expel undocumented aliens within 72 hours.

Humanitarian Status In addition to UN Refugee Convention status, Spain may grant "humanitarian status" to persons who do not meet the definition of a refugee, but are "obliged to leave their country of origin due to conflicts or serious disturbances of a political, ethnic, or religious character." Recipients of humanitarian status are issued yearly residence permits for up to three years, at which time, if the grounds for their status remain, they may obtain an ordinary residence permit for another three years.

Temporary Protection Spain also extends "temporary protection" to groups of displaced persons "who have been forced to leave their country of origin due to conflicts or serious disturbances of a political, ethnic, or religious character." Recipients of temporary protection receive yearly residence permits for the duration of the conflict in the country of origin, and are entitled to the same benefits as refugees. More than 1,400 Kosovo Albanians were granted temporary protection in 1999, however, none remained in Spain at the end of 2002.

Restrictive Measures In 2001, in an effort to stem the increase in asylum seekers from Cuba, Spain required Cubans to register for transit visas when traveling to a third country through Spain. In 2002, 1,200 Cubans applied for asylum in Spain, half as many as 2001.

In 2002, Spain imposed entry visa requirements on Colombian nationals to reduce the number of Colombians claiming asylum. As a result, only 1,100 Colombians applied for asylum in 2002, some 58 percent less than the previous year.

Despite efforts to curtail mass movements of people across the Straits of Gibraltar, the waters of the Canary Islands, and the fortified borders between Morocco and the Spanish enclaves of Ceuta and Melilla, an increasing number of migrants have reached Spanish territory. During the year, Spain forcibly expelled, repatriated, or denied entry at

the border to more than 74,000 foreigners, about half of whom were from Morocco.

In 2002, Spain invested heavily in a new “intelligence service of external vigilance” to enable state police to intercept boats of migrants heading for Spanish shores. More than 16,000 migrants were apprehended while trying to reach Spain by sea during 2002. Many lost their lives on the perilous journey: some 35 bodies were discovered at sea, and doubtless many more drowned during the year.

The Canary Islands have received nearly a three-fold increase in boat migrant arrivals (from around 2,400 in 2000 to 6,700 in 2002) and struggled to house them in six accommodation and detention centers. In April, the Ministry of Interior agreed to construct a further four detention centers and two reception centers. In May, the government announced that once the Canary Islands reached a quota of 1,500 migrants, further arrivals would be transferred to the mainland.

During the year, several reports criticized the Spanish authorities’ treatment of migrants and asylum seekers. In February, Human Rights Watch (HRW) released, “The Other Face of the Canary Islands: Rights Violations against Migrants and Asylum Seekers,” which criticized substandard detention conditions and inadequate procedural rights. In April, Amnesty International reported on more than 320 cases of race-related ill-treatment against foreigners by Spanish authorities and criticized Spain for illegally expelling unaccompanied Moroccan children.

HRW also criticized Spanish authorities for mistreatment of unaccompanied children in a May report, allegations corroborated by the Spanish Ombudsman and the UN Committee on the Rights of the Child in June. The reports accused Spanish police in the enclaves of beating children during forced expulsions and criticized government authorities for denying them medical care and education. During the year, increasing numbers of unaccompanied Moroccan children entered Spain where already poor and overcrowded conditions in reception centers in Ceuta and Melilla deteriorated.

NGOs noted that although Spanish authorities are required to provide legal assistance to detained migrants, most migrants have poor legal counsel and few have access to legal interpretation services. Other barriers to asylum include time limits for filing applications and requirements for possession of official documents.

Sweden

At the end of 2002, Sweden hosted around 24,900 refugees and asylum seekers. These included about 23,600 asylum seekers with pending claims, about 1,000 refugees resettled from overseas, around 260 persons granted asylum during the year, and 18 persons granted residence on

protection grounds due to persecution based on gender or sexual orientation.

During the year, over 33,000 persons applied for asylum in Sweden, 40 percent more than in 2001. The largest numbers came from Yugoslavia (5,900), Iraq (5,500), Bosnia (2,900), and Russia (1,500). Some 860 asylum seekers were stateless, mostly Palestinians.

The Swedish Migration Board, the initial decision-making authority, issued over 23,600 asylum decisions during the year. Of those, the board recognized around 260 persons (about 1 percent) as refugees under the Refugee Convention, while granting “residence permits on protection grounds” to about 860 persons and “residence permits on humanitarian grounds” to another 4,000 (21 percent). The board rejected any form of protection for 18,500 persons (78 percent). Some 3,100 cases were administratively closed during the year.

At the appeals level, the Alien Appeals Board (AAB) made decisions on the asylum claims of 12,000 persons, granting 220 persons asylum and around 2,100 residence permits (2,000 residence permits on humanitarian grounds and 100 residence permits on protection grounds.) The appeals board rejected 10,000 applications.

Asylum Procedure All asylum applications are submitted directly to the Migration Board. Negative decisions may be appealed to the AAB, which may refer cases to the Ministry of Foreign Affairs. The Migration Board may refer cases directly to the ministry when the government’s decision sets a precedent for a large group of asylum seekers. During the year, the Swedish Parliament continued to discuss abolishing the AAB and transferring the right to review to the administrative courts.

The AAB issues a removal order along with any negative decision, but if it remains unfulfilled for four years, it expires. The asylum seeker may again apply for a residence permit if the failure to implement the order was not the asylum seeker’s fault. Rejected asylum seekers may request financial assistance from the Migration Board for voluntary repatriation.

The Migration Board grants asylum to applicants who have a well-founded fear of persecution under the Refugee Convention. However, the Aliens Act expressly disallows decision makers to consider gender or sexual orientation as a social group for the purposes of granting asylum under the UN Refugee Convention. This position was reinforced in Sweden’s gender persecution guidelines issued in March 2001. Therefore, refugees fleeing gender- and sexual orientation-based persecution do not receive formal refugee status in Sweden. In 2002, the Swedish government began an internal review of this policy in response to a September 2002 European Commission proposal that persecution on the grounds of gender and sexual preference should be considered un-



der “membership of a particular social group.” The proposals arising from the review are expected in 2003.

Residence Permits on Protection Grounds Under provisions of the Aliens Act, the Migration Board may grant “residence permits on protection grounds” to persons who do not meet the definition of a refugee, but who fit into one of three categories: persons who risk torture or other inhuman treatment or punishment, including the death penalty; those who cannot return to their country of origin because of an environmental disaster or armed conflict; and those with a well-founded fear of persecution on account of their gender or homosexuality. Although not all persons who qualify for such permits meet the definition of a refugee, the U.S. Committee for Refugees (USCR) counts those granted under the latter category, of which there were 18 in 2002, among refugees and asylum seekers in need of international protection.

Residence Permits on Humanitarian Grounds In addition to granting residence permits on protection grounds under the Aliens Act, the Migration Board may also grant “residence permits on humanitarian grounds” to persons who do not qualify for refugee status, but who should not be returned on humanitarian grounds. The Aliens Act does not define “humanitarian grounds,” but according to the UN High Commissioner for Refugees, persons who have been granted residence on humanitarian grounds include those with strong links to Sweden, persons who are old or infirm, and unaccompanied children. USCR does not count such persons as refugees or asylum seekers in need of protection.

Temporary Protection During 2002, Sweden made no grants of temporary protection. However, the Swedish government established a legislative system of temporary protection in July 1994 to cover persons not eligible for refugee status (or “in need of protection”). Under 1997 amendments, Sweden may also grant such status in situations of mass flight.

Temporary protection is granted initially for two years with the possibility of renewal for another two years if the government has begun to establish a return program to the recipient’s country of origin. Persons granted temporary protection are entitled to work and to bring their immediate families to Sweden. They are housed in government-sponsored reception centers or, if it can be arranged, in private accommodation. They receive the same public benefits and emergency health care as asylum seekers. Minors have full access to medical care.

Accelerated Procedures Sweden places asylum seekers who originated from or traveled through countries deemed safe in accelerated procedures. Sweden considers Bulgaria, the Czech Republic, Romania, and the Slovak Republic to be

safe third countries. Sweden deems applicants from countries that historically have had low approval rates in Sweden to have manifestly unfounded claims. Such cases are also placed into an accelerated procedure. Applicants rejected on safe country grounds or as manifestly unfounded may appeal their denials. To bring its policy in line with European Union resolutions, Sweden began suspending removal orders upon such appeals in 1999.

Asylum seekers in Sweden may receive advice and assistance from nongovernmental organizations including the Swedish Refugee Advice Center, which also provides legal support. The government provides legal aid to asylum seekers, except those whose applications are deemed manifestly unfounded. The government also provides interpretation services throughout the asylum process.

In March 2001, when Sweden implemented the Schengen Convention, the Migration Board advised the government that it would need to increase police surveillance of aliens in border areas with other Schengen countries. However, in February, the Migration Board attributed an increase in asylum applications to Sweden’s integration to the Schengen Convention, a lack of checks at the country’s internal borders, and the attractiveness of the country to asylum seekers, in terms of its democratic credentials, high standard of living and generous public assistance, and liberal rules on family reunification (which include same sex or cohabiting partners and close relatives of persons with residence permits in Sweden).

The Migration Board struggled with the status of stateless Palestinians during the year. In February, Palestinians held hunger strikes to protest delays of up to three years for more than 900 Palestinians awaiting a decision on their asylum claims. In November, the Migration Board granted residence on humanitarian grounds to Palestinian claimants in two landmark cases.

Assistance and Integration Since 1994, asylum seekers have had the right to live with relatives or friends while awaiting asylum decisions. In 2002, due to the sharp increase in asylum applicants, Sweden increased funds to speed up asylum application processing and to cover housing and assistance for asylum seekers. During the year, around 40,000 asylum seekers resided in government-funded housing while their applications were processed.

The government grants allowances to applicants without other means of support. Asylum seekers whose applications are expected to take longer than four months to process may receive work permits. School-age children may attend school. The Swedish Board of Integration sponsors language training, job placement, and housing programs.

Unaccompanied Minors The number of asylum applications from unaccompanied minors rose sharply in Sweden in late 2001 and early 2002, as about 290 applied in De-

ember 2001 alone and 550 during 2002. In February, the government began an investigation into claims of a child prostitution ring active in asylum seekers' reception centers throughout Sweden. During the year, more than ten asylum-seeking minors attempted suicide in Sweden. In April, the government stipulated that legal guardians would make asylum applications on behalf of unaccompanied minors, and in December, it directed the Migration Board to process unaccompanied minors' asylum claims within three months.

Resettled Refugees Sweden's resettlement quota in 2002 was 1,800 persons but, during the year, Sweden actually resettled only about 1,000 persons, including 250 from Iraq, 190 from Iran, and 160 from Afghanistan. Each refugee resettled in Sweden is assigned to a municipality upon arrival, and the local authorities are responsible for the refugee's integration.

Detention Under the Aliens Act, adult asylum seekers may be detained on arrival for up to 14 days if immigration officials doubt the applicant's identity or nationality, or if they believe the person will abscond or has been involved in criminal activity. Immigration officials may detain indefinitely asylum seekers whose claims are deemed manifestly unfounded or claimants who come from countries deemed safe and are processed under the accelerated procedure. Under the Special Control of Aliens Act, child asylum seekers may also be detained prior to removal. In 2002, Sweden detained around 3,100 asylum seekers, of which about 130 were children. At year's end, 160 persons remained in detention, of which 3 were children.

On December 16, the government announced its intention to open a new reception center near Sweden's Gardemonen airport to process and quickly remove claimants with manifestly unfounded claims.

Switzerland

At the end of 2002, Switzerland hosted approximately 44,200 refugees and asylum seekers. These included about 26,300 persons with provisional admission status, some 16,200 pending cases at first instance proceedings, and about 1,700 persons granted asylum during the year.

During the year, some 26,200 persons filed asylum applications in Switzerland, an increase of 27 percent from 2001. Significant source countries included Yugoslavia (3,700), Turkey (1,900), Bosnia (1,600), and Iraq (1,200).

The Federal Office for Refugees (refugee office) made decisions on 21,700 cases during 2002, granting asylum to about 8 percent of them: a decrease from an approval rate of 12 percent in 2001. The countries with the highest approval rates were Turkey (460), Iraq (350), Yugoslavia (170), and Bosnia (150). The refugee office denied asylum to about

19,900 applicants of which 6,400 (about 32 percent) were decisions "not to enter into the matter."

Swiss authorities withdrew asylum from about 3,200 refugees in 2002 because they deemed the situation in these persons' countries of origin had become safe.

Asylum Procedure Swiss law stipulates that asylum seekers should request asylum at the border upon entering the country. At the border, asylum applicants fill out applications that the border police forward to the refugee office—which decides, usually the same day, whether to permit entry.

The refugee office may deny permission to applicants without visas if a third country, as stipulated under an agreement, is responsible for reviewing the asylum request, or if the applicant did not arrive directly from the country of alleged persecution and spent time in a safe country where they could have claimed asylum. According to the UN High Commissioner for Refugees (UNHCR), although Switzerland does not maintain an official list of safe countries, Swiss authorities generally consider countries that are parties to the UN Refugee Convention to be safe.

The overwhelming majority of asylum seekers file their claims after entering Switzerland. Whether or not their entry was legal, inland applicants go through the asylum procedure, although a decision "not to enter into the matter" may deny them a full status-determination procedure. Officials may make a decision not to enter to the matter when undocumented asylum seekers are unable to justify their lack of documents, do not indicate they face persecution in their country, give a false identity, refuse to cooperate with the authorities, have the option to travel to another country where an application for asylum is pending or which is responsible to process the claim and has an agreement with Switzerland to do so, have stayed illegally in Switzerland for a long period of time and cannot substantiate *prima facie* persecution, have already had asylum claims processed and rejected in Switzerland, or have withdrawn their claims (unless there are changed circumstances). Generally, officials must make such a decision within 20 days and provide reasons for the decision. Applicants may appeal such denials within 30 days. Removal can occur within 24 hours and appealing will not automatically suspend it, although the Appeals Board may suspend deportation.

Authorities may refuse entry to airport arrivals if their return to a safe-third-country is "possible, permissible, and may be reasonably expected." If it is impossible to decide a claim immediately, the asylum seeker is issued a provisional refusal of entry and is required to remain in the airport transit zone until a decision is made. Authorities also consider whether an asylum seeker can return to his or her country of origin safely, in consultation with UNHCR. The asylum seeker can stay at the airport transit zone for a maximum of 15 days, but may enter the country after that if no decision is made. The authorities have proposed revisions



to the airport procedures to eliminate UNHCR's involvement.

The refugee office places inland applicants and asylum seekers who are permitted entry in a federal reception center. In August, authorities introduced a new procedure to increase the number of applications processed at these reception centers. Until August, the refugee office summarily questioned applicants about their reasons for seeking asylum to see if the cases were manifestly unfounded, and then transferred them to a cantonal reception center to await an in-depth interview. Since then the refugee office has increased staff and is now able to interview asylum seekers on the substance of their claims upon their arrival in these reception centers. The increased presence of staff from the refugee office has allowed more interviews of asylum seekers, and facilitated collection of documentation and identity checks that has allowed authorities to return rejected asylum seekers directly from these reception centers. This procedure primarily affects applications that are manifestly unfounded, applicants that come from so-called trend countries where there are larger than usual numbers of asylum seekers arriving (Nigeria, Cameroon, and Bulgaria among others in 2002), and cases where an applicant does not have credible fear. In just a few months of existence, officials were able to process an additional 500 asylum applications.

Asylum seekers rejected under the normal procedure who file appeals to the Appeals Board generally can remain in Switzerland pending a decision.

Persecution by non-state agents does not constitute grounds for asylum in Switzerland, unless the applicant can prove that the state authorities condoned the persecution.

Recognized refugees receive renewable one-year residence permits (and permanent residence after five years), work authorization, access to public assistance, and education. They may apply for immediate members of their family to join them.

Alternative Forms of Protection Authorities may grant "temporary protection" on an ad hoc basis to groups of persons who fled generalized violence, to several categories of persons not granted asylum but who are in serious danger, or for humanitarian reasons.

The authorities may also grant "provisional admission" to persons rejected for asylum if removal is not allowed under Article 33 of the UN Refugee Convention, the torture provisions of the European Convention on Human Rights, or the Convention against Torture or is not reasonable. Provisional admission may also be granted in cases of serious personal circumstances when an application for asylum has been pending for more than four years, if the asylum seeker is financially independent and has children who have attended school for the past two years.

Around one-third of persons in Switzerland who had this status at the end of 2002 were Yugoslavs, the majority of who were non-Albanian Kosovars, as well as large num-

bers of Sri Lankans, many of whom face persecution at the hands of non-state actors. Since Switzerland does not generally recognize this kind of persecution in its asylum process, provisional admission may be the only form of protection available to refugees fearing such persecution. Accordingly, the U.S. Committee for Refugees counts them along with refugees and asylum seekers in need of protection.

New Developments During 2002 Switzerland held a referendum on a law to restrict asylum. With a 46 percent turnout, voters narrowly rejected the measure, with 50.1 percent voting against them. Under the proposed law, authorities could summarily deport persons arriving from a safe third country without any type of hearing and without allowing them to file for asylum. Since most asylum applicants in Switzerland came over land borders from countries deemed safe, the law would allow authorities to remove most asylum seekers without a hearing. UNHCR said the proposal went too far in denying persons the right to a hearing, and that it passed Switzerland's obligations on to its neighbors.

Readmission Agreements Switzerland has entered into a series of agreements with its neighbors and other countries to implement the safe-third-country rule and to return other rejected asylum seekers, undocumented immigrants, and persons whose temporary protected status have expired. Switzerland has signed readmission agreements with Albania, Austria, Bosnia and Herzegovina, Bulgaria, Estonia, France, Germany, Hong Kong, Hungary, Italy, Latvia, Liechtenstein, Lithuania, Macedonia, Romania, Sri Lanka, and Yugoslavia. Switzerland signed readmission agreements with Sweden, Kyrgyzstan, and Armenia during the year.

Switzerland is not a party to the Dublin and Schengen Conventions, but it began negotiations with the European Union in 2002 regarding their implementation.

Detention and Deportation Swiss authorities may detain asylum seekers older than 15 years if they file claims under different names, if they refuse to reveal their identity, if they miss asylum interviews repeatedly and without cause, if they violate any restrictions on movement, if they were refused permission to enter Switzerland but the government is unable to expel them after an expulsion order is issued, or if they are being prosecuted for, or if they were convicted of, threatening the public order.

Authorities may detain a rejected asylum seeker for up to nine months while awaiting removal if the foregoing criteria apply, or a credible threat exists that the individual will evade deportation, or the individual was already in detention pending a decision on his or her case.

Swiss law prevents the removal of unaccompanied minors under age 18. Nongovernmental organizations have criticized the Swiss government for failing to protect minors who are lured into drugs and prostitution while awaiting deportation.

The government scrutinized removal procedures in 2002, in light of the asphyxiation of a Nigerian asylum seeker, during his deportation in 2001, and the death by suffocation of a Palestinian in 1999. Swiss authorities have agreed to ban facial gags, excessive use of force, and techniques that limit breathing during forced repatriations. Switzerland is also training special police units to deport people who resist removal to prevent such incidents.

Other Restrictive Measures Several places in Switzerland, including the cantons of Bern, Geneva, Solothurn, Vaud, and Zurich, reportedly created designated zones off-limit to “undesirables.” Officials have the power to limit the zones to which persons without yearly residence permits and suspected drug dealers can travel. Critics argue that this is being used to keep asylum seekers, who do not have a yearly residence permit, out of city centers. Human rights observers, including the Swiss group *Augen Auf*, stated that in Meilen in Canton Zurich asylum seekers were prevented from entering the sports grounds or city center. According to *The Guardian*, authorities decreed that asylum seekers could not use the public swimming pool unless accompanied by a resident or official and produced a color-coded map of the town, with an explanatory key depicting four black men with a line through them to indicate areas off limits for asylum seekers. Under criticism, the town retracted the decrees.

Roma During the autumn, between 400 and 500 persons crossed into Switzerland and applied for asylum within about ten days. Swiss authorities accelerated the processing of the claims, and by October, around 300 persons had been repatriated, both voluntarily and involuntarily. Romanian authorities reportedly confiscated the passports for five years of some of those who were returned after their asylum claims failed.

Yugoslav Refugees During the year around 3,700 Yugoslavs applied for asylum in Switzerland. Of the merits decisions the refugee office issued, they granted 170 persons asylum and 1,600 persons temporary protection status. Approximately 18,800 Yugoslavs remain in Switzerland, including refugees accepted in 2002 and in the past, and others with pending cases or other temporary statuses. The majority of these persons are Kosovars.

In April, the refugee office announced that non-Albanians from Kosovo would not be granted provisional admission anymore. The refugee office considered it safe for these persons to return to Kosovo, and therefore announced that provisional admission that had been granted could be revoked. The refugee office stated it would evaluate situations on a case-by-case basis for specific groups, including Albanian speaking Roma, Ashkali, and Egyptians (RAE), Slavic Muslims, and Serbian-speaking Roma and Serbs. It set March 30, 2003 as a provi-

sional date of departure, with the understanding that the situation would be reassessed in February or March of 2003.

Bosnians Approximately 2,600 Bosnians have provisional admission. Another 3,100 Bosnians had asylum requests pending, or had received a decision on their case and had not yet left the country.

Turkey

Estimates of the number of internally displaced Kurds in Turkey range from 380,000 to 1 million. About 44,300 Turkish nationals, mostly ethnic Kurds, sought asylum in other countries in 2002. Leading host countries included Iraq (13,700), Germany (9,600), France (6,500), the United Kingdom (3,700), and Austria (3,500).

Turkey itself also hosted about 10,000 refugees and asylum seekers in 2002. Leading sources included Iran (4,800, including 2,800 asylum seekers and 2,000 refugees), Macedonia (3,000 to 4,000 ethnic Albanians), Iraq (700, including 400 asylum seekers and 300 refugees), and Bosnia and Herzegovina and Yugoslavia (Kosovo) (900 refugees).

Background Fighting between Turkish military forces and Kurdish guerrillas continued in southeast Turkey during 2002 causing further displacement and hindering return of displaced persons.

The origins of the conflict go back to 1984 when the Kurdistan Workers Party (PKK) took up arms against the Turkish government to fight for Kurdish autonomy in the country's southeastern region, triggering a crackdown by the Turkish army. More than 36,000 people, most of them PKK rebels, have been killed in the conflict. In the late 1980s and at the height of PKK activity in the area, the Turkish government formed and armed the Village Guards, a Kurdish pro-government militia, to counter the uprising. The new strategy emptied many Kurdish villages of anybody unwilling to take up arms against the PKK.

The violence decreased significantly after the capture of PKK leader, Abdullah Ocalan, in February 1999. In September 1999 the PKK declared its intention to end the armed campaign and seek a peaceful resolution to the Kurdish issue. While the PKK reorganized under the new name of Congress for Freedom and Democracy in Kurdistan (KADEK) to campaign through democratic means, it continued to fight Turkish forces in southeastern Turkey.

Internal Displacement Returns of displaced people during the year were minimal and sporadic. Some 37,000 persons have returned to 460 villages or pastures since 2000 as a part of the government's Back to Villages and Rehabilitation Project. However, the Turkish government imposed



political loyalty tests, compelling some returnees to sign forms stating they were displaced due to terrorism and forcing others to join the Village Guards, the group responsible for causing many to flee their homes in the first place. Many Kurds still fear to return to their villages until the Village Guards are abolished.

In May 2002, at the invitation of the Turkish government, the UN Representative on Internally Displaced Persons conducted an exploratory mission to Turkey. During the mission, the government lifted a state of emergency in two of four provinces. In the representative's discussions with the authorities and nongovernmental organizations, he called for close cooperation between them in the service of the affected communities toward effective and timely implementation of the return policy.

Village Guards, however, shot and killed three returning villagers in Nurettin village in July 2002, and two returning villagers and one child in Ugrak, Diyarbakir, in September. By the end of 2002, the number of Village Guards decreased to 60,000.

Asylum Procedures Turkey is a party to the UN Refugee Convention but applies it only to asylum seekers and refugees from Europe by maintaining a geographical reservation. Non-European asylum seekers and refugees, particularly Iranians and Iraqis, are only granted temporary protection. For them, resettlement remains the only durable solution available.

The Refugee Convention, on the other hand, protected refugees from Europe. The UN High Commissioner for Refugees (UNHCR) conducted their status determinations and provided material assistance. The Turkish government affords basic necessities and protection to registered non-European asylum seekers. However, there are many constraints in gaining access to the procedure. There is no process for applying at the border where guards may arrest, detain, and forcibly return undocumented asylum seekers.

Generally, undocumented, non-European asylum seekers first present themselves to UNHCR offices in Ankara or border areas, where UNHCR interviews them and provides them with a letter acknowledging them as asylum seekers filing an asylum application with the Turkish authorities. UNHCR directs them to the police station at the province where they entered the country. It is rare that asylum seekers register only with the police and do not first present themselves to UNHCR; such cases are limited to Europeans and ethnic Turkomans. The asylum seeker has 10 days to register their applications with the police station, and must provide an identification document within another 15 days.

Local police conduct the asylum interviews, but do not make a status determination. They send the file to the Ministry of Interior (MOI) in Ankara, where it is reviewed and passed to the Ministry of Foreign Affairs (MFA). The MFA then requests UNHCR's opinion on the claim. UNHCR neither examines the police file nor it

is present during the police interviews of asylum seekers.

The MFA makes a recommendation to the MOI, which informs the police whether the claim has been granted or denied. If granted "temporary asylum seeker status," the recognized non-European is given a six-month residence permit; sent to a satellite city; and directed to UNHCR to be considered for recognition, if not already recognized, and resettlement to a third country.

If denied, the applicant has 15 days to appeal the decision or leave the country. The appeal is heard by the MOI, although by a higher official.

According to UNHCR, nearly 13 percent of asylum seekers registered with the UNHCR faced obstacles in submitting their applications.

Asylum seekers who do not register with the Turkish authorities within ten days of arrival or do not present an identification document are not allowed to seek asylum in Turkey. The waiting period for non-European asylum seekers was an average of six months for a first decision on their applications. Most suffer severe economic hardship during the wait and once their asylum application is approved, they are assigned to live in one of 25 provincial capitals. By 2003, Turkey plans to reduce the waiting time for refugee status determinations from six months to three months.

Turkey came under pressure from the European Union (EU) and UNHCR to reform its procedures for non-European asylum seekers. In 2002, the Turkish Government formed an inter-ministerial task force to guide implementation of the EU community legislation, known as the *Acquis Communautaire*, including the development of a new law on asylum that does not discriminate on the basis of race. The events of September 11, 2001, however, forced governments to tighten security, which resulted in the delay of processing cases for resettlement. The repercussions of September 11 are said to project through 2003.

With the assistance of UNHCR, the Turkish government is working towards the creation of a specialized corps of asylum decision-makers in addition to permanent training on refugee protection within the relevant ministries.

At the beginning of 2002, there were 3,700 asylum applicants from Iran and Iraq alone (2,800 Iranians and 930 Iraqis). There were also 1,630 Iranian and 530 Iraqi asylum cases pending. The pending caseload was reduced by 34 percent throughout the first half of 2002. The government granted temporary asylum to 2,300 applicants (2,030 Iranians and 280 Iraqis), but rejected 840 Iranians and 650 Iraqis. The approval rate for adjudicated cases was nearly 70 percent for Iranians and close to 30 percent for Iraqis. There was a significant decrease in the number of Iranian and Iraqi claims.

In March, more than 8,000 refugees, mostly ethnic Albanians, entered the country because of hostilities in the Tetovo area of Macedonia. Most of those who entered left by the end of the month, but more arrived after renewed fighting during the months of June and July. Roughly 3,000

to 4,000 Macedonian asylum seekers were in the country at the end of August.

Restrictive Measures Reliable reports indicated abusive treatment of asylum seekers by Turkish authorities in border areas. In early 2002, at least 4 asylum seekers were shot and killed by Turkish border police, 26 froze to death in remote mountain crossings, and scores drowned.

The Turkish government uses paramilitary forces such as Village Guards in northern Iraq to restrict refugee movements. In late 2002, the Turkish government feared a new influx, and established a series of camps within the 9-mile (15 km) Turkish-occupied strip in northern Iraq. When it introduced this plan in November, the Turkish government stated that its main goal would be to send foreigners in the camps either back to their region of origin or to third countries. Set up in a military occupied zone, the camps were also potential targets.

In July 2002, as a result of criticism from the EU and the United States regarding illegal migration and human trafficking, Turkey established refugee centers, each with a 1000-person capacity, in 11 different provinces. Turkey also set up a task force, under the coordination of the Ministry of Internal Affairs, to restrict human trafficking and enhance border security.

Reception For the most part, non-European refugees and asylum seekers are destitute in Turkey. Many refugees and asylum seekers gather in slums on the outskirts of cities such as Diyarbakir and Batman. Housing programs have been insufficient to address the needs of the Kurdish population in southeastern Turkey, let alone of refugees and asylum seekers.

UNHCR provides a monthly subsistence allowance to those in need based on individual assessment. In addition, primary education and emergency shelter are provided by the UNHCR to the neediest refugees. An average of 3,000 persons received monthly allowances and an average of 530 persons per month received social and legal counseling.

In March 2002, the Turkish Government issued a regulation granting refugees and asylum seekers free access to state healthcare facilities. During 2002, the UNHCR funded a program for reproductive health training and counseling. UNHCR reported that 600 children received educational supplies and uniforms. Also, 85 asylum seekers and refugee children participated in the vocational training and recreational activities in Van. In early 2002, UNHCR canceled one of the counseling programs in Van when an implementing partner was unable to secure government authorization for the project. UNHCR also had to provide more assistance to those in need, forcing it to suspend other programs and to cut monthly allowances to some refugees in the second part of 2002.

Resettlement The only durable solution for non-European refugees, such as Iranians and Iraqis under Turkish law was

resettlement. About 2,200 refugees were resettled, including 1,800 Iranians. The destinations were United States (960), Canada (630), and Norway (610).

Repatriation of Turkish Kurds from Iraq There have been a total of 2,250 Turkish returnees from northern Iraq since 1996. But 13,600 remained in 2002 and did not appear ready to leave.

Ukraine

At the end of 2002, Ukraine hosted about 3,600 refugees and asylum seekers in need of protection. These included about 3,000 recognized refugees, 400 asylum seekers with pending cases at year's end, and about 200 asylum seekers who were registered with the UN High Commissioner for Refugees (UNHCR) after being rejected by Ukrainian authorities. These 200 may re-apply under Ukraine's new refugee law—if and when Ukraine begins implementing it. The majority of recognized refugees came from Afghanistan (1,572). Smaller numbers came from Armenia (244), Azerbaijan (232), Russia (228), Congo-Brazzaville (120), Georgia (116), Sudan (67), and Iraq (66).

In addition, approximately 4,000 formerly deported persons were living in refugee-like conditions in the Republic of Crimea at year's end, still unable to complete naturalization procedures. Another 3,000 persons from Abkhazia, Georgia who were granted "war refugee" status were also living in refugee-like circumstances.

The Ukrainian authorities stopped accepting asylum applications in August 2001 and did not start accepting them again until July 2002. As a result of the year-long suspension, only 457 cases were considered during the year. Of these, 294 (64 percent) were not admitted into the procedure on grounds that they missed filing deadlines and 12 (3 percent) were deemed manifestly unfounded. A total of 139 cases (30 percent) were admitted into the procedure, of which only 25 were decided on the merits and only 2 were granted refugee status. This is a 99 percent decrease in the number of refugees recognized (455) in 2001, and a 75 percent drop in the number of applications received in 2000, the last year in which applications were accepted for the full 12 months.

Based on the number of applications submitted in the past, UNHCR estimates that as many as 2,000 asylum seekers might have submitted applications during 2002 if not for the suspension.

Until a new refugee law was passed in mid-2001, recognized refugees in Ukraine were required to re-register to maintain their refugee status every three months. Although 5,176 persons had been recognized as refugees between 1996 and the end of 2002, only 2,966 maintained their status and were still registered with the authorities at year's end.



About 13,400 Ukrainians sought asylum in other industrialized countries during the year, up 25 percent from 2001.

Asylum Law and Procedure In January, Ukraine ratified the UN Refugee Convention and Protocol after passing a new Law on Refugees in 2001. During 2002, the government's implementation of the Law on Refugees—which replaced a 1993 law—was inadequate and slow. The year-long suspension in registering asylum seekers and adjudicating their claims undermined the country's ability to protect refugees and left hundreds, perhaps thousands, without protection. At year's end, the political, legal, and bureaucratic disarray remained unresolved.

For the seventh time in eight years, the central body in charge of Ukraine's asylum and refugee protection was re-created and re-staffed. This led to another loss of UNHCR-trained staff, long delays in processing, and problems in refugee protection.

In 2000, the Ukrainian government disbanded the State Committee for Nationalities and Migration (SCNM)—the agency responsible for overseeing the implementation of the 1993 Law on Refugees—and replaced it with the State Department for Nationalities and Migration (SDNM) in early 2001. In June 2001, the government enacted a new Law on Refugees, disbanded the SDNM in August, and recreated the SCNM. During 2002, the new SCNM did nothing notable to improve asylum processing, and in practice, appeared to have made the situation for asylum seekers and refugees in the country worse.

As such, Ukraine fell well short of international standards during 2002, despite having enacted a new Law on Refugees that established the preconditions for Ukraine to accede to the Refugee Convention and Protocol.

The new law incorporates the Convention refugee definition and includes a *nonrefoulement* (no forced return of refugees) provision. The new legislation also eliminates the 1993 law's time limit on refugee status. Instead, it makes the duration of status dependent on conditions in the country of origin. The new law also requires the government to issue refugee travel documents and to allow refugees to petition for family members to join them.

The new law provides recognized refugees the same rights as Ukrainian nationals regarding medical care, education, work, choice of residence, and right to move. However, in practice, recognized refugees continued to experience difficulties finding housing and employment during 2002 because of housing and job shortages and problems acquiring residence documents, particularly in Minsk. In addition, refugees may naturalize after three years of continuous residence (as opposed to five years for other foreigners). However, only 25 refugees naturalized in 2002, in part because of lengthy bureaucratic delays—often more than a year.

The new law allows asylum seekers to remain in Ukraine pending exhaustion of appeals, and introduces a

safe-third-country provision more consistent with international standards than appeared in the 1993 law.

The 2001 law also introduces restrictive filing deadlines: three working days for persons who arrive illegally and five working days for legal arrivals. *Sur place* claimants must apply before their initial legal status in the country expires. During 2002, almost two-thirds of asylum applicants were denied admission into the procedure because they missed the strict deadlines.

Regional Migration Service (RMS) offices decide asylum claims in the first instance. At year's end, 21 of 27 regions had functioning RMS systems. However, their performance varied greatly.

Slightly more than 50 percent of the 457 asylum applications were submitted in Kyiv City or Region (230 applications, including 210 to Kyiv City and 20 to Kyiv Region). About 15 percent (70) were submitted in Zakarpattye, and about 10 percent (47) in Odessa. The remaining 25 percent were submitted and processed in Kharkiv (30), Chernivtsy (22), Crimea, and Sevastopol (18), and other regions. No applications were filed only in Cherkassy, Donetsk, Kirovograd, Mykolaiv, Ternopil, and Zaporizhzhya.

The RMS in Kharkiv rejected 97 percent of applications on grounds that they missed the filing deadlines. Kyiv City rejected 92 percent, and Zakarpattye rejected 66 percent on the same grounds. However, rejections in Zakarpattye shrank from 75 percent to 10 percent after UNHCR intervened in November.

By year's end, the Kharkiv RMS rejected its one remaining claim as manifestly unfounded. The RMS in Kyiv City rejected another 5 applications as manifestly unfounded, and had accepted only 11 cases, none of which had been sent to the SCNM by year's end.

In contrast, RMS offices in Odessa and Zakarpattye processed 40 and 24 asylum applications respectively, most of which were sent to the SCNM before the end of the year.

Under the new Law on Refugees, asylum seekers may not be rejected on safe-third-country grounds unless the third countries conduct refugee status determinations consistent with the Refugee Convention and agree to receive the asylum seeker and examine his or her claim. During 2002, no asylum claims were denied only on the basis of the safe-third-country provision.

This new provision is an improvement from the 1993 law's expansive safe-third-country provision, which did not take into account the ability of the third country to take back the asylum seeker and adjudicate his or her claim. In 2001, RMS officials rejected 93 cases exclusively on safe-third-country grounds. Asylum seekers previously rejected on the basis of the 1993 law's safe-third-country provision will have the opportunity for reconsideration of their claims under the new law.

In reaction to the ongoing protection and local integration problems in Ukraine, UNHCR doubled the num-

ber of persons referred for resettlement (16) to other countries and the number the agency assisted with voluntary repatriation (34).

Abkhaz (Georgian) Refugees Based on a 1996 Cabinet of Ministers resolution, Ukraine maintains a temporary protection regime for “war refugees” forced to leave their places of permanent residence in Abkhazia, Georgia. At year’s end, 3,021 persons, including several hundred children, were beneficiaries of this status. Some estimates indicate that another 2,000 war-refugees from Abkhazia may continue to reside in Ukraine without registration and status under that decree.

RMS offices may issue war refugee certificates to Georgians with stamps in their national passports, showing that they are from Abkhazia. The renewable certificates are valid for six months. Applicants must also establish that they had well-founded protection reasons for leaving their places of permanent residence (similar to the criteria in the refugee definition) and that they are not evading a criminal proceeding. Persons granted war refugee status are permitted to choose places of residence within Ukraine, apply for temporary work permits, receive government-funded medical care, and enroll their children in school.

Statelessness Between 1993 and 1999, about 270,000 Crimean Tatars (exiled to Central Asia by Soviet dictator Joseph Stalin in the 1940s), along with smaller numbers of Bulgarians, Armenians, Greeks, and Germans, returned to the Crimea after facing persecution and conflict in the former Soviet Central Asian republics. Most of the formerly deported people remained stateless until Ukraine adopted legislation in 1998 to simplify the naturalization process, removing a mandatory five-year residence requirement and a language-proficiency requirement. However, the law excluded persons who had not formally renounced other foreign citizenship, including more than 60,000 Tatars from Uzbekistan who could not confirm that they had relinquished their Uzbek citizenship.

Ukraine added a simplified procedure for renouncing Uzbek citizenship to the law in 1999, enabling the majority of Tatars from Uzbekistan to become citizens by the end of 2000. Still, at the beginning of 2001, about 20,000 Tatars remained stateless. On January 18, 2001, Ukraine further amended its citizenship law by allowing stateless persons first to naturalize and then to have one year to perfect the renunciation of foreign citizenship. The new law also removed other remaining procedural barriers to naturalization.

By the end of 2002, more than 260,000 formerly deported persons had acquired Ukrainian citizenship, and the statelessness problem for formerly deported peoples was on its way to being resolved. Another 4,000 persons who had registered after 1999, but had not yet completed citi-

zenship procedures, remained stateless. Officials projected that another 1,800 to 3,600 formerly deported persons, mostly Tatars from Uzbekistan and Georgia, would continue to arrive annually and need to naturalize.

Detention Asylum seekers are detained, some for many months, together with other undocumented migrants in Ministry of Interior and Border Guard detention facilities. Most are overcrowded and do not provide sufficient food and medical care. Throughout 2002, the authorities lacked the resources to return detainees not in need of international protection as well as to identify and release those who were.

Ukrainian border troops apprehended 2,600 migrants without proper documents in 2002, many of who may have been asylum seekers. These included nationals of China (672), India (537), Afghanistan (248), Bangladesh (211), Iraq (189), Vietnam (188), Sri Lanka (123), and Pakistan (120). Another 133 detained migrants originated from various African countries. The majority was not admitted into the asylum procedure. Border troops, however, referred 103 detainees to RMS offices to pursue asylum claims.

Many border guards and law-enforcement authorities are not yet trained to hand over applications and applicants to the RMS. Because detained asylum seekers lack documents that certify the legality of their in Ukraine, asylum seekers are vulnerable to apprehension, detention, administrative penalties, and even *refoulement* by law enforcement authorities.

The exact number of refugees *refouled* during the year was not available. However, UNHCR estimates that the number who may have been threatened with *refoulement* may be as high as 2,200. This estimate includes as many as 1,800 asylum seekers who may have been barred from the process during the first six months of the year because of the lack of processing, and about 400 not admitted into the procedure because they missed the strict filing deadlines.

UNHCR intervened with authorities in several cases to prevent *refoulement* during the year. In one case in August, UNHCR arranged for Ukraine to re-admit six asylum seekers from Iraq who had been deported to Jordan, where they were threatened with *refoulement*. Statistics on the number of asylum seekers deported or *refouled* during the year were not available.

United Kingdom

At the end of 2002, the United Kingdom hosted about 79,200 refugees and asylum seekers, including more than 52,600 applicants with cases pending, and an estimated 26,500 persons granted asylum during the year, either on appeal (16,100) or at the first instance (10,400).

In 2002, some 111,000 persons applied for asylum,



a 20 percent increase from 2001 when 92,900 applied, and the highest number of applications ever received in the United Kingdom.

The largest number of asylum seekers arrived from Iraq (19,400), Zimbabwe (10,000), Afghanistan (9,600), Somalia (8,700), and China (4,900). Among those granted asylum, the largest numbers came from Somalia (3,200), Zimbabwe (2,900), Iraq (900), Iran (500), and Sri Lanka (400).

In 2002, the government made initial decisions on around 106,600 applicants, of which about 89,600 were given full consideration. The remainder was refused on safe-third-country or noncompliance grounds. Authorities approved around 10,500 persons, or about 12 percent of applicants, at the first-instance level, similar to 2001.

Of 83,000 applicants denied at the initial stage who sought to appeal, 17,900 were granted leave to do so and proceeded on the merits. According to the government, about 90 percent of these cases were granted asylum, resulting in an estimated 16,100 persons granted refugee status after appeals in 2002. The remaining 10 percent (1,800) were granted “exceptional leave to remain” (ELR).

New Legislation The government enacted the Nationality, Immigration, and Asylum Act 2002 (the NIA Act) on November 8.

Among other things, the NIA Act denies accommodations and public assistance to those who do not apply immediately upon entry. It also reintroduced a “white list” of countries, the asylum applications of whose nationality are deemed inadmissible, and it enhanced the government’s powers to detain and remove. The NIA Act allows for new reception, accommodation, and removal centers for asylum seekers, increased penalties for trafficking and employment of undocumented workers, and expanded carriers’ liability. The law introduced new citizenship criteria such as English proficiency, increased funds for refugee integration, and included a refugee resettlement program in conjunction with the UN High Commissioner for Refugees—due to start on April 1, 2003 with provision for 500 refugees to be resettled in the first year.

Asylum Procedure The Immigration and Nationality Directorate (IND) of the Home Office is responsible for all decisions relating to asylum claims, whether made on arrival or after entry into the country, including the granting of refugee status. Asylum seekers can file their application either with an immigration service officer at a port or with the screening unit of the IND in London. Either the IND or the immigration service screens asylum seekers to establish their identity and nationality, and takes their fingerprints.

Under the 1999 Immigration and Asylum Act, all new asylum applicants who are not immediately interviewed in full (i.e., those who do not apply at a port of entry) must

complete, in English, a new form—the Statement of Evidence Form (SEF)—which they must return to the IND within 14 days. Immigration officers or asylum caseworkers in the IND usually interview asylum seekers within a few weeks, and notify applicants of their decision in writing.

In 2002, some 15,600 asylum applicants were refused for noncompliance, either because they submitted their SEF after the deadline, did not complete the form in full in English, or failed to attend—or were late for—their asylum interviews. In 1999, the year before the SEF requirement entered into force, only 1,100 refusals were issued for noncompliance. Nongovernmental organizations (NGOs) complained that asylum seekers dispersed outside London faced difficulties in obtaining the information, legal advice, and interpreters needed to complete the forms within the deadline.

Asylum seekers are entitled to free legal advice and representation, subject to means testing and legal merit, at all stages of the procedure, including appeals. However, since the IND deals with some cases in a matter of days—often while the applicants are detained—asylum seekers frequently cannot use the assistance available. IND interviewing officers also have no obligation to inform applicants that legal assistance is available. All applicants are offered the services of an interpreter for their asylum interviews.

Applicants accorded refugee status receive “indefinite leave to remain (ILR),” including rights equivalent to those of citizens.

Humanitarian Protection In 2002, IND granted ELR to 28 percent of asylum seekers (about 25,800 persons) whose cases were considered on the merits, up from 20 percent of cases in 2001. ELR is an extendable four-year protection from deportation, based on unsettled home country conditions or other humanitarian grounds. Normally, failed asylum applicants only receive ELR if compelling humanitarian reasons exist for not enforcing their removal from the United Kingdom. Because they have been found not to be refugees, the U.S. Committee for Refugees does not count them as such.

In November, the government announced that in April 2003, ELR would be replaced with “humanitarian protection.” According to the Home Office, IND will grant this protection for up to three years to applicants who would, if removed, face in the country of return a “serious risk to life or person arising from the death penalty, unlawful killing or torture or inhuman or degrading treatment or punishment.” After the three years they will reassess recipients’ needs.

Appeals Rejected asylum applicants, except those who are rejected on safe-third-country grounds, have the right to appeal their denials in the United Kingdom in several stages. Appellants whose claims are not deemed manifestly un-

founded have seven working days to appeal with an independent adjudicator, who must decide the appeal within 42 days, although the time limit is often extended. If the adjudicator decides that the case is not unfounded, the rejected claimant may appeal to the Immigration Appeal Tribunal or the Court of Appeal. The Court of Appeal may review the Tribunal's decision. U.K. law includes provision to appeal decisions on grounds arising directly from the European Convention on Human Rights (ECHR), which prohibits return to a country where even a non-refugee might risk torture.

Under the NIA Act, appeals will not suspend removal if filed by people with applications deemed "manifestly unfounded" and those from the ten European Union (EU) accession states (Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic, and Slovenia). The NIA Act also removes full judicial review rights for appellants who are refused leave to

appeal to the Immigration Appeal Tribunal. Such appellants have only administrative appeal rights to a High Court judge rather than the ability to challenge the legal process of the decision.

Conditions for Asylum Seekers Previously, applicants whose cases were delayed six months or more could request permission to work or undertake vocational training. On July 23, the government denied new asylum applicants the right to work altogether, despite the cost of supporting asylum seekers and public support for asylum seekers to be self-sufficient. However, the government argued that most decisions were made before six months (84 percent of decisions during 2002), and it considered work permission to be a pull-factor to the United Kingdom for asylum seekers.

Asylum seekers were housed and supported during the year in a controversial system created by the 1999



British railway security staff member holds an Afghan asylum seeker who entered England through the Channel Tunnel from France. The United Kingdom was the leading recipient of asylum seekers in Europe in 2002; some 111,000 applied there and about 26,500 were granted. *Photo: AP/P. Houghton*



Immigration and Asylum Act. The system eliminated public assistance for all asylum seekers and banished them from London and the southeast. The System made a government agency, the National Asylum Support Service (NASS), responsible for supporting asylum seekers.

The government got housing for asylum seekers through local authority consortia and contracts with private landlords. Many of the asylum seekers were dispersed to areas in the north of England and Scotland, where low-cost housing was readily available.

With the NIA Act, the government announced that it would build or rent controversial new induction centers (where applicants would stay for the initial seven days in the country and would receive briefings about the asylum process and health screening) and some 10 to 15 accommodation centers (where applicants would move after their induction until they receive a decision on their claim) across the country. Parliament and NGOs strongly opposed establishing large centers in isolated locations. In particular, refugee agencies, child protection organizations, teaching unions, and others protested government plans to prevent children in the centers from going to mainstream schools.

Public demonstrations also thwarted Home Office planning applications for new induction and accommodation centers during the year. At year's end, the government had opened only one pilot induction center, in the southeast, but had not identified even one accommodation center.

Under the NIA Act, asylum seekers living outside of state-funded housing were required to report periodically, but the law also allowed for payment of travel costs.

Xenophobic violence in the United Kingdom did not spare asylum seekers. In August, an asylum seeker was stabbed to death in the northern city of Sunderland. On December 4, a Kurdish family of asylum seekers who suffered "sustained and serious" abuse in Glasgow, Scotland brought a High Court legal challenge against the dispersal policy after NASS refused them accommodation outside Glasgow, and cut their welfare support when the family moved to London without NASS consent. At year's end, the legal action was ongoing.

On April 8, following two-year campaigns by NGOs, unions, and refugee advocates, the government replaced vouchers that few stores would accept with vouchers redeemable for cash. At the same time, voucher entitlements increased by the equivalent of about \$3 (£2) per week. Previously, asylum seekers without means of support could only redeem the equivalent of about \$14 (£10) of their about \$50 (£35) per week allowance. The remaining vouchers were redeemable only in participating stores (without change).

During the year, the government extended the grace period to leave NASS housing from 14 to 21 days for appli-

cants who were denied, and from 14 to 28 days for those who were granted.

Several groups published reports documenting asylum seekers' poverty, poor health, isolation, and experience of racial abuse and violence during the year. An NGO survey of organizations providing support to asylum seekers found that more than three-quarters reported that their clients regularly experienced hunger, could not afford to buy clothes or shoes, and were not able to maintain good health.

(On January 8, 2003 refugee groups challenged under the ECHR section 55 of the NIA Act, which removed housing and support for asylum seekers who do not apply for asylum "as soon as reasonably practicable." On February 19, the challenge was upheld by the High Court in the United Kingdom, which ruled that the Home Office must restore such basics. On March 19, the Court of Appeal upheld the ruling, ordering the Home Office to interpret the law more compassionately, but holding that denying support to asylum seekers who do not apply for asylum on arrival was not contrary to the "right to respect for private and family life" and the prohibition against "inhuman or degrading treatment or punishment" in the ECHR.)

Safe-Third-Country Cases Asylum applicants who have traveled through a EU country, Canada, Iceland, the United States, Switzerland, or Norway may be refused entry and removed from the United Kingdom without having their claims considered at all. The decision to return the applicant to a safe third country normally occurs within 24 hours of arrival.

The 1999 Immigration and Asylum Act holds that asylum seekers rejected on safe-third-country grounds must appeal the United Kingdom's decision from within the previous country. The NIA Act also prevents judicial review of safe-third-country rulings. In December 2000, however, the House of Lords upheld a Court of Appeal ruling from July 1999 that said a Somali and an Algerian asylum seeker could not be sent back to Germany and France, respectively, because those countries do not recognize persecution by non-state agents as a ground for asylum.

Detention, Deportation, and Repatriation Under the 1971 Immigration Act, asylum seekers may be detained pending an interview with an immigration officer or pending a decision on their asylum application. Since the 1999 Immigration and Asylum Act, the government has increased the number of rejected asylum seekers it detains pending deportation. At the end of 2002, about 800 asylum seekers were in detention during some stage of their asylum procedure.

A processing center in Oakington, Cambridge opened in March 2000 to process asylum seekers whose claims the government deemed to be manifestly unfounded. Asylum applicants detained in the center re-

ceive decisions on their claims within seven to ten days of arrival. During the year, a group of Iraqi Kurdish asylum seekers challenged the legality of detaining asylum seekers during an accelerated procedure in Oakington under the right to “liberty and security of person” enshrined in the ECHR. On September 7, the High Court ruled in their favor, but on October 31, the House of Lords overturned this decision, ruling that detention in Oakington was not unlawful.

During the year, rights groups criticized the detention of asylum seekers, particularly children and families. The government has 150 family spaces for immigration detainees. In April, Scottish parliamentary members criticized the detention of 15 children in Dungavel removal center. Detainees also protested their incarceration during the year. On February 14, fire partially destroyed a new asylum seekers’ detention center in Yarl’s Wood following riots by detainees.

The NIA Act emphasized the control and removal of unsuccessful asylum applicants. It changed the name of “detention centers” to “removal centers,” gave increased rights to immigration officers to enter rejected applicants’ premises and remove them, imposed requirements on asylum seekers to report to police stations periodically, and removed detainees’ automatic right to bail hearings, which was written into the 1999 law, but never implemented.

The government started the year with an aim to increase deportations to 30,000 rejected asylum applicants. However, they only deported 13,300.

The NIA Act provides for an extension of the United Kingdom’s voluntary repatriation programs for asylum seekers operated through NGOs such as the International Organization for Migration and Refugee Action. In August, the Home Office launched a six-month voluntary repatriation program for Afghan asylum seekers who received the equivalent of about \$900 (£600) per person.

Other Restrictive Measures In December 2001, in response to the September 11 terrorist attacks in the United States, the government passed the Anti-Terrorism, Crime and Security Act. The new law enables the government to detain indefinitely, with limited judicial review, foreign nationals who have been certified by the Home Secretary as threats to national security or who are suspected of being terrorists. The legislation also denies suspected terrorists the right to seek asylum. On July 29, the Special Immigration Appeals Commission ruled that the law was unfair and discriminatory. However, the Court of Appeal overturned the ruling on October 25, holding that foreigners do not have the same rights as citizens in this regard. At year’s end, 13 out of almost 300 people who had been arrested under the NIA Act remained detained.

Since 1987, the United Kingdom has imposed carrier’s liability fines on airlines. Since 2000, truck drivers

traveling into the United Kingdom also faced fines of the equivalent of about \$2,900 (£2,000) for each undocumented person found in their vehicles.

On December 5, 2001, the High Court upheld a complaint by 50 trucking companies and drivers, ruling that the 1999 law ran counter to provisions of “the right to a fair trial” and “the right to protection of property” in the ECHR. The Court of Appeal upheld the ruling. Following its defeat in the courts, the government introduced on December 10 a new penalty regime that took into account efforts made by drivers to prevent undocumented persons getting aboard and introduced a right of appeal for those fined. The regime stated that “all responsible people” should be fined, including the driver, owner, and operator of the vehicle. On December 12, the government announced that it would waive unpaid truck drivers’ liability fines levied before December 9, but would not reimburse penalties already paid which amounted to the equivalent of about \$2.7 million (£1.9 million).

During 2001, human rights groups charged that airline liaison officers at the airport in Prague, Czech Republic discriminated against members of the Roma minority in carrying out checks on passengers boarding flights to the United Kingdom, ostensibly to prevent the departure of fraudulent asylum seekers. On October 8, a High Court judge dismissed the complaint, saying that the UN Refugee Convention did not preclude immigration controls. The groups appealed the decision.

On November 9, the United Kingdom imposed visa requirements on persons from Zimbabwe, despite having suspended deportations to the country in January in recognition of the country’s instability. The government discussed readmission agreements with Albania, Bulgaria, and Romania during the year, but none were enacted by year’s end.

Clandestine Migration In January, United Kingdom immigration officials were posted at a Paris train station to check the travel documents of London-bound Eurostar passengers. In March, an Anglo-French agreement toughened security measures on freight trains to prevent clandestine migration by way of the Channel Tunnel, through which thousands of illegal migrants, including asylum seekers, travel each year to the United Kingdom.

The U.K. and French governments reached agreement during the year to close a controversial Red Cross camp for asylum seekers in Sangatte, about 2 miles (3.2 km) from the Eurotunnel terminal in Calais. The camp had become a magnet for undocumented migrants who used it as a point of departure in order to stow away on cross-Channel trains. Following closure of the camp in December, the United Kingdom granted work visas and temporary residence to 1,000 Iraqis and 200 Afghans from the camp, a move criticized by refugee groups who charged that it blurred the definitions of economic migrants and refugees.



Yugoslavia (including Kosovo)

At the end of 2002, Yugoslavia hosted about 353,000 refugees, a 12 percent decrease from 2001. Nearly all are ethnic Serbs, the largest numbers from Croatia (228,000) and Bosnia (121,000). Around 3,500 Macedonian refugees, mainly Albanians, lived in Kosovo at the end of 2002, while 100 refugees from Macedonia also resided in Yugoslavia-proper. Yugoslavia continues to host the largest number of refugees in Europe.

At year's end, there were 262,000 internally displaced persons in Yugoslavia, including 234,000 displaced from Kosovo into Serbia and Montenegro and 27,500 displaced within Kosovo itself.

More than 32,000 Yugoslavs applied for asylum in other European countries during the year, representing a 16 percent increase from 2001. In 2002, Yugoslavs were the largest group of asylum seekers in Europe. The greatest number of Yugoslavs applied for asylum in Germany (13,800) and Sweden (5,900). Around 93,000 Yugoslavs had "toleration" status in Germany, and around 33,000 of them were non-Albanian Kosovars. About 8,600 Yugoslavs in Switzerland had "provisional admission" status.

The UN High Commissioner for Refugees (UNHCR) reported that about 140 asylum seekers arrived in Yugoslavia in 2002, mostly from Iraq (77), and Afghanistan (34).

Political Developments In May 2002, the Government of Serbia adopted the "National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons." The Strategy addresses both integration and repatriation, with a focus on the former, since the majority of refugees from neighboring countries have expressed greater interest in integrating into Yugoslavia than returning to their countries of origin. It also aims to phase down collective centers by creating housing and increasing public assistance to collective center residents. The Strategy does not address the situation of internally displaced persons, however, nor does it apply to refugees from outside the region.

Kosovo remained under the administration of the UN Mission in Kosovo (UNMIK). While NATO's Kosovo Protection Force (KFOR) had been guarding Kosovar Serbian enclaves since 1999, in 2002 they began to withdraw from fixed positions in many areas in order to encourage a more normalized environment and because of reduced troop contributions from NATO countries. This process has been unpopular among vulnerable Serb communities, and is likely to dissuade potential returnees who fear for their safety.

UNMIK's Office of Returns and Communities (ORC) undertook significant reforms during the year, launching the "Task Force on Returns" to coordinate efforts between international agencies, focusing on support of spontaneous returnees, as well as less numerous organized returns. ORC also created "Municipal Working Groups on Returns" to enable displaced persons to be able to request support to return.

Kosovo Premier Bajram Rexhepi has requested coordination with both UNMIK and Belgrade to encourage the return of displaced non-Albanians to Kosovo.

Refugees About 860 people also were resettled from Yugoslavia to third countries in 2002. The decrease in refugees hosted by Yugoslavia reflects return or resettlement, as opposed to local integration. However, many refugees in Serbia requested that their status be revoked, since they had obtained Yugoslav citizenship, and are no longer counted as refugees.

UNHCR directly assisted some 1,500 persons to return to Croatia, an 80 percent decrease from 2001, while it is estimated that 9,000 more returned voluntarily during the year. Many other Croatian Serbs in Yugoslavia have been unable to reclaim their homes, which were often occupied by Croats.

During the year, Yugoslavia hosted 121,000 Bosnian Serbs, most of whom have been the country since as early as 1992. The liberal border regime between Yugoslavia and the Bosnian Serb entity, Republic Srpska, make an accurate estimate of the number of returns to Bosnia in 2002 difficult, as refugees may leave Yugoslavia without de-registering and enter Bosnia without registering. UNHCR directly assisted about 1,800 Bosnian Serbs to return to Bosnia in 2002, and estimates that a total of 15,000 repatriated during the year. Most of the returns have been to the Muslim-Croat entity known as the Federation, where Serbs would be in an ethnic minority.

Internal Displacement from Kosovo At the end of 2002, about 235,000 Kosovar Serbs and other non-Albanian Kosovars were displaced within Yugoslavia. The vast majority of these persons left Kosovo in June and July 1999, as Kosovar Albanians forced out by the Milosevic regime returned en masse.

In addition, 54,000 people remained internally displaced within Kosovo. Of these, UNHCR considered 22,500 "of concern," including Serbs, Gorani, Roma, Ashkali, Egyptians (RAE), and Bosnian Muslims, as well as Kosovar Albanians in areas where they constitute an ethnic minority.

The poor security situation for non-Albanians in Kosovo continued to prevent Serbs and other subgroups from returning to their pre-war homes. Many non-Albanians that do reenter Kosovo are unable to reclaim property and either remain displaced inside Kosovo or return to Serbia or Montenegro. High unemployment (over 50 percent), ethnic segregation, and continuing violence by non-state actors against non-Albanian Kosovars, including assault, threats, destruction of property, grenade attacks, and drive-by shootings, all have prevented returns. Some 1,900 internally displaced persons returned to their homes within Kosovo during the year. Only about 5,400 non-Albanians have returned to Kosovo since 1999.

Precise numbers of internally displaced persons are difficult to obtain, as many move within Yugoslavia with-

out asking for internally displaced person cards or registering with the government or with UNHCR. The Yugoslav Government estimates that there are nearly 50,000 unregistered internally displaced persons living in Serbia and Montenegro. The same is true of returnees, as many voluntary and unassisted returns go unregistered.

Internal Displacement from Serbia Between January 2000 and May 2001, conflict between ethnic Albanians and Serb police resulted in the displacement of about 15,000 ethnic Albanians from the Presevo Valley area of southern Serbia into Kosovo. After the Serbian government and the so-called Liberation Army of Presevo, Medvedja, and Bujanovic (UCPMB), an offshoot of the disbanded Kosovo Liberation Army, signed a peace agreement in May, about 10,000 persons who had been displaced into Kosovo returned to their homes in southern Serbia. The number of internally displaced persons from southern Serbia in Kosovo at year's end was roughly 5,000.

Kosovar Albanians After KFOR deployed in Kosovo in June 1999, a majority of Kosovar Albanians who had fled abroad returned to their places of origin within weeks. During 2002, an estimated 2,500 ethnic Albanians repatriated to Kosovo, mostly from Germany. Since voluntary returns to Kosovo began in 1999, more than 900,000 refugees have returned to Kosovo, including 430,000 from Albania, 224,000 from Macedonia, 90,000 from Germany, 44,000 from Switzerland, and 34,000 from Turkey.

Some 6,000 Kosovar Albanians were deported during 2002, with around 3,400 from Germany and 800 from Switzerland, while some 2,000 returned voluntarily, again mostly from Germany. About 2,500 Albanians were living in temporary collective shelters (TCS) in Kosovo at the end of 2002.

Most returning Kosovar Albanians do not face protection-related difficulties. However, those returning to areas where they constitute an ethnic minority, as well as those in ethnically mixed marriages, are considered by UNHCR to be in continued need of protection. Northern Mitrovica in particular continues to be a highly insecure area, where as many as 1,500 Albanians live under threat of violence from Serbs, some of whom have been displaced themselves from elsewhere in Kosovo.

Kosovar Serbs Some 160,000 Kosovar Serbs who fled Kosovo to escape retaliatory violence remained displaced in Serbia and Montenegro at the end of 2002. About 3,500 returned to Kosovo during the year. UNMIK's attempts at creating an environment to encourage Serb return to the region have been stymied by ethnic tensions, and the number of returns remains minuscule. On July 31, a few days after UNMIK had announced a pilot project intended to bring a few hundred Serbs back every month, and only hours after they had presented a positive re-

port to the UN Security Council, several explosions damaged a number of Serb-owned homes in the northern village of Klokot.

Most internally displaced Serbs within Kosovo continued to be confined to northern Mitrovica, a few other Serb-controlled municipalities in northern Kosovo, and isolated enclaves protected by the NATO Kosovo Force (KFOR). There were also roughly 800 displaced Serbs living in 26 temporary collective shelters in Kosovo at year's end.

Other Kosovars An estimated 75,000 non-Serbs and non-Albanians from Kosovo remained displaced in Serbia and Montenegro at the end of 2002. These included RAE, as well as Goranis, Bosnian Muslims, and Turks. According to UNHCR, roughly 1,400 Ashkalis, 600 Roma, 200 Bosnian Muslims and 76 Goranis returned to Kosovo during the year. The numbers of displaced Roma are particularly difficult to estimate, as they often join pre existing Roma communities in Serbia and Montenegro. Both the local and the displaced RAE occupied the lowest rungs on the socio-economic ladder, many working in jobs such as street cleaning and living in squalid slums in industrial sectors or in makeshift encampments under bridges or in abandoned buildings. Violence against Roma in Serbia itself, including physical attacks, is also on the rise—exacerbating their already difficult situation.

While the security situation continues to improve in Kosovo, the safety of these groups is still cause for concern. Bosnian Muslims and Goranis enjoy much better treatment than RAE, who are still subject to arson, grenade attacks, and physical assault. Mitrovica continues to be a dangerous area for all groups. Approximately 650 Roma were living in temporary collective shelters in Kosovo at the end of 2002.

Conditions for Refugees and Internally Displaced Persons Some 13,800 refugees in Yugoslavia lived in over 300 collective centers, along with internally displaced Serbs. Living standards in these centers are poor, with inadequate essential services such as water and sanitation, as well as separation from schools and job opportunities. These refugees and internally displaced persons constitute one of the most vulnerable groups in the country. Both refugees and internally displaced persons in Yugoslavia face impediments to local integration, including difficulties obtaining documents and registering their residence; thus they are particularly vulnerable to the country's poor economic condition, and are sometimes unable to access social benefits. International humanitarian assistance programs have been cut back, forcing these individuals to rely on the insufficient resources of the government.

About 140 new refugees and asylum seekers arrived in the FRY in 2002, though due to the absence of domestic refugee status determination, this number reflects only those who approached UNHCR's Belgrade office. Of these the majority were from Iraq (77) and Afghanistan (34).