The U.S. Committee for Refugees and Immigrants (USCRI) defends the rights of refugees and asylum seekers worldwide. USCRI's core mandate is to ensure that governments and international agencies: 1) preserve first asylum; 2) make asylum safe, secure and humane; and 3) identify safe and dignified durable solutions. We base our mandate on the following principles:

- Refugees have rights under the 1951 Refugee Convention not only to nonrefoulement (no forcible return to persecution) but also to the rights necessary to live in dignity pending durable solutions.
- Asylum seekers have the right to prima facie recognition as refugees or a fair and impartial hearing to determine their status.
- All uprooted victims of human conflict have the right to humane treatment as well as adequate protection and assistance.

USCRI is a private, nonprofit organization which has been advocating on behalf of uprooted people regardless of their nationality, race, religion, ideology, or social group since 1911.

USCRI works to mobilize an effective response to refugee situations from the international community. USCRI makes refugee needs known to world governments, U.S. policy makers, humanitarian organizations, and the general public. USCRI holds public briefings, updates government officials, and testifies before the U.S. Congress. To mobilize the public, USCRI ensures that refugees are in the news through staff appearances on television and radio, as well as in newspapers and magazines and on the Internet. We speak directly to the American public in schools, places of worship, and community meetings. We distribute our analysis through USCRI publications such as the World Refugee Survey, Refugee Reports, Refugee Voices, topic-specific issue papers, email updates, and our website, www.refugees.org.

Since 2004, USCRI has led a growing coalition of hundreds of nongovernmental organizations in the campaign to end refugee “warehousing”—a practice that deprives millions of refugees worldwide of the rights to work, to practice professions, to run businesses, to own property, to move about freely, to choose their place of residence, and to receive relief on par with nationals. USCRI no longer treats internal displacement, deferring instead to the excellent work of the Internal Displacement Monitoring Centre, www.internal-displacement.org.

**The USCRI Staff and Contributors**

<table>
<thead>
<tr>
<th>Name</th>
<th>Role</th>
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<tbody>
<tr>
<td>Lavinia Limón</td>
<td>President and CEO</td>
</tr>
<tr>
<td>Eskinder Negash</td>
<td>Vice President and COO</td>
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<tr>
<td>Merrill Smith</td>
<td>Editor</td>
</tr>
<tr>
<td>Alison Seiler</td>
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<tr>
<td>Ben Sanders</td>
<td>Policy and Research Program Assistant</td>
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<td>Gordon Brown,</td>
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<td>Heather Ratcliff,</td>
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<td>Natalia Riveros</td>
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<tr>
<td>Koula Papanicolas</td>
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<tr>
<td>Margo Kelly</td>
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<td>David Stanek</td>
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<td>Sally Sanders</td>
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**Interns:** Meredith Connelly, Sarah Dolan, Ekaterina Gamakharia, Maleeha Haq, Sarah Mennone, Michael McKenna, Stacey Ngo, Rachel Osborn, and Alienor van den Bosch

**Our Board and Advisors**

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<td>Alek Wek</td>
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<td>Elie Wiesel</td>
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A Rohingya refugee mother and her newborn child at an informal camp near Teknaf, Bangladesh.
Credit: UNHCR/G.M.B.Akash
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Key Statistics

Total Number of Refugees and Asylum Seekers...

13.9 MILLION

New Refugees and Asylum Seekers...

1.1 MILLION*

Refugees Warehoused Five Years or More...

8.8 MILLION

Total Number of Refugees Resettled...

69.4 THOUSAND

Statistics on refugees and other uprooted people are often inexact and controversial. The statistics that follow represent the best judgments of the U.S. Committee for Refugees and Immigrants derived from careful scrutiny of reliable sources and supplemented with our own investigations. Most numbers have been rounded. For clarification of the statistics, please consult the following tables and the country updates.

* Represents persons who fled their countries during 2006, including those who fled and returned within the year.

Afghan refugees board trucks at a UNHCR repatriation center outside Islamabad, Pakistan.
Credit: UNHCR/B. Baloch
Table 2  WORLD REFUGEE SURVEY 2007
Refugees and Asylum Seekers Worldwide  (as of December 31, 2006)

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How we count: Refugee status precedes its recognition. Most of the world’s refugees do not receive formal determinations of their status under the 1951 Convention. USCRI, therefore, counts not only those whom officials recognized as refugees (until a durable solution is available) but also asylum seekers awaiting initial determinations, beneficiaries of more general forms of protection granted for similar reasons, and others USCRI considers to be refugees. Below each host country is a breakdown showing the leading countries of origin.
### WORLD TOTAL . . . . . . 13,948,800

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#### EUROPE

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#### MIDDLE EAST AND NORTH AFRICA

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#### EAST ASIA AND THE PACIFIC

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#### SOUTH AND CENTRAL ASIA

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<td>Pakistan</td>
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<tr>
<td>Sri Lanka</td>
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<td>Thailand</td>
<td>408,400</td>
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<tr>
<td>Other Countries</td>
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</tr>
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</table>
Populations of 10,000 or more restricted to camps or segregated settlements or otherwise deprived of rights to freedom of movement or livelihoods (situations earning a "C" or poorer) in situations lasting five years or more. The 1951 Convention does not include any five-year delay in recognition of rights. USCRI accentuates the duration of these situations only for emphasis.
USCRI rated countries according to refugees' enjoyment of rights in the 1951 Convention and other instruments and also listed aggravating and extenuating factors (such as severity of violations, the number of people affected, and the population and resources of the host country). Unless otherwise indicated, all events and situations described occurred or continued in 2006. We covered the 52 countries hosting the largest numbers of refugees, based on our best preliminary estimates. The covered countries hosted 98 percent of the world’s refugees.

Countries often treated some groups of refugees better than others. In such cases, we rated the rights enjoyment of the least-favored groups. Some types of violations necessarily burdened or barred the exercise of other rights. (Movement restrictions, for example, necessarily impinged on the pursuit of livelihoods, and *refoulement* abrogated virtually all other rights.) Nevertheless, to focus on policies and practices needing improvement, we tried to confine descriptions of violations to these specific categories:

**Refoulement/Physical Protection**
Did the country forcibly return refugees or asylum seekers to their countries of origin or deport them to third countries that did so? Did the government allow asylum seekers a fundamentally fair and efficient process to determine refugee status? Did the Government return or deport migrants without adequate screening for refugees? Were there physically dangerous protection gaps?

**Detention/Access to Courts**
Did the government detain refugees or asylum seekers? Did it do so arbitrarily or to deter refugees from seeking asylum or enjoying their rights? Was detention subject to independent monitoring? Were refugees or asylum seekers eligible to receive identity documents attesting to their right to be in the country? Did refugees have access to courts to enforce their rights?

**Freedom of Movement and Residence**
Did the government confine refugees or asylum seekers to camps or segregated settlements? Could they travel freely throughout the national territory and reside where they chose? Did authorities tie aid to encampment? Did refugees have access to international travel documents?

**Right to Earn a Livelihood**
Did the government allow refugees or asylum seekers to work and practice professions legally? Did refugees enjoy the protection of labor legislation on par with nationals? Could they legally engage in business and obtain all necessary licenses? Could refugees open bank accounts and acquire, hold title to, and transfer business premises, farmland, homes, or other capital assets?

**Refoulement/Physical Protection and Detention**

| A | No refoulement/detention; fair asylum system; access to courts |
| B | No refoulement/little detention but faulty asylum system |
| C | Some refoulement but not systematic/significant detention; harassment |
| D | Significant refoulement/100+ detained; gaps in physical protection |
| F | 100+ refoulements; severe physical protection gaps/100s detained; no access to courts |

**Right to Earn a Livelihood and Freedom of Movement**

| A | No restrictions in policy or practice |
| B | Almost no restrictions in policy or practice |
| C | Restrictions in policy but wide toleration in practice; aid tied to encampment |
| D | Restrictions in policy and practice; harassment |
| F | Severe restrictions in policy and practice |
# Inventory of Refugee Rights

## Refoulement/Physical Protection

To see how USCRI derived these grades, please see the Format for Country Updates (Table 4) and the updates themselves starting on p. 24.

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>C</th>
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<td></td>
<td>Vietnam</td>
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- ▲ = improvement over previous year
- ▼ = decline from previous year

## Detention/Access to Courts

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### Inventory of Refugee Rights

#### Freedom of Movement and Residence

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<td>Jordan</td>
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#### Right to Earn a Livelihood

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</table>
The Contracting States shall accord to a refugee lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the right to engage on his own account in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies.

Article 19
Liberal professions

1. Each Contracting State shall accord to refugees lawfully staying in their territory who hold diplomas recognized by the competent authorities of that State, and who are desirous of practicing a liberal profession, treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

Article 13
Movable and immovable property

The Contracting States shall accord to a refugee treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances as regards the acquisition of movable and immovable property and other rights pertaining thereto, and to leases and other contracts relating to movable and immovable property.
FREEDOM OF MOVEMENT

Article 26
Freedom of movement
Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence and to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances.

Article 28
Travel documents
  1. The Contracting States shall issue to refugees lawfully staying in their territory travel documents for the purpose of travel outside their territory unless compelling reasons of national security or public order otherwise require ...

Article 31
Refugees unlawfully in the country of refuge
  1. The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.
  2. The Contracting States shall not apply to the movements of such refugees restrictions other than those which are necessary and such restrictions shall only be applied until their status in the country is regularized or they obtain admission into another country ...

DUE PROCESS

Article 3
Non-discrimination
The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.

Article 16
Access to courts
  1. A refugee shall have free access to the courts of law on the territory of all Contracting States.
  2. A refugee shall enjoy in the Contracting State in which he has his habitual residence the same treatment as a national in matters pertaining to access to the Courts, including legal assistance ...

EDUCATION AND RELIEF

Article 22
Public education
  1. The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.

Article 23
Public relief
The Contracting States shall accord to refugees lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals.
### Principal Sources of Refugees
(as of December 31, 2006)

<table>
<thead>
<tr>
<th>Country</th>
<th>Number of Refugees</th>
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### Principal Hosts of Refugees
(as of December 31, 2006)

<table>
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<th>Country</th>
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<tr>
<td>Pakistan</td>
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<tr>
<td>Uganda</td>
<td>277,800</td>
</tr>
<tr>
<td>Saudi Arabia</td>
<td>241,000</td>
</tr>
<tr>
<td>Congo-Kinshasa</td>
<td>208,500</td>
</tr>
<tr>
<td>Venezuela</td>
<td>208,500</td>
</tr>
<tr>
<td>Ecuador</td>
<td>207,500</td>
</tr>
<tr>
<td>Russian Federation</td>
<td>187,400</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>178,100</td>
</tr>
<tr>
<td>Egypt</td>
<td>172,200</td>
</tr>
<tr>
<td>South Africa</td>
<td>147,000</td>
</tr>
</tbody>
</table>

Refugees: This table shows the countries that have generated the greatest numbers of refugees and asylum seekers. It does not include persons granted permanent status in other countries.

Hosts: These countries hosted the greatest number of refugees during 2006, and many have done so for decades.
Refugees and Asylum Seekers Worldwide 1998 to 2006

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of People</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>13,900,000</td>
</tr>
<tr>
<td>2005</td>
<td>12,000,000</td>
</tr>
<tr>
<td>2004</td>
<td>11,500,000</td>
</tr>
<tr>
<td>2003</td>
<td>11,900,000</td>
</tr>
<tr>
<td>2002</td>
<td>13,000,000</td>
</tr>
<tr>
<td>2001</td>
<td>14,900,000</td>
</tr>
<tr>
<td>2000</td>
<td>14,500,000</td>
</tr>
<tr>
<td>1999</td>
<td>14,100,000</td>
</tr>
<tr>
<td>1998</td>
<td>13,500,000</td>
</tr>
</tbody>
</table>

These figures show the number of refugees and asylum seekers in need of protection at year's end.
Returns  Hundreds of thousands of refugees returned to their home countries, not always voluntarily. In some cases, fundamental changes in their home countries ended the dangers that caused them to flee and overtly forcible return remained rare. Many refugees, however, suffered insecurity, threats of refoulement, detention, and decades of enforced idleness and restrictions on movement and normal life in countries of asylum, casting doubt on whether their return was truly voluntary. (The overall numbers of Afghan refugees did not decline because new registration in Pakistan revealed a greater population that was present earlier).

<table>
<thead>
<tr>
<th>Host Country</th>
<th>Country of Origin</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iran</td>
<td>Afghanistan</td>
<td>263,400</td>
</tr>
<tr>
<td>Pakistan</td>
<td>Afghanistan</td>
<td>143,000</td>
</tr>
<tr>
<td>Guinea</td>
<td>Liberia</td>
<td>54,200</td>
</tr>
<tr>
<td>Tanzania</td>
<td>Burundi</td>
<td>42,800</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>Liberia</td>
<td>33,100</td>
</tr>
<tr>
<td>Congo-Kinshasa</td>
<td>Angola</td>
<td>24,400</td>
</tr>
<tr>
<td>Tanzania</td>
<td>Congo-Kinshasa</td>
<td>23,700</td>
</tr>
<tr>
<td>Zambia</td>
<td>Angola</td>
<td>21,900</td>
</tr>
<tr>
<td>Chad</td>
<td>Sudan</td>
<td>20,000</td>
</tr>
<tr>
<td>Côte d'Ivoire</td>
<td>Liberia</td>
<td>14,900</td>
</tr>
<tr>
<td>Central African Republic</td>
<td>Sudan</td>
<td>12,100</td>
</tr>
</tbody>
</table>

New Refugees  For the second consecutive year, Iraq was the source of the most new refugees, with hundreds of thousands fleeing to Syria and Jordan. Although most remained in the Middle East, many also moved on to seek asylum in Europe. All told, about 1.1 million refugees fled their homelands during 2006, driving the total number to its highest level since 2001.

<table>
<thead>
<tr>
<th>Country of Origin</th>
<th>Host Country</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iraq</td>
<td>Syria</td>
<td>449,000</td>
</tr>
<tr>
<td>Iraq</td>
<td>Jordan</td>
<td>256,000</td>
</tr>
<tr>
<td>Iraq</td>
<td>Egypt</td>
<td>79,800</td>
</tr>
<tr>
<td>Sri Lanka</td>
<td>India</td>
<td>25,900</td>
</tr>
<tr>
<td>Somalia</td>
<td>Yemen</td>
<td>23,000</td>
</tr>
<tr>
<td>Somalia</td>
<td>Kenya</td>
<td>22,600</td>
</tr>
<tr>
<td>Central African Republic</td>
<td>Cameroon</td>
<td>20,100</td>
</tr>
<tr>
<td>Chad</td>
<td>Sudan</td>
<td>20,000</td>
</tr>
<tr>
<td>Somalia</td>
<td>Ethiopia</td>
<td>20,000</td>
</tr>
<tr>
<td>Iraq</td>
<td>Lebanon</td>
<td>13,200</td>
</tr>
<tr>
<td>Sudan</td>
<td>Chad</td>
<td>11,600</td>
</tr>
<tr>
<td>Central African Republic</td>
<td>Chad</td>
<td>10,600</td>
</tr>
</tbody>
</table>

Photo: In January, Sudanese refugees prepared to depart Kenya’s Kakuma camp for Panyako in North Bahr el-Ghazal, South Sudan. Credit: UNHCR/D. Mwagiru/January 2007
Refugee Hosting

Although developed countries contribute most of the funding to assist refugees, developing countries host the vast majority of the world’s refugees. Combined, nations with per capita GDPs of less than $2,000 hosted almost two-thirds of all refugees. Nations with per capita GDPs over $10,000 hosted five percent of the world’s refugees. In many developing countries, refugees were a large portion of the total population.

<table>
<thead>
<tr>
<th>Host Country</th>
<th>Ratio of Refugee Population to Total Population</th>
<th>Number of Refugees</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Bank and Gaza*</td>
<td>1:2</td>
<td>1,739,000</td>
</tr>
<tr>
<td>Jordan</td>
<td>1:6</td>
<td>862,700</td>
</tr>
<tr>
<td>Lebanon</td>
<td>1:13</td>
<td>294,200</td>
</tr>
<tr>
<td>Syria</td>
<td>1:15</td>
<td>1,329,300</td>
</tr>
<tr>
<td>Chad</td>
<td>1:35</td>
<td>286,800</td>
</tr>
<tr>
<td>Congo-Brazzaville</td>
<td>1:62</td>
<td>60,000</td>
</tr>
<tr>
<td>Ecuador</td>
<td>1:64</td>
<td>207,500</td>
</tr>
<tr>
<td>Iran</td>
<td>1:69</td>
<td>1,025,000</td>
</tr>
<tr>
<td>Cyprus</td>
<td>1:75</td>
<td>13,400</td>
</tr>
<tr>
<td>Pakistan</td>
<td>1:77</td>
<td>2,161,500</td>
</tr>
<tr>
<td>Tanzania</td>
<td>1:78</td>
<td>485,700</td>
</tr>
<tr>
<td>Saudi Arabia</td>
<td>1:100</td>
<td>241,100</td>
</tr>
<tr>
<td>Kenya</td>
<td>1:103</td>
<td>337,700</td>
</tr>
<tr>
<td>Serbia</td>
<td>1:122</td>
<td>77,900</td>
</tr>
<tr>
<td>Thailand</td>
<td>1:160</td>
<td>408,400</td>
</tr>
<tr>
<td>Nepal</td>
<td>1:201</td>
<td>129,600</td>
</tr>
<tr>
<td>South Africa</td>
<td>1:276</td>
<td>171,400</td>
</tr>
<tr>
<td>Egypt</td>
<td>1:436</td>
<td>172,900</td>
</tr>
<tr>
<td>Canada</td>
<td>1:750</td>
<td>43,500</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>1:823</td>
<td>178,100</td>
</tr>
<tr>
<td>France</td>
<td>1:1319</td>
<td>46,400</td>
</tr>
<tr>
<td>Australia</td>
<td>1:1392</td>
<td>14,800</td>
</tr>
<tr>
<td>United States</td>
<td>1:2032</td>
<td>147,200</td>
</tr>
<tr>
<td>India</td>
<td>1:2,574</td>
<td>435,900</td>
</tr>
<tr>
<td>Germany</td>
<td>1:3,815</td>
<td>21,600</td>
</tr>
<tr>
<td>China</td>
<td>1:3,910</td>
<td>335,400</td>
</tr>
<tr>
<td>Spain</td>
<td>1:8,273</td>
<td>5,500</td>
</tr>
<tr>
<td>Japan</td>
<td>1:44,100</td>
<td>2,900</td>
</tr>
</tbody>
</table>

Iraqi refugees adjust to their new life in Sweden. Credit: UNHCR/R.Vikström/March 2007
# Tables 14-15

## 2006 Contributions to International Refugee Aid Agencies

### Table 14

**Top 20 Donor Countries**

<table>
<thead>
<tr>
<th>Contribution in Millions of U.S. Dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States</td>
</tr>
<tr>
<td>European Commission</td>
</tr>
<tr>
<td>United Kingdom</td>
</tr>
<tr>
<td>Sweden</td>
</tr>
<tr>
<td>Netherlands</td>
</tr>
<tr>
<td>Japan</td>
</tr>
<tr>
<td>Norway</td>
</tr>
<tr>
<td>Denmark</td>
</tr>
<tr>
<td>Canada</td>
</tr>
<tr>
<td>Australia</td>
</tr>
<tr>
<td>Germany</td>
</tr>
<tr>
<td>Switzerland</td>
</tr>
<tr>
<td>Spain</td>
</tr>
<tr>
<td>France</td>
</tr>
<tr>
<td>Finland</td>
</tr>
<tr>
<td>Ireland</td>
</tr>
<tr>
<td>Italy</td>
</tr>
<tr>
<td>Peru</td>
</tr>
<tr>
<td>Belgium</td>
</tr>
<tr>
<td>Guatemala</td>
</tr>
</tbody>
</table>

### Table 15

**Top 20 Donor Countries**

<table>
<thead>
<tr>
<th>Contribution Per Capita in U.S. Dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>Norway</td>
</tr>
<tr>
<td>Sweden</td>
</tr>
<tr>
<td>Denmark</td>
</tr>
<tr>
<td>Netherlands</td>
</tr>
<tr>
<td>Switzerland</td>
</tr>
<tr>
<td>Ireland</td>
</tr>
<tr>
<td>Finland</td>
</tr>
<tr>
<td>Luxembourg</td>
</tr>
<tr>
<td>Australia</td>
</tr>
<tr>
<td>United Kingdom</td>
</tr>
<tr>
<td>United States</td>
</tr>
<tr>
<td>Canada</td>
</tr>
<tr>
<td>Belgium</td>
</tr>
<tr>
<td>New Zealand</td>
</tr>
<tr>
<td>Spain</td>
</tr>
<tr>
<td>Peru</td>
</tr>
<tr>
<td>Japan</td>
</tr>
<tr>
<td>European Commission</td>
</tr>
<tr>
<td>Germany</td>
</tr>
<tr>
<td>Austria</td>
</tr>
</tbody>
</table>

---

**Dadaab Kenya in the wake of November flooding.**

*Photo: UNHCR/B. Benoit*

This page shows the amount of aid governments provided during 2006 to three international agencies: UNHCR, the International Organization for Migration, and the UN Relief and Works Agency for Palestine Refugees in the Near East. Many European countries contributed through the European Commission as well as individually. This table does not include bilateral aid and aid provided through agencies such as the World Bank and the World Food Programme that may benefit refugees.

Sources: UNHCR, IOM, and UNRWA; tabulated by USCRI.
Resettlement by Country

Refugee Resettlement  The Convention Relating to the Status of Refugees does not require any country to bring refugees to its shores. Nevertheless, many do or accept a quota of UNHCR's referrals of refugees with particularly compelling needs for protection. Traditionally, wealthy countries with strong immigration histories have accepted the largest numbers of refugees for resettlement. Recently, however, several developing countries have also begun accepting refugees for resettlement. Below are listed the major resettlement countries in the order of the ratios of refugees they accept to their own populations.

<table>
<thead>
<tr>
<th>Host Country</th>
<th>Refugees Resettled</th>
<th>Host Population</th>
<th>Ratio of Resettled Refugees to Host Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>12,133</td>
<td>20,600,000</td>
<td>1:1,700</td>
</tr>
<tr>
<td>Canada</td>
<td>10,651</td>
<td>32,600,000</td>
<td>1:3,100</td>
</tr>
<tr>
<td>Norway</td>
<td>924</td>
<td>4,700,000</td>
<td>1:510</td>
</tr>
<tr>
<td>Sweden</td>
<td>1,555</td>
<td>9,100,000</td>
<td>1:5,900</td>
</tr>
<tr>
<td>New Zealand</td>
<td>594</td>
<td>4,100,000</td>
<td>1:6,900</td>
</tr>
<tr>
<td>Denmark</td>
<td>750</td>
<td>5,400,000</td>
<td>1:7,200</td>
</tr>
<tr>
<td>United States</td>
<td>41,279</td>
<td>299,100,000</td>
<td>1:7,200</td>
</tr>
<tr>
<td>Finland</td>
<td>548</td>
<td>5,300,000</td>
<td>1:9,700</td>
</tr>
<tr>
<td>Ireland</td>
<td>119</td>
<td>4,200,000</td>
<td>1:35,300</td>
</tr>
<tr>
<td>Netherlands</td>
<td>312</td>
<td>16,400,000</td>
<td>1:52,600</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>349</td>
<td>60,500,000</td>
<td>1:173,400</td>
</tr>
<tr>
<td>Chile</td>
<td>42</td>
<td>16,400,000</td>
<td>1:390,500</td>
</tr>
<tr>
<td>Switzerland</td>
<td>13</td>
<td>7,500,000</td>
<td>1:576,900</td>
</tr>
<tr>
<td>Belgium</td>
<td>14</td>
<td>10,500,000</td>
<td>1:750,000</td>
</tr>
<tr>
<td>Argentina</td>
<td>19</td>
<td>39,000,000</td>
<td>1:2,052,600</td>
</tr>
<tr>
<td>Brazil</td>
<td>50</td>
<td>186,800,000</td>
<td>1:3,773,600</td>
</tr>
<tr>
<td>Germany</td>
<td>10</td>
<td>82,400,000</td>
<td>1:8,240,000</td>
</tr>
<tr>
<td>Italy</td>
<td>6</td>
<td>59,000,000</td>
<td>1:9,833,300</td>
</tr>
<tr>
<td>France</td>
<td>1</td>
<td>61,200,000</td>
<td>1:61,200,000</td>
</tr>
</tbody>
</table>

TOTAL: 69,369
This Survey benefited from the research of many sources including the Office of the UN High Commissioner for Refugees (especially its statistical unit and field offices), the UN Relief and Works Agency for Palestine Refugees in the Near East, the governments who responded to our inquiries, the U.S. Department of State, the International Monetary Fund, and the Population Reference Bureau.

The nongovernmental organizations listed below, many of them active in frontline protection, assistance, and advocacy for refugees in their host countries, deserve special gratitude and recognition. (We remain responsible for all errors or omissions.)

**Angola**
Development Workshop
www.dw.angonet.org

**Australia**
Refugee Council of Australia
www.refugeecouncil.org.au

**Bangladesh**
Refugee and Migratory Movements Research Unit
www.migrationdrc.org/partners/rmmru.html

**Benin**
Human Solidarity Benin
membres.lycos.fr/humansoli

**Cameroon**
Ligue Nationale des Droits de l'Homme
linahcam.facite.com

**Canada**
Canadian Council for Refugees/
Conseil canadien pour les réfugiés
www.web.net/~ccr

**China**
[anonymous]

**Congo-Kinshasa**
Journalistes pour la promotion et la défense des droits de l’homme
www.societecivile.cd/membre/jpdh

**Côte d’Ivoire**
Mouvement Ivoirien des Droits Humains
www.midh-ci.org

**Ecuador**
La Fundación Regional de Asesoría en Derechos Humanos
www.inredh.org/eng

**Egypt**
Tadamon-Egyptian Refugee Multicultural Council

**Europe**
Dutch Council for Refugees
www.vluchtelingenwerk.nl/46-English.html

**Ghana**
RESPECT Refugees
www.respectrefugees.org/aff_ghana.shtml

**Guinea**
Today’s Women International Network

**India**
South Asia Human Rights Documentation Centre
www.hrdc.net/sahrdc
<table>
<thead>
<tr>
<th>Country</th>
<th>Organization</th>
<th>Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>Israeli-Occupied Territories</td>
<td>B'TSELEM/Israeli Information Center for Human Rights in the Occupied Territories</td>
<td><a href="http://www.btselem.org">www.btselem.org</a></td>
</tr>
<tr>
<td>Kenya</td>
<td>Refugee Consortium of Kenya</td>
<td><a href="http://www.rckkenya.org">www.rckkenya.org</a></td>
</tr>
<tr>
<td>Lebanon</td>
<td>Aidoun</td>
<td><a href="http://www.aidoun.org">www.aidoun.org</a></td>
</tr>
<tr>
<td>Malaysia</td>
<td>Suara Rakyat Malaysia (SUARAM)</td>
<td>suaram.net</td>
</tr>
<tr>
<td>Namibia</td>
<td>National Society for Human Rights</td>
<td><a href="http://www.nshr.org.na">www.nshr.org.na</a></td>
</tr>
<tr>
<td>Nepal</td>
<td>Jana Utthan Pratisthan</td>
<td><a href="http://www.jup-nepal.org">www.jup-nepal.org</a></td>
</tr>
<tr>
<td>Pakistan</td>
<td>Alternate Solutions Institute</td>
<td>asinstitute.org</td>
</tr>
<tr>
<td>Russian Federation</td>
<td>Human Rights Center “Memorial”</td>
<td><a href="http://www.refugee.memo.ru">www.refugee.memo.ru</a></td>
</tr>
<tr>
<td>Senegal</td>
<td>Rencontre Africaine pour la Défense des Droits de l'Homme</td>
<td><a href="http://www.raddho.africa-web.org">www.raddho.africa-web.org</a></td>
</tr>
<tr>
<td>Serbia and Montenegro</td>
<td>Grupa 484</td>
<td><a href="http://www.grupa484.org.yu">www.grupa484.org.yu</a></td>
</tr>
<tr>
<td>South Africa</td>
<td>Lawyers for Human Rights/Refugee Rights Project</td>
<td><a href="http://www.lhr.org.za">www.lhr.org.za</a></td>
</tr>
<tr>
<td>Tanzania</td>
<td>Tanganyika Christian Refugee Service</td>
<td><a href="http://www.tcrs.or.tz">www.tcrs.or.tz</a></td>
</tr>
<tr>
<td>Thailand</td>
<td>U.S. Committee for Refugees and Immigrants</td>
<td><a href="http://www.khonthaijaidee.org">www.khonthaijaidee.org</a></td>
</tr>
<tr>
<td>Uganda</td>
<td>Refugee Law Project</td>
<td><a href="http://www.refugeelawproject.org">www.refugeelawproject.org</a></td>
</tr>
<tr>
<td>United States</td>
<td>Amnesty International-USA</td>
<td><a href="http://www.amnestyusa.org">www.amnestyusa.org</a></td>
</tr>
<tr>
<td>Venezuala</td>
<td>Caritas</td>
<td><a href="http://www.caritas.org.ve">www.caritas.org.ve</a></td>
</tr>
<tr>
<td>Zambia</td>
<td>Legal Resources Foundation</td>
<td><a href="http://www.lrf.org.zm">www.lrf.org.zm</a></td>
</tr>
</tbody>
</table>
It has been a practice of the U.S. Committee for Refugees and Immigrants annual World Refugee Survey (the Survey) to recognize exceptional people whose efforts greatly helped refugees and asylum seekers around the world. Indeed, refugee communities are fortunate that many dedicated individuals have devoted their lives to protecting refugees and the dignity of asylum seekers.

This year, the 46th edition of the Survey recognizes the exceptional moral leadership and humanity of the 38th president of the United States, Gerald R. Ford. Three decades ago, despite strong opposition—including from some in his own Administration, the congressional leadership, and some powerful governors—President Ford decided to rescue thousands of Vietnamese refugees fromimpending harsh imprisonment or execution by the new Government of Vietnam.

After the last helicopter took off from Saigon carrying embassy staff in 1975, thousands of frightened Vietnamese, mostly professionals and supporters of the U.S. Government who feared reprisal, were trapped as the merciless Viet Cong and the advancing North Vietnamese Army approached Saigon.

For most Americans, the war that was the cause of bitter domestic political division and that took the lives of thousands of Americans and more than a million Vietnamese may have formally ended on April 30, 1975; however, rescuing and supporting refugees was equally important for President Ford as ending the unpopular war. After the initial refusal of Congress to fund the program, the determined President established an interagency task force to resettle refugees. Later, the President signed the Indochina Migration and Refugee Act of 1975 to establish a domestic resettlement program. Two years later, Congress amended the bill to allow refugees to adjust their status to permanent residence. Because of President Ford’s moral leadership and the standard he instituted, his successors continued to resettle millions more from around the world. In the early eighties, I, too, became the beneficiary of his generosity.

On December 24, 1975, eight months after his decision to resettle refugees across America, the President told the weary nation about these new arrivals, “I am confident that they will follow the example of former immigrants who have so richly contributed to the character and strength of the American system. The warmth and gener-
osity that have characterized the welcome that Americans have given to the refugees serve as a reaffirmation of American awareness of the roots and the ideals of our society.”

At his memorial service, presidents, dignitaries, and people who knew him best spoke eloquently about his life and his many accomplishments in Congress and later as President. Historians, political leaders, and journalists marveled at his courageous decision to pardon President Nixon, end the Indochinese war, end the military draft, and restore the dignity of the White House. None, however, mentioned one of the most remarkable and enduring acts of his presidency: the rescuing of 134,000 frightened refugees from Vietnam. To this day, he remains the only president to visit and to welcome newly arriving refugees in Arkansas, Florida, and California. It has been said that saving a single human being is like saving all of humanity. If so, President Ford saved humanity many times over. May those bestowed with power and responsibilities follow his moral leadership.

Thomas Jefferson once said, “My affections are first for my own country, and then, generally, for all mankind.” President Ford showed his affection for his country and to humanity through his courage and generosity in allowing thousands of vulnerable refugees to resettle in America. On behalf of millions of refugees, thank you for your kindness.

Eskinder Negash,
USCRI Vice President and
Chief Operating Officer

“The final test of a leader is that he leaves behind him in other men the conviction and the will to carry on.”

Walter Lippmann (1889–1974)

President Gerald R. Ford talks to a Vietnamese refugee while holding a baby on a U.S. Air Force bus, April 1975.
The President later greeted the refugees at a California airbase. Credit: National Archives and Records Administration
Two million refugees have escaped and fifty thousand a month continue to flee. In the past, we might have been speaking about Sudanese fleeing civil war or Afghans fleeing Soviet occupation or Bosnians fleeing ethnic strife or Somalis fleeing chaotic violence. This time we are speaking about Iraqis fleeing civil war and fleeing occupation and fleeing ethnic carnage and fleeing chaotic violence. Just like the war itself, this refugee crisis is complicated, has grown exponentially, has no end in sight and no simple solution. This is a "silent surge" that is providing temporary safety for millions but has been underreported by the media, elicited minimal response from the U.S. Congress and virtually ignored by the Bush Administration, European and Middle Eastern capitals, and the international community. The silence is deafening as the fastest growing refugee crisis in the world builds.

The flow of refugees from Iraq has been atypical of refugee crisis in the past. It has occurred over the past four years as individuals and families have left by car, taxi, or bus. There are no photos of thousands fleeing across the border carrying their children and salvaged belongings. They have quietly slipped into apartments, speak the language and share the culture of the host community. There are no photos of squalid refugee camps and hastily constructed tents. They have brought their life savings and spent frugally on food, shelter, and other necessities. There are no photos of emaciated refugees lining up for food and water. Family and friends from the Iraqi diaspora send money to keep them from having to return to threats, violence, chaos and death. There are no photos of refugees turned away at the border, being deported, or forced to return to Iraq because they can no longer sustain themselves.

So far, Iraq’s neighbors, especially Syria and Jordan, have allowed these refugees to take up temporary residence but they are losing patience. Do refugees have to be destitute, hungry, and helpless for the world to take action? Without the pitiful pictures, will international institutions and governments mobilize to protect and assist refugees?

The Iraqi refugees present the international refugee assistance organizations with an unprecedented challenge.

Iraqi refugees in Damascus, Syria, prepare a meal, January 2007. Syria made it difficult for non-Palestinian refugees to work legally and refugee girls as young as 12 engaged in prostitution. Photo Credit: REUTERS/K. Al Hariri
They are “urban refugees” and the standard response to the relative handfuls of refugees in urban settings is to treat them as illegal migrants and not recognize their eligibility for refugee status or economic assistance by the UN High Commissioner for Refugees (UNHCR). Refugees are by definition without the protection of their government but in urban areas refugees are typically also without the protection of the very institutions founded and designed to protect and assist them. The reasons are myriad but some include: 1) the refugees are independent survivors; 2) some commonly called “secondary movers,” may have traveled on false documents through several borders, and are viewed with suspicion; 3) it is expensive to maintain a refugee in an urban setting where they don’t have the right to work; 4) they may be working “illegally” and/or have their own resources, however limited; 5) a “durable solution” for an urban refugee must be found on an individual basis which is resource-intensive; and 6) they are often educated and insist on making their own choices. In sum, refugees in urban areas fall outside the structures designed to manage refugees so have routinely been neglected.

This neglect of Iraqis is inconsistent with all the declarations of concern and commitment to the Iraqi people’s freedom and well-being made by governments, international organizations, human rights organizations and the media. The international silence and inaction is shameful and compounds the Iraqi people’s tragedy.

It is also clear that the sheer numbers of Iraqi refugees also makes the neglect dangerous lest the chaos they fled spread to the surrounding countries. Millions of disenfranchised, desperate people could lead to the destabilization of the host governments or to repressive, inhumane treatment in an attempt to maintain order. The Middle East is no stranger to the negative consequences of unresolved refugee dilemmas since it is entering the sixth decade of Palestinian displacement. The average length of refugee situations worldwide is now an astounding 17 years and, there is no reason to believe this crisis will be short lived.

It is imperative and urgent that the international community devise new methods to meet the basic needs of these refugees. Further, and most importantly, we must institute policies that protect the basic rights of refugees so they may live a decent life while they are in exile. These rights, adopted as international law in the 1951 Convention relating to the Status of Refugees, include the rights to work,
own property, freedom of movement, and basic education for children.

The United States must acknowledge our special obligation to Iraqi refugees. As Americans, we may have supported the invasion of Iraq four years ago or opposed the military action. As Americans, we may believe we should continue our military efforts until victory or support an immediate withdrawal. This debate and its outcome, as important as it is, will not change the fact that nearly two million people have fled from violence, terror, persecution, and insecurity. The sad and salient fact is that America has been unable to protect these people while they were in Iraq. We have been unable to protect former employees of the U.S. military, American Embassy, American contractors, or humanitarian organizations. We have been unable to protect religious minorities including Mandeans and Chaldean Christians. We have been unable to protect mixed Sunni-Shi'a families. We have been unable to protect over 40 percent of Iraq's professional class that comprise the building blocks of a stable society.

"The standard response to the relative handfuls of refugees in urban settings is to treat them as illegal migrants."

At this time, we have an opportunity to accept our special obligation and exert leadership designed to protect these men, women, and children while they are in exile. We should do this not only because we bear some responsibility for their plight, not only because it is the right thing to do, but because the world is watching how we respond when people who joined our efforts are in trouble. Will we embrace our former allies and supporters and lead the effort? Will we hide behind our standard practice in responding to a refugee crisis and provide 30 percent of the minimal material assistance requested by the UNHCR? Will we continue to support policies that deprive refugees of their rights under international law and provide scant protection for refugees worldwide?

USCRI believes the United States must take moral leadership by accomplishing the following:

1. Do not force Iraqi refugees into camps or segregated settlements. While the world was not paying attention, nearly two million people have settled around Damascus, Amman, Cairo, and Beirut. They have been living in crowded apartments for weeks, months, or years, without assistance from the international community.

As miserable and insecure as their lives are now, ironically, they might be better off than if the world had prepared for their flight. We probably would have met them at the borders and ushered them straight into camps where their future would be even bleaker than it looks at this moment.

UNHCR has announced that it would prefer to avoid creating camps for the Iraqi refugees if at all possible, saying "It certainly is not the preferred option for UNHCR, because we still believe that people should have the ability to move freely in their country of asylum." Although it is easier to provide aid to people who are confined, we must avoid coaxing or coercing the Iraqi refugees out of their adopted homes and into camps. Providing financial and material assistance may be a logistical and structural challenge, but it is preferable to assist this refugee population in the cities where they can live as normal a life as possible while waiting to return to Iraq.

2. The United States must urge the host countries to fully protect the rights of Iraqi refugees, regularize their status, and allow them to work. Jordan, Syria, Lebanon, and Egypt have allowed hundreds of thousands of Iraqis to enter their territory but only on a temporary basis. The short visas granted to Iraqis expire quickly, leaving them living in the shadows of these cities, subject to arrest and deportation back to Iraq. They do not have permission to work or otherwise support themselves or their families. Reports of prostitution and child labor are growing more common as other options disappear.

3. The United States must ensure that Iraqis have the means to survive during their exile. There is urgent need for direct assistance in the form of food, rent, and access to medical care and schools. The health systems in Jordan and Syria have seriously taxed their resources with the new arrivals and their schools at present lack the capacity to absorb the Iraqi children. We need to work with the host governments to ensure that they can expand their existing programs and guarantee access to Iraqi refugees, without setting up a parallel system for refugees.

To date, the policy of this Administration has been to respond to this crisis as we have to other refugee catastrophes around the world. The United States has committed $18 million to UNHCR's appeal for $60 million to assist Iraqi refugees. This is our standard 30 percent contribution towards any UNHCR appeal—no more, no less. The United States must guarantee coverage for all costs associated with hosting these refugees.

4. The United States must establish an efficient and effective program to resettle Iraqi refugees. After having admitted fewer than 700 Iraqi refugees for resettlement the last two years, the Department of State recently announced they would begin processing 7,000 refugees. Of course, subsequent to that announcement, the Bureau of
The Silent Surge

Population, Refugees, and Migration (PRM), allowed that the Administration would admit only 2,000 to 3,000 this fiscal year. PRM has cited numerous barriers to expedited and expanded resettlement and has stubbornly insisted that they will process the Iraqis in the same manner as all other refugees around the world. They have insisted that the UNHCR be responsible for referrals to the U.S. program, a requirement not based in law, and one that adds an unnecessary step to the process. Further, they have decreed that they would consider only the “most vulnerable” refugees. This designation typically applies to women-headed families, elderly, ill, and minorities within the refugee population. We recommend the Administration establish a program, separate from PRM’s regular program, which will identify and resettle those Iraqis who can prove their prior employment status with the U.S. effort.

If we show international leadership, respect the rights of Iraqi refugees, exercise humanitarian compassion, and heed our own self-interest, America has the opportunity to do the right thing, regain our leadership position, demonstrate that we stand by our friends, and salvage our reputation as a caring nation.

Iraqi refugee carrying her belongings in Damascus, January 2007. Syria generally allowed refugees freedom of movement except for the 300 Palestinians from Iraq it kept in El-Hol camp.

Credit: UNHCR/J.Wreford
COUNTRY UPDATES

Credit: M. Bordas, Displacements, www.displacements.info
Refoulement/Physical Protection

There were no reports that Algeria forcibly returned refugees to their countries of origin but it deported an indeterminate number of refugees and asylum seekers registered with the Office of the UN High Commissioner for Refugees (UNHCR) to its border with Mali. Authorities ordered others they arrested to leave the country within 15 days but took no further action. Monitoring of interception measures in border areas was not possible. Algeria also deported thousands of other migrants, some of them likely asylum seekers, to Sub-Saharan countries without possibility of appeal or challenge. UNHCR’s operational capacity in terms of legal assistance was limited to the capital.

The Government threatened to deport some 66 refugees, mostly from the Democratic Republic of Congo (Congo-Kinshasa), whom it had apprehended among some 700 migrants near the Moroccan border at the end of 2005, and sought laissez-passer documents from the Congolese Government. Third countries resettled six of them.

Algeria was party to the 1951 Convention relating to the Status of Refugees (1951 Convention), its 1967 Protocol, and the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa, without reservation. The 1989 Constitution provided that in no case may a “political refugee” with the legal right of asylum be “delivered or extradited.” A 1963 decree established the Bureau for the Protection of Refugees and Exiles (BAPRA) in the Ministry of Foreign Affairs and called for an appellate board consisting of representatives of various ministries and the UNHCR but, because the authorities never requested UNHCR to designate its representative, the agency did not participate. The law required applicants to submit appeals within one month after denial or within one week in cases of illegal entry, order of expulsion, or applicants the authorities deemed a security risk. The decree authorized BAPRA to decide cases and stipulated its recognition of those UNHCR had already recognized. The Government, however, granted asylum to only one refugee during the year, an Iraqi, and he received a three-year residence permit.

The Government recognized the Sahrawi and all 4,000 Palestinians as refugees but, as in the past, delegated virtually all other cases to UNHCR during the year. Algerian authorities told a delegation of the Office of the UN High Commissioner for Human Rights (UNHCHR) that responsibility for human rights and related matters lay with the government-in-exile of the Polisario rebel group from Western Sahara, a claim the delegation rejected. More than 700 persons applied in 2006, nearly half in the last quarter, including more than 300 from Côte d’Ivoire, nearly 200 from Congo-Kinshasa, and more than a hundred from Cameroon. The number of refugees (other than Sahrawi and Palestinians) and asylum seekers with cases pending at the end of the year was nearly 1,000, mostly from Congo-Kinshasa, Côte d’Ivoire, and Cameroon in urban areas and another 200 from Mali and Niger in the countryside. According to UNHCR, “Due to various factors, such as the restoration of peace and security in the country, the brisk pace of economic growth and the restrictive asylum policies in the EU zone, Algeria is in the process of becoming an asylum country for a growing number of sub-Saharan Africans. ... Durable solutions will have to be identified to a large extent locally.” The official Algerian attitude, however, was that there were no bona fide sub-Saharan refugees in the country as they either should have sought protection in a neighboring state or presented themselves to the border authorities. Authorities considered all undocumented sub-Saharan Africans to be illegal aliens.

In February, torrential rains caused flooding that injured a number of Sahrawi refugees in the remote Tindouf camps and swept away the dwellings of about 12,000 refugee families. According to UNHCR, juvenile delinquency was also becoming a problem due to a lack of activities for young people.

Detention/Access to Courts

Algeria continued to detain 66 refugees (58 from Congo-Kinshasa, 7 from Côte d’Ivoire, and 1 from Eritrea) whom it had apprehended among some 700 migrants near the Moroccan border at the end of 2005 in the Maghnia region near the Moroccan border. It charged them with illegal entry and illegal journey in Algeria and moved them to a facility in Adrar. The Government denied UNHCR access to the facility until March 2006, whereupon a protection team from UNHCR’s Geneva headquarters conducted status determinations and granted them refugee status. The Government did not inform UNHCR when it detained refu-
Refugees or asylum seekers. The Maghnia detainees managed to contact UNHCR themselves. They remained in detention as of April 2007.

Police arrested some 30 refugees and asylum seekers per month, generally sub-Saharan Africans, and presented them to the courts. With the help of lawyers and UNHCR's intervention, refugees and asylum seekers in Algiers challenged their own detention and generally won release. Those who authorities arrested outside the capital, however, did not have access to counsel or defense. Refugees and asylum seekers did not have access to courts to vindicate their rights as they had to avoid them for fear of arrest.

The 1963 decree empowered BAPRA to issue personal documentation to refugees. UNHCR issued some 500 "To whom it may concern" letters to asylum seekers, but was only able to do so in Algiers. The security forces respected UNHCR attestations certifying that a person is a refugee or a person of concern more than they did the letters. Security constraints left the rest of the country uncovered.

**Freedom of Movement and Residence**

The Government allowed the Western Sahara rebel group, Polisario, to confine nearly a hundred thousand refugees from the disputed Western Sahara to four camps in desolate areas outside the Tindouf military zone near the Moroccan border. According to Amnesty International, "This group of refugees does not enjoy the right to freedom of movement in Algeria.... Those refugees who manage to leave the refugee camps without being authorized to do so are often arrested by the Algerian military and returned to the Polisario authorities, with whom they cooperate closely on matters of security." Polisario checkpoints surrounded the camps, the Algerian military guarded entry into Tindouf, and the police operated checkpoints throughout the country. In May, a UNHCHR delegation attempted to examine human rights conditions in the Polisario-administered camps but was unable to collect sufficient information and said closer monitoring was "indispensable."

The Polisario did allow some refugees to leave for education in Algeria and elsewhere and to tend livestock in the areas of the Western Sahara it controlled and Mauritania. It did not, however, allow members to leave with their entire families. An unknown number reportedly held Mauritanian...
passports and the Algerian government also issued passports to those the Polisario permitted to travel abroad.

The Government issued no international travel documents.

**Right to Earn a Livelihood**

Algerian law severely restricted the rights of foreigners to work and made negligible exception for non-Palestinian refugees. The one refugee to whom the Government granted asylum during the year was in the process of obtaining a work permit as of March 2007.

The 1981 Employment of Foreign Workers Law and the 1983 Order of the Ministry of Labor allowed only single-employer work permits for jobs for which no national, even one abroad, was qualified. Employers had to file justifications consistent with the opinions of workers' representatives. Permits were valid for no more than two years and renewal required repetition of the same procedure. Employees could not change employers until they completed their contract and then only in exceptional circumstances after consultation with the previous employer. Violators were subject to a fine and/or imprisonment from ten days to a month. The only unskilled foreigners the law permitted to work were those with "political refugee" status.

The 1990 Labor Law, amended in 1997, incorporated the same national labor protection requirements, without exception for refugees. A 2005 decree established regional labor inspection offices to enforce laws regulating the employment of foreigners and to take action "against all forms of illegal work." According to UNHCR, Palestinian refugees had access to the labor market under a special dispensation.

Although the Constitution provided that "Any foreigner being legally on the national territory enjoys the protection of his person and his properties by the law," refugees could own moveable property only. The desert surrounding Tindouf where the guerrillas confined refugees from Western Sahara supported virtually no livelihood activity except that refugees could own goats and sheep.

**Public Relief and Education**

In February 2007, UNHCR and the World Food Programme (WFP) found dire conditions in the camps including anemia among pregnant and lactating women. The refugees were entirely dependent on humanitarian aid and agencies had to cut food supplies toward the end of 2006 and had only partially restored them later. In response to the February floods, the Government sent eight army planes with 4,000 tents, 14,000 blankets, and 62 tons of food and more aid in four convoys from neighboring provinces. The European Commission donated $1 million in flood relief. Regular aid budgets included $21 million for the WFP, $3 million for UNHCR, $2 million for operational partners, and $860,000 for implementing partners. Algeria itself donated $60,000 to UNHCR.

Most of the refugees in the camps around Tindouf lived in brick or mud shacks, had precarious access to health services, and could not adequately educate their children. According to WFP, about 35 percent of children under five in the Tindouf camps suffered from chronic malnutrition. An observer in late 2003 described a "system of clientelism, permitting leaders to keep a strong grip on the population. ... Everyone has to beg for the leaders' favors. These favors can consist, for example, of a medical operation abroad, studies, a job with the Polisario, the right to leave the camps, and probably economic favors as well."

The Polisario and Algerian authorities tightly controlled the activities of international aid workers and the Polisario reportedly diverted substantial amounts of aid from refugees for its own purposes. Some aid agencies distributing European Commission aid, supportive of the Polisario's political and military enterprise, did not distinguish between the organization and the refugees. The Government claimed there were about 150,000 refugees in the camp but refused to allow a registration census.

Enrollment in public schools required residence permits, which de facto and UNHCR-recognized refugees did not have. Some 21 refugee children enrolled in private schools with UNHCR paying the fees. Refugees and asylum seekers, however, did have access to free public health facilities and UNHCR paid a pharmacy to provide their medicines.

Neither the national Poverty Reduction Strategy Paper Algeria prepared for international donors, the Common Country Assessment, nor the UN's joint plan of action with the Government for 2007-2011, included refugees.

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**Angola**

Refugees and Asylum Seekers: 15,600
Congo-Kinshasa: 14,100

New Asylum Seekers: 1,020
Departures: 10

1951 Convention: Yes
Reservations: Arts. 7, 8, 9, 13, 15, 17, 18, 24, and 26
1967 Protocol: Yes
UNHCR Executive Committee: No
African Refugee Convention: Yes

Population: 15.8 million
GDP: $43.8 billion
GDP per Capita: $2,780
Refoulement/Physical Protection Angola returned six Congolese refugees to the Democratic Republic of Congo (Congo-Kinshasa) and deported three Sierra Leoneans to Senegal. During 2006, Angola reportedly expelled hundreds of thousands of illegal migrants without meaningful screening for refugees or asylum seekers. The Office of the UN High Commissioner for Refugees (UNHCR) had no access to most deportees and, as it had no presence at border posts, could not determine if the Government turned back potential asylum seekers. Once aware of detained refugees and asylum seekers, UNHCR intervened to obtain their release, in one case, securing the return of a refugee deported to a third country.

Many of the deportees were from Congo-Kinshasa, and most had been working illegally as diamond miners. Many of the long-term Congolese refugees in Angola lived in the mining areas, along with refugees and asylum seekers from other nations, and many mined illegally. Mine security guards reportedly beat one 40-year-old Congolese mine worker to death in February, beat four Congolese miners in two April incidents, and kidnapped and robbed other Congolese miners.

UNHCR registered almost 1,100 asylum seekers during the year, with 2,500 from previous years still waiting for refugee status determinations (RSDs) from the Comité de Reconhecimento do Direito de Asilo (COREDA). About 1,000 asylum seekers had significant delays in their RSDs, some for more than three years. Delays were particularly bad in the remote provinces.


Angola hosted about 2,100 individually recognized refugees and asylum seekers: along with roughly 13,500 refugees from Congo-Kinshasa it had granted prima facie status in the 1970s. The number of Congolese refugees was likely higher, as there had never been any formal registration and births and deaths often went unrecorded.

Detention/Access to Courts During the year, Angolan authorities arrested refugees and asylum seekers on charges including illegal entry or stay in the country, illegal employment, and moving about without proper documentation. The Legal Assistance and Reintegration Centre (LARC), UNHCR’s implementing partner, learned of 158 such arrests in Luanda; in every case, UNHCR was able to secure their release. While the authorities sometimes informed UNHCR of the arrest of refugees and asylum seekers, UNHCR generally learned about these incidents from its field offices, LARC staff, or the detainees’ friends and relatives.

UNHCR, the LARC, and local and international nongovernmental organizations (NGOs) were able to monitor detention facilities, but the only active LARC office was in Luanda.

The COREDA-issued card for refugees and asylum seekers was unlike any other government-issued card. Police frequently detained refugees and asylum seekers along with illegal immigrants despite the protection the Law on Refugee Status provided refugees from arrest for unlawful entry or presence.

Refugees had no access to the courts.

Freedom of Movement and Residence Lack of adequate documentation made it difficult for refugees to travel freely within Angola. Police frequently harassed and extorted money from travelers and the Government restricted access to diamond-rich areas.

Angola’s 1994 Regulation on the Legal Regime of Foreigners granted foreigners freedom of movement and residence, subject to security restrictions imposed by the Ministry of the Interior. Refugees required permits to travel in security-restricted areas, unless traveling between home and work.

The Law on Refugee Status entitled refugees to international travel documents, valid for two years and renewable in Angola or at Angolan consulate. UNHCR provided blank travel documents to Angolan asylum authorities, who processed and issued them to 105 refugees during 2006.

Right to Earn a Livelihood While the Law on Refugee Status said refugees “shall be entitled to engage in gainful activities,” very few refugees were able to do so in the formal sector. Typically, UNHCR had to intervene to assist refugees in gaining access to formal employment, as there was a high unemployment rate among nationals and many employers, as well as immigration officials, did not recognize the COREDA-issued cards as valid for employment.

Many long-term Congolese refugees were unable to work formally because they lacked documentation.

Refugees did not enjoy the protection of Angolan labor legislation. Refugees could not legally form businesses and, because banks did not accept the refugee cards, could not open bank accounts.
Public Relief and Education  The Government committed to no more than administrative support for refugee protection, but UNHCR and its partners were able to help refugees gain access to public services in and around the capital, Luanda. A few hundred of the neediest refugees in Luanda received food aid from UNHCR. Outside the capital and adjoining provinces, UNHCR did not have the means to provide assistance.

In 2005, UNHCR turned over to Angola the operation of the Viana refugee camp schools, near Luanda. Angolan and Congolese refugee children attended them side-by-side. In 2006, Viana’s schools offered education through grade four, as did those in the Sungui settlement in Bengo Province. Many refugee children did not continue past grade four because the national schools charged high fees and discriminated against them for their lack of documentation.

Angola did not include refugees in its development planning, but the international NGO Development Workshop ran a micro enterprise program for refugees.

Australia

Refugees and Asylum Seekers  
Sudan  
New Asylum Seekers  
1951 Convention: Yes  
1967 Protocol: Yes  
Reservations: None  
UNHCR Executive Committee: Yes  
Population: 20.6 million  
GDP: $754.8 billion  
GDP per capita: $36,600

Refoulement/Physical Protection  Australia returned failed asylum seekers either to their country of origin or to a country where they had residency rights. The Government, however, maintained that it only did so after rigorous refugee status determinations. While Australia offered complementary protection to those who did not meet the standard of the 1951 Convention relating to the Status of Refugees in its resettlement program, it did not for asylum claims. Asylum seekers could request relief from deportation on humanitarian grounds at the discretion of the Minister for Immigration and Citizenship, but the latter granted it in only about five percent of cases between 1996 and 2003.

During 2006, Australia returned three asylum seekers from West Papua, Indonesia to Papua New Guinea, because they had spent more than one week in Papua New Guinea before seeking asylum in Australia.

The Edmund Rice Centre for Justice and Community Education interviewed 41 failed asylum seekers (37 Afghans, 2 Iraqis, 1 Palestinian, and 1 Congolese from Democratic Republic of Congo) after their deportations and found that authorities had returned all of them to dangerous situations. Two returned Afghan asylum seekers died and there was strong evidence of the deaths of seven others. Unknown assailants in Baghdad reportedly killed an Iraqi Shi’a refugee just a few months after Australia had deported him in 2004. Fellow émigrés speculated that ex-Baathists or al Qaeda agents killed him as they viewed Australian deportees as spies. Australia offered (though did not always give) financial inducements and conditions in Nauru and other Australian detention facilities were harsh, making the voluntary nature of the repatriations questionable. Only one of the asylum seekers interviewed remained in the country to which authorities deported him.

In 2001, Australia excised islands along its northern coast from its "migration zone" and did not permit asylum seekers who arrived at these locations or those it intercepted at sea to apply for visas in Australia. In March, Australia granted temporary protection visas (TPVs) to 40 asylum seekers who had arrived by boat in January from West Papua, Indonesia. The resulting tension with Indonesia prompted the Prime Minister to attempt to change the laws to include arrivals to the mainland by boat in the offshore policy, but the Senate defeated the measure in August. Officials from the Department of Immigration and Multicultural Affairs (DIMIA, re-named the Department of Immigration and Citizenship in January 2007) assessed asylum claims and more senior officials considered appeals. Australia detained those offshore arrivals it found to be refugees until other countries agreed to accept them, although the Minister for Immigration and Citizenship had discretion to grant them visas to stay in Australia. Australia returned those it found not to be refugees to countries where they had legal residency.

DIMIA tape-recorded and documented in writing all asylum hearings and provided results in writing, in both English and the asylum seekers' preferred languages. Rejected asylum seekers had seven days to appeal.

Refugees who arrived in the migration zone without visas were only eligible for TPVs permitting them to live, work, and receive health and social services in Australia for three years. TPVs did not, however, allow refugees to return after leaving the country or for family reunification. Refugees with TPVs could apply for further protection at any point during their stay and for renewal of the TPVs. In November, a court ruled that Australia did not have to give ongoing protection to refugees on TPVs when they reapplied if there was a change in the situation in their home countries that
obviated their need for protection. Since 2004, TPV holders had also been able to apply for other migration visas, including employment, business, regional migration, family, or temporary student visas.

Refugees with TPVs whom DIMIA found no longer in need of protection were eligible for 18-month Return Pending Bridging Visas when their TPVs expired, to allow them to make arrangements to leave the country. The Minister could grant Permanent Protection Visas (PPVs) to anyone who would otherwise be restricted to a TPV. About 1,000 remained on three-year TPVs.

Australia permitted asylum seekers who arrived with valid visas to apply for PPVs, providing they had not spent more than seven days in a country that could have protected them. Asylum seekers whose claims authorities rejected onshore could appeal to the Refugee Review Tribunal. In June 2005, the Prime Minister established a 90-day limit for interviews and appeals, with DIMIA reporting cases that missed the deadlines to Parliament.

Two Australian teens killed a Sudanese refugee near Sydney in February. One pled guilty to manslaughter in September, and a jury convicted the other of manslaughter at trial and a judge sentenced him to between four and six years in prison. In April, unknown assailants firebombed the home of a Sudanese refugee and her seven children in Toowoomba, Queensland.

The Refugee Program accepted 12,100 refugees, most of whom UNHCR referred. The Special Humanitarian Program (SHP) offered visas to people who fled significant discrimination whom Australian citizens or Australia-based organizations referred. Between July 2005 and June 2006, Australia granted 14,100 protection visas. This included almost 1,300 granted onshore (1,000 PPVs and 280 TPVs), out of 3,300 applications. For 2006-07, Australia allotted 6,000 visas for its refugee program and 7,000 for onshore and SHP cases, and filled 6,600 of them by year’s end, 3,400 from special humanitarian program, 3,000 from the refugee program, and 200 through onshore grants of protection.

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As of December, Australia held roughly 310 asylum seekers or failed asylum seekers in detention facilities. Detainees could not challenge their detention in court. Australia increasingly released long-term detainees, particularly those with health problems, but this remained a discretionary power of the Minister for Immigration and Citizenship. UNHCR had access to all detention facilities and attempted to visit the main centers every 18 months.

The Migration Amendment Bill 2005 declared that the Government should only detain children as a last resort and allowed the Minister to permit women and families to live outside facilities under DIMIA supervision. As of January 2007, there were 33 children living in alternate detention arrangements. The Bill required the Minister to report to the Commonwealth Ombudsman on any noncitizen in immigration detention for more than two years. The Ombudsman had the power to investigate any issues arising from the reports, and could question DIMIA officials under oath and enter any detention facility. The Ombudsman could make recommendations, including continued detention, release to community detention facilities, or permanent residency.

In August, the Minister apologized and paid compensation to a female refugee whom other inmates assaulted and attempted to rape in a facility with 50 men during 2002. In November, a clash at Sydney’s Villawood detention center injured five male detainees and one guard.

In 2004, courts found that indefinite detention was constitutional if the Government intended to deport foreigners, that international human rights obligations did not restrict executive power to detain them, that detention of foreigners need not be reasonable or proportionate to avoid being punitive, and that no court may order the release of foreign children from detention.

Refugees and asylum seekers in Australia proper had full access to the courts (although not to challenge detention), but not those detained offshore.

Freedom of Movement and Residence

Outside of detention, all refugees and asylum seekers enjoyed complete freedom of movement within Australia. The Government issued international travel documents to those with permanent protection and they were free to travel abroad and return as long as they did not travel to their country of origin. Refugees with TPVs, however, did not have the right to return to Australia if they left. Asylum seekers who left the country without showing good cause automatically forfeited their chance to seek protection.

In December, the city council of Tamworth in New South Wales refused to accept five families of resettled Sudanese refugees. The Mayor said the council feared the refugees would not find work, might carry diseases, and would sexually harass local women. In January 2007, the town relented and agreed to accept them.

Right to Earn a Livelihood

The Government permitted refugees to work.

Asylum seekers who arrived with valid visas and who spent fewer than 45 days in the previous year in Australia before applying for asylum could work while the Government processed their claim, assuming their original visa allowed them to work. Those whose visas did not allow them to work had to apply for permission to work, and had to demonstrate a need to
work. The Government also suspended work rights when it rejected claims, even if the asylum seeker filed a request to the Minister to stay on humanitarian grounds.

Refugees had full rights to practice professions, own permanent and movable property, open bank accounts, and run businesses. They had full protection under Australia’s labor laws.

Public Relief and Education The Government provided newly arrived refugees and humanitarian entrants in their first six months with orientation, information, and referrals; assistance in finding housing; clothing, footwear, and household goods; as well as short-term torture and trauma counseling and emergency medical assistance. Refugees and Special Humanitarian Program entrants were exempt from the two-year waiting period to receive unemployment and sickness benefits, student allowances, and other payments. Those with dependent children could receive family tax benefits and childcare benefits.

PPV and TPV holders were only eligible for short-term torture and trauma counseling. Asylum seekers with pending applications and visas with work rights received government health insurance. Those without work rights did not get government health insurance, but the Australian Red Cross aided some.

Immigration detention centers offered 24-hour medical, dental, and psychological health services. They also offered educational programs, including English language instruction.

Both refugees and asylum seekers had the same access to primary and secondary education as nationals. Refugees with TPVs and asylum seekers had limited access to post-secondary education.

Refoulement/Physical Protection Although formal repatriation exercises halted in 2005, on March 1, 2006, Bangladeshi authorities handed 75 Myanmar national women to the authorities of Myanmar. Some deported refugees managed to sneak back into Bangladesh and share food and lodging with relatives in the camps. The Government also turned back as many ethnic Rohingya refugees from Myanmar as possible at the border.

In May, assailants raped and murdered one refugee mother of six after camp guards sent her on an errand at night in exchange for allowing her brothers to visit her in the camp. In August, police and Kutupalong camp authorities severely beat and hospitalized five refugees attempting to return to the camp with firewood although refugees claimed it was in retaliation for their holding banners welcoming U.S. officials when they visited the camp the week before. Local villagers and fellow refugees reportedly sexually abused refugee women and girls in the camps when their husbands and fathers left the camps illegally to work.

Bangladesh had no refugee law. The 1920 Passport Act, the 1946 Foreigners Act, and the 1952 Control of Entry Act applied to all foreigners without exception for refugees.

The Government allowed temporary asylum on a case-by-case basis to those UNHCR recognized in urban areas and to the 26,200 Rohingyas from Myanmar whom authorities confined to Kutupalong and Nayapara camps in the southern Cox’s Bazar area. Estimates of the unregistered population ranged from 100,000 to 300,000, many of whom returned from Myanmar after forcible repatriation, living outside the camps without legal status in the Cox’s Bazar and Bandarban districts. About 10,000 lived in a makeshift camp between the Naf River and a highway where vehicles killed roughly 25 refugees in 2005 and 2006. There were also about 200 non-Rohingya Myanmarese and about 100 other refugees and asylum seekers of various nationalities in UNHCR’s urban caseload.

Canada accepted the first 23 camp-based Rohingya refugees for resettlement and 13 departed during the year. At least 60 to 80 registered refugees left by boat for Malaysia, some landing instead in Thailand. Others left for Saudi Arabia, the United Arab Emirates, and Pakistan for employment. Several sought asylum in UNHCR offices in Malaysia and other countries in the region, asserting that they did not receive effective protection in Bangladesh.

Some 160,000 Urdu-speaking, stateless Biharis, who had originally left the Indian state of Bihar for East Pakistan (today’s Bangladesh) after the 1947 partition, remained in 66 camps throughout the country. Authorities had encamped them after some members of the community opposed Bangladesh’s 1971 secession from Pakistan. In 2003, the Bangladesh High Court accepted the application
of the right of vote of ten young members of the community, most of whom were born after the creation of Bangladesh. The court’s ruling reaffirmed their claim to be citizens. Under the court’s directive, the National Election Commission enrolled them as voters. The Government, however, refused to acknowledge the Biharis as a community as Bangladeshis on the grounds that they acknowledged allegiance to a foreign state because they sought resettlement Pakistan in the 1970s.

Half of the Biharis lived outside of camps, integrated into the local community, were eligible to receive passports, to vote, and to attend college, and were able to exercise most of the rights of citizens. About 30 were injured and 20 detained as hundreds of Biharis attempted to march on the Pakistani embassy demanding repatriation.

Detention/Access to Courts Bangladesh held as many as 400 Myanmarese in prison, most de facto refugees, many for years beyond their sentences for illegal entry and common crimes, most pending trial, and often subjected them to hard labor. There were 88 registered refugees in Cox’s Bazar prisons at year’s end, 2 in Comilla, and 2 in Chittagong. Courts had convicted only 7 of them and authorities charged 11 with illegal entry. Camp officials also transferred unregistered persons they found in the camp to police, who imprisoned them under the 1946 Foreigners Act.

In July, police arrested 16 Rohingya refugees illegally outside the camps collecting firewood. In December, members of the Rapid Action Battalion arrested 17 registered refugees in Ukhia Township near the border on trafficking and other charges. Several others reportedly wished to contact UNHCR but were unable to do so.

The 1946 Foreigners Act empowered the Government to arrest, detain, and confine foreigners, without exception for refugees, for security reasons. It did not allow detention longer than six months, however, “unless an Advisory Board … has, after affording him an opportunity of being heard in person, reported before the expiration of the said period of six months that there is, in its opinion, sufficient cause for such detention.” The Advisory Board heard the cases of 15 refugees in prison beyond the sentences their offenses prescribed, 8 of them under the Foreigners Act, and released 3.

The Rohingya Solidarity Organization, the largest Rohingya group in Bangladesh, reportedly had ties to Jamaat-e-Islami, Harkat-ul-Jihad-al Islami, and other militant Islamic groups. In the first half of the year, law enforcement agencies arrested the ringleaders of Harkat Ul Jihad al Islami, most of whom courts sentenced to death. None, however, belonged to Rohingya refugee groups. Nevertheless, law enforcement agencies were reportedly searching members of the RSO, accusing them of involvement in criminal and terrorist activities. Local law enforcement also alleged infiltration among the refugee population of militants linked to arms smuggling and international fundamentalist organizations.

Despite UNHCR’s request, the Government did not produce an investigation report of the November 2004 police repression of a refugee protest meeting that resulted in the deaths of three refugees, including a minor, and 42 arrests. Despite UNHCR protests, the Government did not act on 2005 reports that a police inspector and his staff severely beat and attempted to rape four refugee women and two girls in the camps.

UNHCR issued identification to about 200 mandate refugees outside of the camps.

Article 31 of the 1972 Constitution guaranteed legal protection not only to citizens but to “every other person for the time being within Bangladesh” in particular that “no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law.” Article 102 also allowed for petitions to the courts for protection of fundamental rights but there was no record of refugees effectively using either.

Freedom of Movement and Residence Authorities confined some 26,200 Rohingya refugees to camps and arrested, detained, beat, withheld rations from, and extorted money from those they caught outside. The Government restricted all humanitarian aid through the World Food Programme (WFP) and the Ministry of Food and Disaster Management to refugees registered in the two official camps.

Refugees needed permission from local officials to travel outside of the camp, and only received it for medical and hospital referrals, court appointments, and family visits between camps. In practice, however, most adult males were able to leave and return on a daily or periodic basis either clandestinely or by paying substantial bribes to camp security personnel.

Local authorities forced some 10,000 Rohingyas to squat on the tidal flats of the brackish Naf River after forcing them out of nearby villages. A delegation from UNHCR, the European Commission, and five donor countries visited the site and asked the Government to allow them to move to safer ground, promising humanitarian aid if it did. The Government refused.

The 1946 Foreigners Act, without exceptions for refugees, permitted the Government to require foreigners to reside in particular places and to impose “any restrictions” on their movement. The Government did not enforce movement and residence restrictions on urban refugees whom UNHCR recognized as refugees or persons of concern. The Government allowed camp-based Biharis to travel freely
throughout the country but did not issue them international travel documents. Travel documents for refugees were available only for repatriation or resettlement.

**Right to Earn a Livelihood**

Refugees and asylum seekers did not have the legal rights to work, to engage in business, or to own property. The Government refused to allow UNHCR to set up any self-reliance activities. Authorities sometimes arrested, threatened with detention, or extorted money from refugees whom they caught working outside camps. On several occasions, camp personnel, forest guards, and local villagers beat refugees because of competition in the labor market, forest wood collection, or fishing. Refugees and asylum seekers also had no legal rights at the workplace, leaving them vulnerable to abuse and exploitation in the informal job sector.

The authorities repeatedly rejected UNHCR's offers of self-reliance initiatives for refugees but did allow UNHCR to pay refugee laborers in a pilot project to reconstruct dilapidated camp shelters. They also generally tolerated informal, low-skilled day labor by urban refugees and undocumented Rohingyas such as in agriculture or fishing.

 Stateless Biharis (also known as Stranded Pakistanis) in camps were not eligible for public sector jobs nor for commissioners' certificates or character references that employers required. Most of those who worked did so in the informal sector.

Refugees could neither legally run businesses nor own property. According to the U.S. State Department, the Government forbade Rohingyas from possessing money and said it could confiscate money in their possession at any time. It did not attempt to do so, however, in 2006. Authorities prohibited Biharis from owning property or obtaining trade licenses. Banks required citizen certificates from Ward Commissioners to open accounts, excluding both refugees and stateless Biharis.

*Public Relief and Education* The Government provided no public assistance and restricted humanitarian access to refugees. More than half the children in the refugee camps suffered from chronic malnutrition and about 17 percent from acute malnutrition. Reversing its earlier position, the Government allowed a UNHCR pilot program to rebuild 20 dilapidated camp shelters that were sinking into the ground. Refugees received rations from the WFP since their arrival in Bangladesh. Many sold part of their rations to Bangladeshis living nearby to purchase spices, vegetables, meat, clothing, and medical services.

Flooding was rampant in the unregistered Dum Dum Meah camp on the banks of the Naf River as were diseases such as malaria, odium, cholera, pneumonia, and diarrhea. In May, some 20 children there died of tropical diseases. In the first half of the year, officials of the Refugee Relief and Repatriation Commission at Cox's Bazar barred UNHCR-procured medicines from the camps for several weeks, causing the deaths of two refugees.

UNHCR provided informal schooling in the camp up to grade five. Refugee children in urban settings had access to primary education. The Government only allowed education in Burmese although it was not the refugees' native language and many speak Bengali. Late in the year, the Government agreed to allow some informal education in Bengali but did not do so. Only 12 percent of camp residents were literate. In September, the Government agreed to make improvements in education.

UNHCR gave subsistence allowances, basic medical services, education, and vocational training only to those refugees it recognized in Dhaka that it considered particularly vulnerable. The Government reversed its refusal in 2005 to grant annual clearance to UNHCR's implementing partner in the camps.

The Government provided some Bihar camps with free electricity, but water and sanitation were inadequate, and education and health services minimal. Most camps only had one self-supported school, lacking equipment, funds, and facilities. Schools outside the camps denied camp-based Biharis admission.

The Government did not include refugees in the Poverty Reduction Strategy Paper it prepared for international donors or other development plans, but the UN Country Team included their situation among the six key priorities in its own development plan and activities and lobbied the Government to include them in national plans and activities.
Refoulement/Physical Protection There were no reports of refoulement from Benin in 2006.

In February, Togolese refugees at Agame camp outside Lokossa took some 10 staff of the Office of the UN High Commissioner for Refugees (UNHCR) hostage, including the regional representative, in order to speed up paperwork for resettlement to third countries. They released them without harm about six hours later. After the release, fighting broke out. Refugees threw stones and villagers opened fire on refugees. The fighting injured at least 29, mostly refugees, but the refugees seriously injured one villager. Villagers burned 92 tents in the camp, and refugees burned nine Beninese homes. Feeling reprisals, thousands of refugees fled the camp and took shelter in a police office and an elementary school about four miles (seven km) away. Benin stationed police in the camp after the riot. Caritas Benin and Caritas Togo condemned refugees' behavior in the incident as "completely unacceptable."

Benin received about 580 applications for asylum and granted about 170. It rejected about 330 and about 80 remained open at year's end. A new appeals committee heard 38 cases in 2006 and ruled in favor of the applicant in 3 of them. Authorities did not deport failed applicants, but directed them to the immigration department to regularize their status. The Eligibility Committee denied asylum to two people from the Central African Republic (CAR) whose government requested their arrest. However, they appealed the decision with legal assistance.


Asylum seekers could register either at the Ministry of Foreign Affairs and Cooperation or UNHCR. CNCR was officially responsible for registration. After conducting interviews and research, UNHCR presented the cases to the Eligibility Committee, prioritizing women, the elderly, and children. Applicants did not have the right to legal counsel before the Eligibility Committee. In July, Benin set up a separate appeals committee for asylum claims. Previously, the same committee that heard first claims heard appeals.

Benin was party to the 1951 Convention relating to the Status of Refugees, without reservation, its 1967 Protocol, and the African Refugee Convention. Benin's 1990 Constitution provided that treaties were superior in authority to laws and that foreigners had the same rights and liberties as citizens under conditions determined by law. Nationals of member states of Economic Community of West African States, such as Togo, were eligible for residence permits whether they were refugees or not.

Of about 27,000 refugees from Togo that entered in 2005, about 12,000 returned home with UNHCR's help and about 5,000 returned on their own.

Canada, Europe, and the United States accepted several refugees of other nationalities for resettlement. UNHCR and the Government called for a complete screening of the Togolese refugee population before opening resettlement to them.

Detention/Access to Courts From November 2005 through early 2006, Lokossa authorities arrested and detained 16 refugees from Agame camp for holding a meeting without the authorization of local authorities and charged them with inciting a revolt. Authorities released them two to three days after they saw a prosecutor. Authorities also arrested 10 Agame refugees following the riot in February (see above). Benin detained two CAR asylum seekers at the request of the CAR government, which accused them of being members of an armed opposition movement. The Eligibility Committee rejected their applications and the cases were on appeal as of April 2007. The authorities did not detain any refugees for illegal entry, presence, movement, or work. Detained refugees had the right to legal representation.

The Constitution extended to all persons the presumption of innocence and equality before the law and its protections against arbitrary arrest, ex post facto punishment, and detention past 48 hours without presentation before a judge. Benin issued more than 5,000 identity cards to refugees. Those seeking asylum received six-month renewable provisional certificates. On occasion, authorities did not recognize the cards.

Many refugees had their documents burned during the February conflict with locals (see above).

Freedom of Movement and Residence The Government allowed refugees to move freely in the country and to choose their place of residence. The Government reserved the authority to designate refugees' places of residence for their protection, without affecting their freedom of movement, but did not do so during the year. Local practitioners of the Oro cult in the rural areas around Agame camp occasionally required noninitiates, including refugees, to remain indoors during ceremonies.

The Constitution provided for freedom of move-
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The 1984 decree provided that refugees "will receive" international travel documents "upon their request." UNHCR, however, decided whether to recommend that the Government issue international travel documents to refugees on a case-by-case basis, reevaluating whether the applicants still merited refugee status and whether their grounds for the document were reasonable. In practice, however, many refugees were able to travel in the region without official travel documents.

**Right to Earn a Livelihood**

The 1975 *Ordonnance* entitled refugees to national treatment with respect to the right to wage labor in the private sector, although reportedly not all employers were aware of this. With regard to profession, the 1975 *Ordonnance* afforded refugees the same rights as any other foreigners. The Government generally restricted civil service jobs to nationals, but could fill them with qualified refugees if necessary—which it did in public health institutions and schools.

Refugees cultivated land with local authorization and dominated the produce markets along the coast with superior products. With the Government's encouragement, their enterprises employed other refugees and Beninese. Some refugees, however, reportedly did not seek work because they thought it would hurt their chances for resettlement. Few refugees participated in the Songhai Centre's agricultural initiative at Kpomasse, apparently for the same reason.

Refugees could acquire, own, and transfer property of all types and have bank accounts.

The Constitution extended to all persons the protection of property rights and to all workers the right to organize and to strike, but reserved for citizens the guarantees of the right to work and equal access to employment.

**Public Relief and Education**

The 1975 *Ordonnance* allowed refugees health services on the same terms as nationals. Asylum seekers with six-month renewable certificates also had access to the same health and education services. Several nongovernmental organizations covered 80 percent of health services cost for all refugees, as well as 100 percent of the cost for the poorest refugees with HIV.

The Constitution reserved for citizens the guarantees of equal access to health and education, but the specific provision for public primary education had no such limitation. The 1975 *Ordonnance* also granted refugees the same rights as nationals to education and scholarships and the Government allowed Togolese refugee children to enroll in local schools. At the beginning of 2006, there were about 1,700 refugees registered in schools at Agame, of which 47 had passed A-levels.

Benin cooperated with UNHCR, as well as other international relief organizations. Benin and its donors did not include refugees in development programs, which focused on rural areas where refugees did not live.

**Burundi**

Refugees and Asylum Seekers 20,300
Congo-Kinshasa 19,700
New Asylum Seekers 11,500
Departures 19,800

1951 Convention: Yes
Reservations: Arts. 17, 22, and 26
1967 Protocol: Yes
UNHCR Executive Committee: No
African Refugee Convention: Yes

Population: 7.8 Million
GDP: $908 million
GDP per capita: $116

**Refoulement/Physical Protection**

There were no reports of *refoulement* in 2006.

At Mwaro camp, an agent of the National Intelligence Service beat a young refugee for having written a memoir on life in camp, which the agent suspected of being political.

Rwanda alleged that rebel groups recruited asylum seekers and took them to training centers in the Kibira Forest. In March, Rwandan Government agents reportedly infiltrated Musasa camp in Ngozi Province to intimidate asylum seekers into returning. At Mwaro camp, authorities arrested three suspected spies.

In December 2005, after international criticism of mass expulsions that year, the Office of the UN High Commissioner for Refugees (UNHCR) brought in experts in refugee status determination to work with Government officials to assess claims. These joint teams made recommendations to an eligibility commission, which was responsible for final decisions. In March, when the number of Rwandan asylum seekers grew to about 20,000—some returning after the Burundi Government had expelled them and others having evaded expulsion by hiding with Burundians—the Government and UNHCR quartered them in camps. In April, the Government announced that it would expel all Rwandans whose cases it rejected and the number of applicants declined substantially. In May, the Government and UNHCR evaluated asylum requests from more than 1,200 applicants, granted only about 50, put them in Giharo camp in Rutana province,
and turned some 570 rejected applicants over to Rwandan authorities. Deterred by the low acceptance rates, some 2,000 never registered with the Government and more than 10,500 of those who registered dropped their claims and returned.

By the end of the year, the Government decided the cases of all of Rwandan asylum seekers remaining in Burundi, granting less than two percent (46) of nearly 2,800 cases in the first instance and less than two percent (26) of the nearly 1,500 appeals. Of more than 8,000 persons (including family members) who persevered in the process, authorities granted asylum to just over 200 and transferred them to the Jiharo transit center in Rutana Province. Many applicants—perhaps as many as 3,400—left the country without waiting to hear the outcome. About 16,000 Rwandans repatriated in all.

Burundi recognized Congolese as *prima facie* refugees only if they lived in camps. Congolese refugees and asylum seekers in urban centers had to undergo screening by the *Police de l'air, des frontières et des étrangers* (PAFE) and approval by the CEC. They had to present themselves to authorities upon their arrival, but the process was lengthy and bureaucratic because of a long waiting list, inadequate PAFE equipment, and the requirement that the Minister of Interior personally sign each grant of refugee status.

Burundi was party to the 1951 Convention relating to the Status of Refugees (1951 Convention), its 1967 Protocol, and the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa, but maintained reservations to the 1951 Convention’s rights to work, education, freedom of movement, and residence. The 2004 Interim Constitution recognized the right of asylum, prohibited unlawful extradition (specifically listing prosecution for genocide as a legal ground for extradition), and extended to all foreigners its and the law’s protection to persons and property. The 1989 Entry and Residence Law and its implementing ordinance defined refugees according to “the international conventions on the matter to which Burundi is a party” and prohibited their *refoulement*. It gave asylum seekers only eight days from entry to apply, but included a right of appeal and 30 days to leave the country after rejection.

**Detention/Access to Courts** Authorities detained some 25 refugees and asylum seekers in violation of asylum or national law. UNHCR followed 33 cases of asylum seekers and refugees from Bujumbura and Gasorwe camps that the authorities accused of various crimes. The Government did not charge some for up to a year, despite the legal limit of 14 days, and at year’s end, two were in detention awaiting trial.

Burundian law entitled asylum seekers and refugees to the same treatment as nationals in instances of violations of law and access to courts. Burundian human rights organizations provided counsel to those detained refugees and asylum seekers authorities had not accused of violent or petty crimes.

Although the Entry and Residence Law entitled refugees to cards indicating their status, the Government did not issue them to refugees in camps. All they had were UNHCR ration cards. In urban areas, some 430 Congolese asylum seekers received three-month, renewable temporary residence permits while 106 recognized refugees received cards during the year. The Government refused to issue such permits to Rwandan asylum seekers in urban areas.

Despite having completed its investigation into the 2004 Gatumba massacre of more than 150 Congolese Tutsi refugees, the Government issued no report and made no arrests.

The 2000 Arusha Peace and Reconciliation Agreement for Burundi (Arusha Accord) forbade arrest of refugees without notification and justification to its Implementation Monitoring Committee. The Constitution extended to all persons the right of access to courts and protections in criminal procedures.

**Freedom of Movement and Residence** The Government restricted Rwandan asylum seekers to camps. After the surge in Rwandan asylum applications in March, the Government and UNHCR quartered them in Musasa and Sangore camps in Ngozi Province and at informal sites in Kirundo Province. Non-Rwandan camp refugees required exit permits from the camp administrator, or refugee cards, or temporary asylum permits to travel outside of the camps.

At the Government’s request, UNHCR gave direct aid only to refugees living in camps. Refugees in urban areas only received legal aid and a 50 percent subsidy for medical services. Nevertheless, some 9,800 refugees and asylum seekers preferred to live in and around the capital, Bujumbura.

In early May, Burundi moved 67 Congolese refugees who had been living in Bujumbura to a camp in southwestern Rutana Province and 85 to Muyinga Province. These refugees had arrived in Bujumbura late in the previous year from South Kivu in the Democratic Republic of Congo and refused to go to government-designated camps fearing for their security. Some held sit-ins in front of UNHCR’s office demanding help, but later agreed to move to the camps for the aid.

Burundian law entitled asylum seekers and refugees to freedom of movement provision only applied to refugees’ living in regions bordering on their countries of origin and any “activity or incursion of a subversive nature” within their country of origin. Its Entry and Residence Law, how-
ever, provided that the Minister of Interior could constrain asylum seekers to reside in a designated place while their applications were pending.

The Government issued 28 international travel documents to refugees based on UNHCR’s recommendations, which required proof of acceptance to an educational institution, work requirements, or business activities abroad. The Entry and Residence Law provided that refugees should receive international travel documents, with right of reentry, “on demand.”

**Right to Earn a Livelihood**

The Government required refugees to have permits in order to work legally and gave preference to nationals. The Government tolerated refugees working in the informal sector but required them to obtain permits for professional jobs.

The Constitution did not extend the right to work beyond citizens, and Burundi maintained a reservation to the 1951 Convention—taking its provisions on the right to work as recommendations. The Constitution did not limit to citizens, however, its rights to join unions and to strike.

Refugees could run businesses, but the required permits and conditions were stricter than for citizens. Refugees could own property, but conditions were also stricter than for citizens. The Constitution guaranteed the right to private property to all persons, specifically including foreigners.

**Public Relief and Education**

Refugees were eligible for public relief, rationing, and health services on par with nationals. UNHCR and other aid agencies provided refugees living in most camps with basic assistance, medical services, housing, and primary education. Those living in urban areas received legal and medical assistance only.

The Constitution recognized a right of all persons to health services.

Primary education was free for all children. Burundi’s reservation to the 1951 Convention’s right to primary education, however, only required it to treat refugees better than other noncitizens and only with respect to public education. The Constitution did not extend the right to education beyond citizens.

As mandated by the Arusha Accord, the Government cooperated with UNHCR and other humanitarian agencies and granted them access to refugees. Burundi included refugees in the Poverty Reduction Strategy Paper it prepared for international donors in September but was only referring to Burundian nationals returning from abroad.

**Refoulement/Physical Protection**

There were no reports of refoulement in 2006.

The influx of refugees from the Central African Republic (CAR) increased from about 3,000 at the end of 2005 to about 20,400 at the end of 2006. The majority were ethnic Mbororo shepherds who settled in the Adamaua and East Provinces bordering CAR. The Government recognized them as *prima facie* refugees.

Rebel groups and armed bandits along the Cameroonian-CAR border areas assaulted, kidnapped, and robbed Mbororo refugees almost weekly since 2004. The Ministry of Territorial Administration and Decentralization deployed security forces to escort representatives of the Office of the UN High Commissioner for Refugees (UNHCR) and to protect the local population and the refugees.

The Government was still not involved in status determination procedures, and UNHCR heard claims and made decisions. Asylum seekers registered through the UNHCR office in Yaoundé and the Cameroonian Red Cross (CRC), UNHCR’s operational partner. Applicants received appointment slips for eligibility interviews and waited up to five months for these interviews. Rejected applicants had one month to appeal UNHCR’s decision and received hearings within three months of filing their appeals. In 2006, UNHCR received about 3,800 asylum applications, approving about 1,400. UNHCR planned to assist the Government in setting up a National Eligibility Committee to assume responsibility for the refugee status determination process and to reduce the backlog of about 6,000 asylum requests in 2007. In June, asylum seekers demonstrated in Douala, protesting delays...
in the distribution of asylum request forms.

Cameroon was party to the 1951 Convention relating to the Status of Refugees, without reservation, its 1967 Protocol, and the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa. Cameroon's Refugee Law applied the definitions of refugee found in both Conventions and prohibited the refoulement of either refugees or asylum seekers for reasons other than national security and public order, pursuant to a lawful decision, and giving 72-hour notice to UNHCR. According to the law, asylum seekers had to apply within 15 days of entry and applications could be inadmissible if the applicant had passed through a country of first asylum where protection was available, but UNHCR did not apply these restrictions. The law allowed rejected applicants to appeal within 30 days of notification but did not allow decisions to be reviewed in ordinary courts.

Detention/Access to Courts
Authorities did not detain any refugees for illegal entry, presence, movement, or work, although about once a week police and gendarmes detained refugees and asylum seekers failing to recognize UNHCR identity documents. Police occasionally held refugees, as they did citizens, longer than the 72 hours allowed by law for criminal investigations. The U.S. State Department described prison conditions during the year as "harsh and life-threatening," including beating, stripping, and confinement to overcrowded and unsanitary cells. UNHCR monitored the detention conditions of refugees and asylum seekers. Detainees were able to challenge their detention before independent tribunals with representation of counsel at their own expense.

Cameroon did not punish asylum seekers for illegal entry, provided they came directly from a country of threat and presented themselves immediately to the authorities, but they could be detained for investigation for three days. The Refugee Law entitled them to two-month, non-renewable 'safe-conduct' passes.

The law provided for the issuance of refugee identity cards, but the Government stopped issuing them in 1994. UNHCR issued certificates to refugees and asylum seekers over the age of 18 in urban areas within six days of registration, and authorities generally recognized these documents. In rural areas, however, some authorities were unfamiliar with the documents and harassed their bearers. Prima facie refugees received only ration cards, which did not identify them. Asylum applicants' appointment slips carried no photographs establishing the identity of the bearer, and police occasionally confiscated them. All persons were required to carry identification cards. In sweeps and at pervasive immigration enforcement checkpoints and roadblocks, police frequently arrested, beat, and extorted money from those with no documentation.

Freedom of Movement and Residence
There were no camps in Cameroon, but police and gendarmes in the East and Adamaoua Provinces extorted money from prima facie refugees who did not possess refugee certificates when they tried to move about. Registered refugees and asylum seekers with identity documents were generally free to travel throughout the country and settle where they pleased, but the Government required asylum seekers to notify immigration authorities of any change of address.

The Refugee Law gave refugees the right to international travel documents, but the Government did not issue them. UNHCR issued them to refugees it recognized under its mandate but not to prima facie refugees. This seriously impeded the 15,000 Mbororo refugees who had to move their cattle seasonally for grazing.

Right to Earn a Livelihood
Prima facie refugees and asylum seekers could not legally work. The Refugee Law granted registered refugees the right to work, to own and transfer property, and to practice professions on par with nationals. Others were covered by the 1997 Entry and Residence Law, which required a work contract initialed by the Minister of Labor and a medical certificate by an approved doctor prior to arrival. The 1997 law also required anyone wishing to practice a profession or engage in industrial, agricultural, pastoral, commercial, craft, or artistic activities to have an entry visa of the required duration, and the authorities had to authorize the particular profession or activity. To obtain work permits, applicants had to go to the Ministry of Foreign Affairs and pay fees. The Ministry of Foreign Affairs forwarded the file to the Ministry of Labor, which issued the permits about three months later.

Registered refugees could engage in business and obtain almost all necessary licenses and permits on par with nationals, but no foreigner could work in the national civil services or state enterprises.

Asylum applicants with only appointment slips could conduct bank transactions.

Public Relief and Education
The Government cooperated with UNHCR and humanitarian agencies assisting refugees. The Refugee Law granted refugees education and public relief on par with nationals.

UNHCR distributed non-food items to the neediest of some 5,000 Mbororo refugees who had lost their cattle in flight from CAR and to a small number of Gbaya farmers and vaccinated their children under five. UNICEF and the Government distributed protein...
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biscuits to Mbororo children suffering from malnutrition.

A CRC-UNHCR project gave a few registered refugees
in urban areas about $50 monthly for family allowance, medical
services, and training tuition and low-cost (about $0.50) health
exams, including medicine. UNHCR paid for primary education
for refugees in urban areas in the same schools as nationals.

Cameroon did not include refugees in the 2003
Poverty Reduction Strategy Paper it prepared for interna-
tional donors.

Refugees and Asylum Seekers

<table>
<thead>
<tr>
<th>Country</th>
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</thead>
<tbody>
<tr>
<td>Mexico</td>
<td>43,500</td>
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<tr>
<td>Colombia</td>
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</table>

New Asylum Seekers: 22,900

1951 Convention: Yes
Reservations: Arts. 23 and 24
1967 Protocol: Yes
UNHCR Executive Committee: Yes

Population: 32.6 million
GDP: $1.27 trillion
GDP per capita: $38,900

Refoulement/Physical Protec-
tion

There were no reports of refoulement and Citizenship
and Immigration Canada (CIC) conducted pre-removal risk assess-
ments before deporting anyone not already a refugee or otherwise pro-
tected. In July, Canada deported a Sikh nationalist accused of attempting to assassinate senior Indian officials, despite a request from the UN Committee against Torture to delay the deportation to allow it to investigate the case. Although the Canadian Security Intelligence Service investigated him for about a year after his arrival in 2001, it never charged him.

Since 2004, Canada has suspended removals to Afghanistan, Burundi, the Democratic Republic of Congo (Congo-Kinshasa), Haiti, Iraq, Liberia, Rwanda, and Zimbabwe, but not for those who have committed crimes, posed security risks, or committed human rights violations. During 2006, Canada removed almost 9,400 aliens, most often to Mexico, the United States, Costa Rica, Portugal, and Pakistan.

Canada's refugee protection system consisted of two main components: the Refugee and Humanitarian Resettlement Program for those outside the country and the Asylum in Canada process for those within the country and at its borders.

CIC selected refugees abroad for resettlement based on referrals from the Office of the UN High Commissioner for Refugees and private sponsors. In the case of designated source countries (Congo-Kinshasa, El Salvador, Guatemala, Colombia, Sierra Leone, and Sudan), residents could apply directly at Canadian missions serving that region. The Canadian visa officer decided all claims from abroad.

Within Canada, the Immigration and Refugee Board (IRB) decided asylum claims based on the 1951 Convention relating to the Status of Refugees as well as on Article 3 of the 1984 Convention against Torture. Canada's Immigration and Refugee Protection Act (IRPA), which took effect in 2002, calls for a Refugee Appeal Division, but the Government had not created one by the end of 2006. Applicants could apply for leave to appeal to the Federal Court, but the court rejected 90 percent of such applications without giving reasons for doing so. When the Federal Courts upheld asylum seekers' claims, the cases returned to the IRB for further hearings. Rejected asy-
lum seekers could also pursue pre-removal risk assessments, but these only considered new evidence and did not review original decisions. The final option was to seek permanent residence on "humanitarian and compassionate grounds" at the Government's discretion; however, the Government could deport applicants even as it considered their claims.

In June, a former IRB member received a six-year prison sentence for demanding bribes. In October, the Royal Canadian Mounted Police arrested an IRB member after he allegedly demanded sexual favors from an asylum seeker. In November, the IRB removed another member and reopened about two dozen refugee cases after he allegedly sexually harassed an interpreter.

In 2004, Canada and the United States implemented the Agreement for Cooperation in the Examination of Refugee Status Claims from Nationals of Third Countries, also known as the Safe Third Country Agreement, which provided that asylum seekers traveling between the two countries had to apply in the country where they first arrived. This significantly reduced the number of asylum claims in Canada, particularly by Colombians.

Every refugee and asylum seeker had the right to representation by legal counsel, and several provinces provided free legal aid to those who could not afford it.

Detention/Access to Courts

Canada detained nearly 1,500 asylum seekers in 2006. The IRPA gave immigration officials authority to detain inadmissible foreign nationals and permanent residents and any noncitizens who failed to establish their identity. Detainees could appeal to the IRB, but it could not intervene if CIC doubted an asy-
lum seeker's identity. The IRB reviewed non-identity-based
detention cases 48 hours after detention, then again within 7 days, and then every 30 days thereafter.

Canada had an expedited process to remove dangerous persons, allowing for indefinite detention of permanent residents, refugees, and temporary visitors without the right to view the charges against them. In February 2007, the Supreme Court unanimously rejected the practice and gave the Government one year to revise it.

The IRPA entitled refugees and protected persons to documents indicating their status, but requests took eight weeks to process.

In October, the Government eliminated its Court Challenges Program, which had provided funding for refugees and other vulnerable groups to mount legal challenges to discriminatory practices. As recently as September, a refugee used the program successfully to challenge a 13-year delay in issuing permanent residence.

Freedom of Movement and Residence  Canada allowed refugees and asylum seekers to move freely within the country. Once they obtained a Permanent Resident Card or a Protected Person Status Document, they could apply for international travel documents through Canada’s passport office.

Right to Earn a Livelihood  Following the filing of their asylum claims and a medical exam, asylum seekers could apply for work permits. Until they gained permanent residence, the Government assigned refugees and asylum seekers social insurance numbers beginning with nine, which identified them as people without permanent status and made it difficult to obtain some jobs.

In January 2007, a Canadian court ruled that the Ontario College of Teachers had violated the rights of an Iranian refugee when it blocked her application to teach because she could not provide her original, Iranian academic qualifications or copies with Iranian certification. The court ordered the College to reexamine her application.

CIC officers could impose, vary, or cancel conditions on work permits, including the type of employment, the employer, location, and hours worked. Refugees had the legal right to hold title to and transfer businesses, land, and other capital assets.

Public Relief and Education  The Canadian government offered several assimilation programs for refugees, including housing assistance, health services, financial assistance, and income support for up to one year. Refugees could also apply for provincial social assistance and, once started, provincial health insurance covered them on par with nationals. Social assistance for asylum seekers varied by province and, in some cases, was worse than national treatment.

The IRPA stipulated that foreign minors did not need authorization to study at the pre-school through secondary school level unless they were children of temporary residents not authorized to work or study in Canada. Refugee children had access to the same primary and secondary education as Canadian nationals.

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Central African Republic

<table>
<thead>
<tr>
<th>Refugees and Asylum Seekers</th>
<th>14,300</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sudan</td>
<td>8,300</td>
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<tr>
<td>Congo-Kinshasa</td>
<td>5,700</td>
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<tr>
<td>New Asylum Seekers</td>
<td>500</td>
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<tr>
<td>Departures</td>
<td>12,900</td>
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</tbody>
</table>

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

Population: 4.3 million  
GDP: $1.49 billion  
GDP per capita: $346

Refoulement/Physical Protection  There were no reports of refoulement during 2006, but unknown, uniformed assailants beat, stabbed, and shot foreigners, particularly those from Rwanda and the Democratic Republic of Congo (Congo-Kinshasa). No refugees died, but armed attackers doused one refugee with fuel and forced him into his house before setting it on fire. In October, authorities bound a Sudanese refugee accused of theft so tightly that medical service providers had to amputate one of his hands and one finger from the other hand.

CAR was party to the 1951 Convention relating to the Status of Refugees, its 1967 Protocol, and the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa, without reservations. The 1990 Constitution provided that ratified treaties were a higher source of authority than local laws. The country had no law defining refugee status, but a 1983 ordinance established a National Refugee Commission (NRC) under the Ministry of Interior, which granted asylum in accordance with the conventions CAR had ratified.
Simple declarations of nationality and need and presentation of identity documents, where available, rendered applications admissible. The NRC's protection section conducted preliminary interviews and issued attestations of asylum seeker status. An eligibility committee interviewed applicants and decided the cases with a representative of the Office of the UN High Commissioner for Refugees (UNHCR) observing. According to the 1983 Ministerial Decree implementing the Ordinance, rejected applicants could appeal to the administrative courts. In practice, however, the eligibility committee heard appeals of the applications it had rejected in the first instance.

In 2006, the Government received about 530 asylum applications. The eligibility committee decided about 370, approving about 260 in the first instance and rejecting about 30. It deferred some 70 applications for further clarification.

An estimated 12,900 refugees repatriated, including some 12,100 Sudanese, 700 Congolese, and 56 Angolans. In February, UNHCR and the Governments of Sudan and CAR concluded an agreement for the voluntary repatriation of Sudanese refugees. In March, however, UNHCR suspended repatriations after gunmen attacked its compound near Yei, Sudan, killed a local guard, and critically wounded an international staff member and another guard. In addition, heavy fighting broke out in Yambio, Sudan, forcing the evacuation of UNHCR and staff from nongovernmental organizations (NGOs). The Government opened a humanitarian corridor to allow the resumption of the repatriations in December but also taxed Sudanese returnees at the Bazangi border crossing, discouraging further repatriations. Finland resettled two refugees. The United States resettled 29.

**Detention/Access to Courts**

During the year, authorities illegally arrested at least 40 refugees and asylum seekers, mostly on documentation or movement grounds. There were at least 10 cases of prolonged detention, some in the Office for the Repression of Banditry—a facility notorious for torture, prolonged detention without charges, and, the Government acknowledged, extrajudicial executions—and five refugees and asylum seekers remained in detention at year's end. In October, authorities arrested several Sudanese and Chadian refugees in connection with attacks on the northeastern town of Birao.

The Government informed UNHCR when it detained refugees or asylum seekers, and UNHCR worked informally with the International Committee of the Red Cross to monitor detention in military camps and penitentiaries in the capital, Bangui. Refugees generally had access to counsel, but the law did not guarantee this during often-lengthy pretrial investigations. UNHCR secured the release of some detainees but had difficulty when the arrests were for security reasons.

UNHCR and NRC issued notifications of the status of asylum seekers or refugees, but these notifications lacked the legal recognition of refugee identity cards. Refugees were entitled to such cards but generally had to wait months to receive them. The Government did not generally issue identity cards to refugees in rural areas, but they could apply for these or passes in case of domestic travel.

Refugees had access to courts and, with legal help from UNHCR, had their rights recognized in property and civil cases. The procedures of the Labor Inspection Office and the Labor Court, however, were lengthy and costly and it was extremely difficult for refugees to prevail against an employer.

**Freedom of Movement and Residence**

Security officials harassed refugees at domestic checkpoints, sometimes accusing them of possessing false documents and compelling them to pay bribes to avoid detention. Documented refugees were free to move about the country but those without identity cards had to apply for domestic travel passes from the NRC or the nearest police station.

There were no camps in CAR, but there were settlements in Mboki for Sudanese refugees, and in Molangue for Congolese. Refugees could reside where they chose but the Government required them to register and report any changes of address.

UNHCR decided all requests for international travel documents and generally approved them in cases where refugees presented reasons of professional or family need. The NRC issued the documents, which were valid for three years and renewable. The NRC also issued safe-conduct passes to refugees for travel to countries of the Central African Economic and Monetary Community (Cameroon, Chad, Republic of Congo, Equatorial Guinea, and Gabon).

**Right to Earn a Livelihood**

CAR allowed refugees to work. Many, however, worked in the informal sector without recourse in cases of nonpayment of salaries, pensions, and other benefits.

A 1985 ordinance required foreigners to have prior approval to practice many professions. Licenses were particularly difficult for refugees to obtain because of administrative obstacles including a requirement of proof from the authorities of their country of origin that they had no criminal record.

Refugees had the legal right to own and transfer properties and business premises, but security forces routinely...
extorted their commercial activities. They could open bank accounts with their refugee cards, but UNHCR often had to issue letters explaining the rights conferred by these cards.

Refugees in Molangue raised crops for markets.

Public Relief and Education The Government cooperated with UNHCR and humanitarian organizations but controlled little of the country. Access to refugees was difficult due to the activities and presence of armed groups. The Government required UN aid workers to travel with government armed escorts that were targets for rebel ambush and limited their access to the neediest people. UNHCR, with the support of the NRC, Médecins sans Frontières-Spain, Oxfam Quebec, and Africare, among other NGOs, provided basic assistance, including health and education, to Sudanese refugees in the Mboki settlement. UNHCR also assisted some 700 refugees from Congo-Kinshasa in the Molangue settlement and an estimated 5,500 refugees in the capital, Bangui, including limited cash grants to the neediest of them.

Refugees were entitled to education and social security rights equal to that of citizens. The NRC issued supplementary attestations to refugees who could not access health and educational institutions because they did not possess birth certificates.

The Ministry of Economy, Planning and International Cooperation drafted a new Poverty Reduction Strategy Paper for international donors for 2007 to 2009 but did not include refugees.

Refoulement/Physical Protection There were no reports of refoulement from Chad in 2006.

In March, the Sudanese Liberation Army, a Darfur-based rebel group, entered Chadian refugee camps and schools and recruited an estimated 4,700 refugees from Treguine and Bredjing camps. The rebels recruited both men and boys, mostly by force, and severely beat women and other onlookers who resisted. This occurred with the reported complicity of the Government and the National Refugee Reception and Reintegration Commission (CNAR). Most of the recruited refugees later returned to Chad.

In May, the Janjaweed attacked near Koundou-Angarana camp and, in December, attacked the nearby Goz Amer camp and killed four refugees. By year's end, Janjaweed attacks had penetrated 93 miles (150 km) inside Chad with increased brutality, and rape became an especially common war tactic. In January 2007, rebels shot and killed two refugees in Kounoungou camp, near Guereda, and a pregnant refugee woman suffered a bullet wound in her arm.

Representatives of the Office of the UN High Commissioner for Refugees (UNHCR) had to withdraw staff from N'djamena and northeastern Chad. The Government acknowledged that it could not protect the growing number of refugees in the country.

The 2004 Memorandum of Understanding (MOU) between the Government and UNHCR guaranteed the presence of police in camps in southern and eastern Chad. Under the agreement, UNHCR, through CNAR, paid for about 18 gendarmes per camp. Camps in southern Chad reported that camp police detained and abused refugees, especially those of Peule ethnicity. Women were especially vulnerable when leaving the camps to collect firewood.

Many refugees protested the insecurity and demanded relocation. The Government agreed to move Oure Cassoni and Am Nabak camps to safer locations. The high cost, insecurity, and lack of water at the alternate locations it proposed, however, thwarted the plan.

Chad was party to the 1951 Convention relating to the Status of Refugees without reservations, as well as to the 1969 Convention Governing Specific Aspects of Refugee Problems in Africa. Its 1996 Constitution provided for asylum and forbade the extradition of "political refugees." While Chad did not have a refugee law, the MOU with UNHCR reiterated the Government's commitment to protect asylum seekers and refrain from refoulement.

Escalating violence in both the Central African Republic (CAR) and Sudan brought a rapid influx of refugees from both nations. By year's end, an estimated 48,400 refugees had fled to southern Chad from CAR, where rebel fighting and violent gang attacks continued.

The number of Sudanese refugees in Chad rose to
233,000, nearly all housed in twelve refugee camps along Chad’s eastern border. Janjaweed attacks spread eastward into Chad and targeted both refugees and civilians.

Detention/Access to Courts
Police often entered camps to detain refugees they accused of being CAR rebels or supporters. Officials detained two refugees in N’djamena, one for fraudulent passport use and the other for political reasons. Police mistreated one prisoner and threatened refoulement but eventually resolved the case and released both prisoners. Authorities held prisoners in very poor and overcrowded conditions, and guards sometimes subjected refugees to forced labor such as cleaning or cutting wood.

UNHCR pursued cases with local police posts and could usually visit detained prisoners.

Two national nongovernmental organizations (NGOs) based in southern Chad also monitored refugee detention in Gore.

Refugees had access to courts, though they rarely used them because there were no courts in the camps and those in the capital were costly and slow. Refugees usually settled minor disputes by elected refugee committees and representatives inside the camps. In southern camps, a committee of elders generally dealt with small larceny and adultery.

Asylum seekers and refugees recognized individually in the capital received Chadian refugee cards indicating their status. Those in camps received only family registration certificates and ration cards.

Freedom of Movement and Residence
Officials in N’djamena did not recognize asylum seekers from Sudan and CAR on an individual basis in order to discourage their living there. The Government required refugees to obtain a safe-conduct document before leaving the camp regions but issued them without cost or delay. In practice, many refugees traveled or even returned to their country of origin without such documents; others left the camps to trade or sell goods. This subjected them to bribery or extortion at checkpoints or harassment for suspected rebel activity.

Humanitarian aid was not available to refugees from CAR and Darfur in the capital. Refugees registered before 2005 in the capital were no longer eligible for aid except for especially needy ones. Aside from that, aid was only available to refugees in the camps, but a number of them remained in villages at the border where they had family or ethnic ties. Almost all CAR refugees, about 45,000, resided in four camps, Amboko, Gondje, Dosseye, and Yaroungou.

Recognized refugees could request international travel documents from the national refugee authority if they had status, identity documents, and valid reasons for travel outside of Chad and could make their requests in writing. In 2006, authorities issued five of them.

The Constitution reserved its protection of the right to freedom of movement to citizens.

Right to Earn a Livelihood
The Government allowed refugees to work. In eastern Chad, camp-based refugees raised livestock. In southern Chad, refugees worked informally, usually with a UNHCR partner organization, or sold food in nearby markets. The Constitution only recognized the right of citizens to work.

Refugees had the right to obtain property such as business premises, land, and bank accounts. However, some Sudanese refugees reported that landowners confiscated the property just before harvest and claimed the contract was void. Since such contracts were often oral, it was difficult for refugees to enforce them.

Chadians reportedly attacked refugees and destroyed their wells due to competition for wood, water, and grazing land, and resentment of goods and services provided to refugees.

Public Relief and Education
Refugees received food, shelter and other necessities in camps and the Government cooperated with UNHCR and other agencies aiding refugees. In Koloy in November, militias killed one Doctors without Borders worker and wounded another and looted and destroyed their health clinic. Rebels seized the town of Abéché in November and, with residents, ransacked World Food Programme and UNHCR storehouses, looting 500 tons of food. In February, gunmen briefly kidnapped two UNHCR officials in Guereda and drove them toward Darfur, releasing them only after getting a flat tire. A forced withdrawal of aid workers drained camps of trained medical staff and impeded access.

Major illnesses inside the camps were acute respiratory infections, diarrhea, malaria, and malnutrition as well as increased injuries due to fighting. Camp clinics referred serious cases to local hospitals, which UNHCR and partners supported. There were frequent food shortages at the end of each month, averaging 5.5 to seven days. Touloum camp issued only four liters of water per person per day, instead of the minimum standard of 15. Seven of the 12 camps did not have adequate latrines, contributing to diarrhea, which
was responsible for more than a quarter of the deaths in the camps.

Nearly all refugee children had access to primary education, but only those in southern Chad had access to secondary schools. Curricula for Central African refugees were comparable to those in CAR, and both countries recognized the school certificates.

Chad did not include refugees in the 2003 Poverty Reduction Strategy Paper it prepared for international donors but did pledge $2 million for aid to Sudanese refugees and requested matching funds by donor governments.

### China

| Refugees and Asylum Seekers | 335,400 |
| Viet Nam                   | 302,700 |
| North Korea                | 30,000  |

| New Asylum Seekers | 100 |
| Departures         | 1,850 |

**1951 Convention:** Yes  
**Reservations:** Art. 14  
**1967 Protocol:** Yes  
**Reservations:** Art. 11  
**UNHCR Executive Committee:** Yes

**Population:** 1.3 billion  
**GDP:** $2.63 trillion  
**GDP per capita:** $2,000

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**Refoulement/Physical Protection**  
China deported about 1,800 North Korean refugees during the year, and North Korea may have executed some of them. China increased security in the immediate border area, including starting construction on a fence in October. This pressure reduced the number of North Koreans who were able to slip across the border for supplies and return.

China did not launch major crackdowns outside the immediate border area, allowing some degree of stability for North Koreans living there. The Government still actively tried to arrest and deport North Koreans who tried to reach foreign embassies or schools, such as the February refoulement of an asylum seeker who entered a South Korean school compound in Beijing in November 2005. Citing security concerns, China also deported seven asylum seekers to Sri Lanka.

The deprivation that some fled was largely politically motivated, as North Korea withheld food and other goods from as much as a quarter of the population that it deemed hostile. North Korea also punished returned defectors with detention, forced labor, torture, and possibly execution if they had met with non-Chinese foreigners or Christians outside the country. As the North Korean government’s motives for such severe punishment appeared to be political, the U.S. Committee for Refugees and Immigrants considered North Koreans in China to be *prima facie* refugees.

China allowed passage to South Korea via a third country only to those who gained public attention and the protection of a foreign embassy or consulate and only after five to six months of delay. The Government arrested and fined several persons aiding refugees and rewarded others who turned them in. China also denied the Office of the UN High Commissioner for Refugees (UNHCR) and nongovernmental organizations (NGOs) access to its northeastern border with North Korea. Reportedly, more than 200 North Korean security agents entered China posing as asylum seekers to gather information about networks in China and to repatriate other North Koreans.

About 300,000 Vietnamese refugees, mostly of Chinese ethnicity, remained in China, where the Government allowed them most of the rights of nationals, but granted them neither citizenship nor permanent status. These refugees entered China during and after the Sino-Vietnamese war of 1979. In Hong Kong, some 1,800 refugees of both Chinese and Vietnamese ethnicity remained.

China was party to the 1951 Convention relating to the Status of Refugees and although its Constitution allowed it to grant asylum to those who sought it "for political reasons," it did not have a procedure for doing so. China permitted a small number of asylum seekers of other nationalities to remain, mostly in Beijing, while UNHCR determined their status and sought to resettle them. While awaiting resettlement, refugees received subsistence allowances from UNHCR but could not work. Hong Kong lacked a clear asylum policy and China did not consider its obligations under the Convention and Protocol to extend to it.

Chinese troops fired on a group of 77 Tibetans fleeing to Nepal in September, reportedly killing two and capturing 32.

**Detention/Access to Courts**  
In addition to holding the seven Sri Lankans before deporting them, the Government harassed and detained North Korean asylum seekers prior to deporting them. Authorities raided safehouses that held refugees preparing to enter foreign consulates and compounds in Beijing and arrested others trying to enter the compounds. They detained and returned most of them, but some secured release by paying fines of $250 to $600.
China's Public Security Bureau held all detained refugees and asylum seekers, and the detention centers were not subject to any independent monitoring. Refugees and asylum seekers could not challenge their detention before any court.

Some reports indicated that local governments near the North Korean border quietly issued identification cards to North Korean brides and children of Chinese men. Others had to pay bribes of $100 to $400 to obtain registration on the Chinese household registry for their children.

China issued identification cards to all Vietnamese refugees over the age of 16 but did not offer documentation to other refugees or asylum seekers. It generally recognized the certificates that UNHCR issued to mandate refugees, but some officials objected to the letters it granted to asylum seekers and did not always accept them.

North Koreans had to use forged identification cards to move within the country. These ranged in price from $10 for easily spotted forgeries, to more sophisticated cards costing $1,260 or more that included Chinese household registration numbers.

Freedom of Movement and Residence Vietnamese refugees had freedom of movement within the country but North Koreans did not. Police outside the Beijing area were not familiar with the certificates UNHCR issued to refugees, and most did not travel outside the capital for fear of arrest by local police. A few North Koreans used networks of safehouses and friendly groups to make their way through China to Mongolia, Russia, or Southeast Asia. Some 2,000 arrived in South Korea after traveling through China during 2006.

China required some asylum seekers and refugees in Beijing, particularly those without proper identification, to stay in two designated hotels. Most, however, lived in private residences with UNHCR assistance. In some cases, Chinese authorities objected if they attempted to change residences.

Some village leaders quietly and informally encouraged the presence and registration of North Korean women because it helped ease a shortage of women caused by China's one-child policy and rural-to-urban migration. Authorities generally made more effort to crack down on North Koreans in urban centers than in rural areas.

A study conducted in 2004 found that 76 percent of North Koreans in China were living with Chinese citizens of Korean descent. At five percent each, missionaries' homes and mountain hideouts were the next most common places of residence.

Right to Earn a Livelihood China allowed Vietnamese refugees to work freely. Other refugees needed a passport with a valid visa or residence permit to apply for a work permit. North Korean refugees, who generally left their country illegally, were not able to work.

The inability to work legally forced many North Korean women in China to depend on relationships with Chinese men to survive, which they formed either directly or through brokers or traffickers. Some entered knowing that traffickers would pair them with a Chinese husband but others did not. China neither recognized marriages between North Koreans and its citizens nor granted the children Chinese citizenship, rendering them stateless. Some North Korean women found work as domestic servants and a few North Korean men found work as day laborers. The 2004 study found that only 22 percent of North Koreans in China were working. Of those who did work, only 13 percent reported receiving a fair wage, and nine percent received none at all.

The 1996 Provisions on Administration of Employment of Foreigners in China prohibited citizens and businesses from employing foreigners, with no exception for refugees, but allowed special units from the Government to apply to the Ministry of Labor for work permits on behalf of foreigners. The fine for an employer sheltering illegal workers was $3,600. Permits were available only for special jobs for which no domestic workers were available and required certificates of qualification, labor contracts, and verifications of the demand in the labor market. Foreign workers also had to possess employment visas or a foreign resident certificate. Any foreigner wishing to change employers had to go through the process again. This law, however, did not apply in Hong Kong or Macao.

China's Constitution limited the rights to "own lawfully earned income, savings, houses and other lawful property" to citizens.

Public Relief and Education Authorities arrested, detained, and deported foreign journalists, missionaries, and activists, as well as some Chinese citizens who assisted North Korean refugees. China issued arrest warrants for four Japanese NGO workers it believed to be aiding North Korean asylum seekers in March. It fined Chinese citizens $120 for sheltering North Korean refugees.

In August, China released a Korean-American missionary after jailing him for 15 months for attempting to transport people out of the country after Chinese police arrested him with nine North Korean refugees in 2005. In November, it released a South Korean aid worker it had jailed for nearly four years. Chinese police had arrested him with a group of North Korean refugees in January 2003.

Some who crossed the border received supplies from refugee support agencies before returning to their families in North Korea, but tighter security along the border greatly reduced this in 2006.
The children of Chinese men and North Korean women could attend school through middle school and beyond, if their family secured legal documentation. There were at least two NGOs actively aiding border crossers, each supporting around 40 of them. They either rented apartments in urban areas for them, or blended them in small groups into rural areas.

China granted Vietnamese refugees public assistance and education on par with nationals but denied these services to refugees and asylum seekers of other nationalities. UNHCR gave small stipends to refugees and asylum seekers in Beijing but did not have access to most North Koreans. Children of refugees had access to education but had to pay higher fees than nationals did. China collaborated with UNHCR on a credit program that provided loans to state-run farms and businesses to encourage hiring Vietnamese refugees.

UNHCR ceased aid to other asylum seekers in May whereupon the Government offered limited relief.

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**Congo-Brazzaville**

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<th>Refugees and Asylum Seekers</th>
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<td>Rwanda</td>
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<tr>
<th>New Asylum Seekers</th>
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<tr>
<td>Departures</td>
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<tr>
<th>1951 Convention: Yes</th>
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<td>Reservations: Art. IV</td>
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<tr>
<td>UNHCR Executive Committee: No</td>
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<tr>
<td>African Refugee Convention: Yes</td>
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Population: 3.7 million
GDP: $7.4 billion
GDP per capita: $2,000

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**Refoulement/Physical Protection** In August, the Republic of Congo (Congo-Brazzaville), appeared to allow agents of the neighboring Democratic Republic of Congo (Congo-Kinshasa) to enter and abduct and forcibly return asylum applicant Hassan Alfani to Congo-Kinshasa where authorities arrested and tortured him for 11 days. After his release, he reentered and reapplied for asylum. In October, the Government again failed to prevent Kinshasa authorities from abducting, forcibly returning, and imprisoning him and his brother, Césaire Muzima Mwenyezi, and Fils Murhanzi, who had just escaped from prison in Congo-Kinshasa. In 2003, a Military Order Court there had convicted and sentenced them to life in prison, along with several dozen other political detainees, in a trial that Amnesty International called unfair.

Congo-Brazzaville had also deported Mwenyezi to Congo-Kinshasa in 2001 where authorities tortured him. Authorities in Congo-Kinshasa had imprisoned Alfani for the assassination of President Kabila, but a court later acquitted him. Mwenyezi's wife, Christine Mapitshi, entered with the three and authorities arrested her as well but later released her. She remained in Brazzaville with her baby, where the security services reportedly harassed them.

The Office of the UN High Commissioner for Refugees (UNHCR) condemned a rise in violence against refugees in Brazzaville, Loukoléla, and Betou. In Impfondo, police found the bodies of at least two Rwandan refugees covered in gashes and bruises. Police and gendarmes frequently beat refugees and asylum seekers.

Asylum seekers applied to the National Committee for Assistance to Refugees (CNAR), often through UNHCR. The six-member panel of the Refugee Status Eligibility Commission (RSEC), of which a UNHCR representative was a voting member, decided asylum claims. The RSEC was to notify applicants of its decisions within three months, but many refugees waited for more than three years for them. If the RSEC denied a claim, asylum seekers had thirty days to appeal the decision to the Refugee Appeal Commission (RAC). The RAC had six members, including one from UNHCR. Decisions by the RAC were final. The Government permitted the assistance of counsel, at the applicants' expense, but there was no independent monitoring of the process. Many refugees were unable to register because they were illiterate and unable to fill out the forms or translate their documents into French, and CNAR was unable to accommodate them.

Congo-Brazzaville was party to the 1951 Convention relating to the Status of Refugees, its 1967 Protocol, and the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa, but restricted the 1951 Convention’s application to European refugees and exempted itself from the Protocol’s enforcement provision. The 2002 Constitution recognized a right of asylum and granted foreigners the same rights as nationals, subject to reciprocity of their countries to Congolese. The 1996 Entry and Residence Law provided that “political refugees” were not required to produce travel documents. A 2001 decree creating a Commission on Refugee Eligibility also prohibited the refoulement of refugees or asylum seekers, under the definition of either Convention, except for reasons of national security or public order, after hearings, and after allowing UNHCR a reasonable time to resettle them.

In November, some 3,000 refugees entered Bouembba, fleeing inter-tribal fighting in Congo-Kinshasa. A delegation from the Government of Congo-Kinshasa entered to persuade them to return but they were not convinced. More than 1,000 others applied for asylum during the year, includ-
There were no detentions for illegal entry or illegal employment. UNHCR intervention. Authorities arrested about ten refugees not to recognize their government-issued documentation, in indicated that authorities believed they were spies. Other sources reportedly awaiting extradition, although no effective extradition. Radio about shootings several days earlier in Kinshasa. They were each other’s opponents, after one of them spoke on national radio about shootings several days earlier in Kinshasa. They were reportedly awaiting extradition, although no effective extradition policy between the two countries existed. Other sources indicated that authorities believed they were spies.

On occasion, police arrested other refugees, claiming not to recognize their government-issued documentation, in order to extort bribes. The authorities resolved the matter upon UNHCR intervention. Authorities arrested about ten refugees and asylum seekers and detained them for short periods, usually for investigation into alleged crimes or irregular documents. There were no detentions for illegal entry or illegal employment. UNHCR was the only independent organization monitoring the detention of refugees and asylum seekers. The Government allowed detained refugees and asylum seekers assistance of counsel but did not provide it.

More than 2,200 refugees received identity cards in 2006. Asylum seekers received six-month renewable attestations of contact allowing their legal stay in the country. The Eligibility Decree prohibited detention or imprisonment of refugees for illegal entry and obligated the Government to issue free, five-year identity cards to refugees through UNHCR. The Eligibility Decree entitled asylum seekers and each family member over the age of 15 to a receipt, after filing their claims, valid as long as the claim was pending. Recognized refugees and their family members could apply for certificates of birth, death, and marriage, on par with nationals.

The Constitution reserved to citizens the guarantees of equality and recognition before the law but also prohibited the arbitrary arrest or detention of anyone and extended to all accused the presumption of innocence and the right to legal defense. The Constitution reserved to citizens its protection of the right to work, form unions, and strike, the Eligibility Decree provided that the Government give recognized refugees, "to the extent possible," the same treatment as nationals with respect to employment. The 1996 Employment Law made no distinction between foreigners and nationals. The Entry and Residence Law, however, provided that foreigners must have contracts to work. Pursuant to a 1960 collective agreement, they could also hold public sectors jobs in education, medicine, agriculture, and other areas, after a period of training.

Local villagers harassed refugees to prevent them from working in certain trades, such as fishing and trading. Some refugees traveled over the border into Congo-Kinshasa and Central African Republic to trade and farm. The Constitution extended to all persons the right to engage in enterprises and did not restrict to citizens the rights to own, inherit, and dispose of property, except intellectual property.

Refugees living in UNHCR-assisted rural settlements had access to primary education and public health services but many in Brazzaville were unable to register for assistance because they were illiterate and unable to fill out required forms.

The Government cooperated with UNHCR and other humanitarian agencies aiding refugees and asylum seekers. The Eligibility Decree provided that the Government give recognized refugees, "to the extent possible," the same treatment as nationals with respect to social aid, medical services, and education. The Constitution did not reserve to citizens its right to free public education. The 2004 Interim Poverty Reduction Strategy Paper Congo-Brazzaville prepared for international donors did not include refugees.
Refoulement/Physical Protection

In 2006, there were no reports of refoulement from the Democratic Republic of Congo (Congo-Kinshasa). The government could not provide security for refugees. Armed members of the Rwandan Interahamwe and former Rwandan soldiers continued to take Rwandan refugees hostage in many villages in the forest areas of North and South Kivu provinces.

Congo-Kinshasa was party to the 1951 Convention relating to the Status of Refugees (1951 Convention), its 1967 Protocol, and the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa (African Refugee Convention) without reservation. The 2006 Constitution recognized the right of asylum, provided that the Government accord it to persons fearing persecution because of "their opinion, their belief, their racial, tribal, ethnic, or linguistic group membership, or their action in favor of democracy and in defense of human rights and the rights of peoples," and forbade refoulement. It also declared treaties to be higher in legal authority than local statutes. The 2002 Refugee Law applied the persecution-based refugee definition of the 1951 Convention and the more general one of the African Refugee Convention, prohibiting refoulement under either. The Law required asylum seekers to present themselves to local authorities within 30 days of entry into the country but the Government did not apply this. The Law created a National Commission for Refugees (NCR) and an Appeals Commission in the Ministry of Interior to decide asylum cases and appeals, each with a representative of the Office of the UN High Commissioner for Refugees (UNHCR) consulting in its deliberations. It required the NCR to give rejected applicants written decisions with sufficient information upon which to appeal. The Law prohibited any member of the NCR from deliberating on the Appeals Commission. It required appellants to appear before the Commission in person, permitted assistance of counsel and interpretation at the applicants' expense, and allowed them to remain in the country until it issued a final decision. Applicants could also appeal decisions of the Appeals Commission in court.

The Constitution also explicitly provided for the protection of all foreigners legally in the country and granted them the same nonpolitical rights and liberties as Congolese, subject to the reciprocity of their governments toward Congolese. The Constitution also forbade any individual or group to use the territory as a base for terrorism or subversion against any government.

About 24,400 Angolan refugees repatriated, about 15,900 of them with UNHCR's help. In January, the Government signed a tripartite repatriation agreement with Sudan and UNHCR allowing for the return of Sudanese refugees, but, in March, insecurity in southern Sudan forced UNHCR to delay repatriation. About 6,700 Sudanese refugees repatriated, about 2,000 of them with UNHCR's help, along with about 5,000 Ugandans, 4,400 refugees from the Republic of Congo, and 3,900 Rwandans. One of the Rwandans said that they had tried to return many times, but Rwandan rebels had blocked their return. About 1,300 Burundian refugees also repatriated.

Detention/Access to Courts

Police sometimes detained those with refugee status documentation, and refugees traveling without documents were also subject to short-term detention. There were also some reports that the Government detained refugees or asylum seekers for a short time for illegal entry or presence.

The 2002 Refugee Law mandated that the Ministry of Interior, through UNHCR, issue free refugee identity cards valid for two years, renewable, and equivalent to residence cards for immigrants. UNHCR issued these cards with photographs to each adult refugee. The photos of minor children were included in the same document as either the mother or father. The Refugee Law also entitled refugees and their family members to birth, death, and marriage certificates on the same conditions as nationals.

The 2006 Constitution reserved to nationals its guarantees of equality before the law and equal protection of the law but not its due process protections in criminal matters, and the Refugee Law granted refugees the same access to courts as nationals.
Country Updates

Freedom of Movement and Residence  The 2002 Refugee Law granted recognized refugees the same freedom of movement as nationals. In zones of continuing conflict and instability, refugees had to obtain a one-time travel authorization from local authorities. Most Angolan refugees lived integrated among Congolese villagers.

The 2006 Constitution extended to all the rights of freedom of movement and choice of residence.

The Refugee Law required the Government to issue refugees who asked for them free, renewable international travel documents. In practice, applicants had to demonstrate specific reasons for travel, such as resettlement offers, need for medical evacuation, enrollment plans at an educational institution, or evidence of imminent plans for travel, such as plane tickets.

Right to Earn a Livelihood  The 2002 Refugee Law granted recognized refugees the same right to professional employment as nationals, but a 1986 decree reserved certain professions for nationals. In urban and rural regions, refugees engaged in unofficial labor such as farming, trading, tailoring, and mechanical repair and did not require special authorization.

The 2006 Constitution reserved to nationals the right to work. It recognized the right to organize and to strike, generally, but provided only for citizens the right to form and join unions.

Refugees could own property for farming, operate businesses, and own bank accounts although there were complaints of petty extortion by officials. The Constitution expressly extended to foreigners its protection of investment and private enterprise, and did not reserve to citizens its protection of private property.

Public Relief and Education  The 2006 Constitution did not restrict to citizens its rights to food security, health, potable water, decent housing, and electricity. The 2002 Refugee Law granted refugees the right to social assistance, health services, and education on par with nationals, charging NCR with supporting their needs in housing, food, health, and education, according to its means and with the help of national and international organizations. The 2003 decree mandated that the Government, according to its means, meet all refugee needs, including food, lodging, health, and education.

Refugees received medical services from UN agencies. Refugee children had access to education, which the Constitution guaranteed to all persons. Many of the country's street children were refugees.

The Government granted UNHCR and other humanitarian agencies access to refugees. The 2002 Interim Poverty Reduction Strategy Paper Congo-Kinshasha prepared for international donors mentioned refugees as causes, in the east, of deforestation and the destruction of fauna in the wildlife parks. It did not however, include them in any development plans.

Côte d'Ivoire

<table>
<thead>
<tr>
<th>Refugees and asylum seekers</th>
<th>40,800</th>
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<tbody>
<tr>
<td>Liberia</td>
<td>36,900</td>
</tr>
<tr>
<td>New Asylum Seekers</td>
<td>300</td>
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<tr>
<td>Departures</td>
<td>15,000</td>
</tr>
<tr>
<td>1951 Convention: Yes</td>
<td></td>
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<tr>
<td>1967 Protocol: Yes</td>
<td></td>
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<tr>
<td>Reservations: None</td>
<td></td>
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<tr>
<td>UNHCR Executive Committee: Yes</td>
<td></td>
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<tr>
<td>African Refugee Convention: Yes</td>
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<tr>
<td>Population: 19.7 million</td>
<td></td>
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<tr>
<td>GDP: $17.3 billion</td>
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<tr>
<td>GDP per capita: $880</td>
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</tbody>
</table>

Refoulement/Physical Protection  There were no reports of refoulement during 2006. Even rejected asylum seekers could remain in the country and regularize their status.

The Government, however, did not always protect them. Assailants killed one Angolan refugee in the countryside. Authorities beat refugees at checkpoints although less frequently than the year before. They especially targeted refugees carrying UN documentation due to the Government's hostility to the international body. Nongovernmental "self-defense" committees also beat non-citizen Africans, and assailants reportedly raped some refugees. Restrictive property laws also caused xenophobic strife.

Although an estimated 37,000 to 38,000 Liberian refugees were registered, the Government claimed that there could be as many as 50,000 residing in Côte d'Ivoire. There were also an estimated 1,700 refugees from other countries. The Government recognized most Liberians as refugees on a prima facie basis as late as 2003 but not since the 2004 tripartite agreement between Côte d'Ivoire, Liberia, and the Office of the UN High Commissioner for Refugees (UNHCR) to promote repatriation. More than 200 persons applied for...
asylum; of these, about 30 cases were processed and 90 cases required supplementary information.

Côte d'Ivoire was party to the 1951 Convention relating to the Status of Refugees, without reservations, its 1967 Protocol, and the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa. The 2000 Constitution provided that anyone "persecuted on the basis of his political, religious, or philosophical convictions or ethnic identity" could seek asylum and that international treaties were a superior authority to national laws, but also provided that the President could not ratify any treaty that modified internal law except pursuant to legislation. The country, however, had no asylum or refugee law.

In 2000, Côte d'Ivoire informally set up the Service of Assistance and Aid to Refugees and Stateless Persons (SAARA) under the Ministry of Foreign Affairs, to help design and implement asylum policy, and a National Eligibility Commission (NEC), including representatives of several ministries, without written procedure. Asylum seekers had to register and apply in writing to SAARA and have a preliminary interview. SAARA worked with UNHCR which had independent consultative voice in the process. The decision process was slow, as was the delivery and renewal of attestations. At the beginning of the year, more than a thousand applications had been pending since 1999, and it did not appear likely that the authorities would be able to process the backlog within the next three years. The quality of the interview and notes was also poor and analytically weak. There was no appeal process although the members of the NEC who decided cases in the first instance could review claims based on new evidence. In February 2007, the Government issued a decree to establish an Appeal Commission.

Detention/Access to Courts

Government troops, rebels, and pro-government militias arbitrarily detained refugees, asylum seekers, and other foreigners at checkpoints throughout the year. Supporters of the president especially targeted those holding UN documentation. Authorities arrested three Liberian refugees for falsifying refugee documents. UNHCR had access to detention centers, as did SAARA, which reported on conditions to UNHCR.

SAARA issued attestations of refugee status in collaboration with UNHCR. UNHCR issued about 3,000 attestations to refugees and asylum seekers, including to all new asylum seekers. Recognized refugees received attestations upon request. According to a 2004 law, refugee identity cards counted as residency permits. Liberians who arrived in Côte d'Ivoire before 2003 held temporary refugee cards attesting to their prima facie status, but those who arrived after did not. Authorities did not respect and, in fact, frequently destroyed refugees' documents, whether UNHCR or government-issued, less often than in the past but with impunity. Authorities reportedly confiscated the attestations of 15 refugees in Abidjan.

Refugees and asylum seekers had access to courts on par with nationals. UNHCR contracted two law offices to counsel and represent refugees in court.

The Constitution extended to all persons its guarantees of equal access to and equality before the law and presumption of innocence and its prohibition of arbitrary detention and ex post facto prosecution or punishment.

Freedom of Movement and Residence

Security forces often did not recognize refugees' documents and harassed them in their movements. Police prevented foreigners from traveling between the north and the south. According to the U.S. State Department, "security forces, local civilian 'self-defense' committees, and water, forestry, and customs officials frequently erected and operated roadblocks on major roads ... and regularly extorted ... foreigners, refugees, and others." The Constitution did not guarantee freedom of movement to anyone.

Liberian refugees generally resided along the border with Liberia in a 40-mile (60-km) refugee-hosting zone known as Zone d'Accueil des Réfugiés (ZAR). In June, UNHCR issued one of the two major refugee transit camps located on the western border, and the refugees successfully relocated into nearby villages within the month.

Refugees could apply to UNHCR or SAARA for international travel documents for study or business but required private sponsors providing all necessities, including visas and confirmation, to avoid irregular movements or pressure for resettlement once they received the documents. Refugees with businesses registered with the Government could also receive them. Five refugees received them in 2006.

Right to Earn a Livelihood

It was difficult for refugees to work legally in Côte d'Ivoire although the Government informally tolerated it. A 1997 decree governing foreigners' access to work permits made no exception for refugees. It required employers to have advertised the position for two months, with no Ivorian accepting, and applicants to have a contract before entering the country. To obtain a work permit, refugees had to apply to the Ministry of Labor, then to SAARA, which transferred the document to the Ministry of Foreign Affairs. The Employment Law prevented refugees and asylum seekers from pursuing specific professions, such as medicine and law. In most cases, employers did not register refugee employees with the social security service. Those with registered status enjoyed equal protection of the labor laws.

The 2000 Constitution extended the rights to property, to work, including in the public sector, and the right to organize and strike to all persons but reserved to citizens
the right to run businesses. There were no restrictions on refugee businesses, but the Government failed to implement liberalizing amendments to the 1998 law restricting land ownership to nationals, preventing refugees from owning and inheriting land.

Public Relief and Education
Refugees were not eligible for public relief on par with nationals. The Ministry of Health and Public Hygiene operated clinics for children, and infants and prenatal services for both nationals and foreigners, including refugees, free or at low cost. Many doctors and nurses, however, left rebel-held zones after 2002. In January, in the western town of Guiglo in the ZAR, militias targeted UNHCR, World Food Programme, and nongovernmental organization facilities for looting and destruction. This prompted UNHCR and other humanitarian organizations to evacuate the region until mid-year, which left some 10,000 refugees without aid.

The Government discontinued the scholarship policy that applied to all students regardless of citizenship or status. The 2000 Constitution reserved its rights to health and education to citizens.

The Government did not impede humanitarian access to refugees and cooperated with UNHCR. It did not, however, include refugees in the 2002 Interim Poverty Reduction Strategy Paper it prepared for international donors, except to note security concerns "in light of the massive presence of refugees for many years" and local demands for roads to border posts. It also restricted human rights monitoring organizations' access to areas it deemed sensitive. In January 2007, the UN Security Council extended the mandate of the UN Operation in Côte d'Ivoire until June 2007 with special attention to the treatment of Liberian refugees along the Liberian-Ivorian border.

Refoulement/Physical Protection
The migration police deported some 4,300 Colombians for clandestine entry or lack of proper documentation in 2006. Those deported included at least nine who had formally applied for asylum: five the Refugee Office of the Ministry of Foreign Affairs (MFA) had not yet interviewed; two before their appeal time had lapsed; one whose application was pending a decision; and one whose application the Refugee Office declared expired, instead of properly documenting his status as an asylum seeker. Many of the deported Colombian asylum seekers were either afraid to apply for asylum or ignorant of their right to do so. Deported persons had no access to judicial procedures. In December, the Ecuadorian foreign minister threatened to stop receiving Colombian refugees altogether if Colombia did not halt fumigations of illicit crops along the border.

Colombian irregular armed groups operating in Ecuador threatened refugees and asylum seekers they perceived as supporters of rival armed groups. In October, the Revolutionary Armed Forces of Colombia (FARC) sent death threats to seven people working for Colectivo de Personas en Situación de Refugio y Desplazamiento, a local nongovernmental organization (NGO) aiding refugees. FARC was also involved in at least one known kidnapping and murder near Quito, reportedly in collaboration with an Ecuadorian police officer. Refugee women in Ibarra reported police violence as a major problem. Due to lack of physical security, the Office of the UN High Commissioner for Refugees (UNHCR) evacuated 43 refugees and asylum seekers from Lago Agrio, near the Colombian border, to Quito, Ibarra, and Santo Domingo de los Colorados. Irregular armed groups along the border often threatened and injured people, sometimes shooting and killing friends and family members of the refugees and asylum seekers. Many survivors feared to report these incidents to the police, who rarely investigated. In repeat violence or high profile cases, UNHCR sought third countries in which to resettle the refugees, including one of those from Lago Agrio. Based on conditions in Colombia, UNHCR did not encourage repatriation of refugees. Some refugees returned anyway, even when they continued to be in danger in their own country.

Ecuador was party to the 1951 Convention relating to the Status of Refugees (1951 Convention) and its 1967 Protocol, but maintained a reservation to the Convention's right of association. The 1998 Constitution recognized a right of asylum and provided that all ratified treaties constituted law of the land superior to other laws. A 1992 Presidential Decree (Refugee Regulation) implemented the 1951 Convention and 1967 Protocol, prohibited refoulement, prescribed a process for seeking asylum, authorized an Eligibility Commission to decide claims with UNHCR's participation (voice but no vote), a right of appeal and the right to remain while it was pending, and granted refugees...
all rights the Constitution applied to aliens in general. The 1986 Foreigners Law stated that Ecuador should not grant asylum to persons who stayed in a third country prior to their arrival, but there were no readmission agreements in the region. In May 2006, the Constitutional Court issued a resolution reaffirming the principle of *nonrefoulement* and exhorting the local authorities to adopt measures to prevent the expulsion of refugees and rejected asylum seekers.

UNHCR submitted applications to the Refugee Office of the MFA, which conducted interviews and reported to the Eligibility Commission. Rejected applicants had 30 days to appeal to Refugee Office, the same body that had initially rejected them. In May, the Constitutional Court compelled the Refugee Office to provide asylum seekers with substantive reasons for granting and denying refugee status. UNHCR prepared appeals for rejected applicants it had recommended. Those whose appeals failed had 30 days to seek review by the Constitutional Court—an up to three-year process—to regularize their status, or to seek admission to a third country. Most failed applicants simply remained illegally.

About 7,800 persons applied for asylum, mostly from Colombia (85 percent) and Peru (13 percent). The Eligibility Commission decided about 4,900 applications, approving about 2,000 and denying about 2,700. The recognition rate in the first instance decreased from about 48 percent in 2005 to 40 percent in 2006. The MFA granted refugee status to 46 persons on appeal. There was a backlog of about 5,500 pending cases, about 3,500 of them in the rural areas.

UNHCR estimated that some 200,000 persons in need of international protection did not apply for asylum due to intimidation by Colombian irregular armed groups operating in the border areas, growing anti-Colombian sentiment, fear of deportation due to their irregular presence, and lack of awareness of their right to protection. The Government continued its 2004 policy requiring Colombian applicants to present judicial records on entry. Many asylum seekers arriving at Lago Agrio from the lower Putumayo Department in Colombia could not obtain the records, which were only available in Mocoa, Colombia, a five-hour drive north through rebel-held territory. The Government and UNHCR had difficulty handling the number of claims and appeals. Many abandoned the asylum process because of processing delays in the provinces. In May, UNHCR and the local NGO Fundación Esquel began visits to remote communities in northern Ecuador in order to identify and register potential asylum seekers. Many such communities were only accessible by boat.

**Detention/Access to Courts** Ecuador detained at least 188 refugees and asylum seekers during 2006. In 129 cases, authorities did not recognize their asylum or refugee identity cards. They caught another 45 without their documents in illegal migration sweeps. Five were asylum seekers working illegally and two had expired documents. Only seven detentions of refugees and asylum seekers were for criminal reasons. During the year, UNHCR intervened in over 100 cases. In nine cases, UNHCR’s intervention enabled detainees to apply for asylum while in custody and speeded up the process for their quicker release. There was no effective public defender system and authorities rarely brought detainees before a judge within the 24-hour time limit, often holding them for months in preventive detention. In September, the Constitutional Court found this unconstitutional, but the Government released no one pursuant to the ruling. Judges rarely granted *habeas corpus* or *amparo* petitions.

The law did not penalize refugees for illegal entry, but required them to apply for asylum within 30 days of arrival. The MFA issued about 6,900 three-month renewable provisional identity cards to asylum applicants; these cards allowed them to stay in the country and granted access to public services. Applicants in the provinces waited 4 weeks to 10 months for asylum cards.

Upon registration, the Refugee Regulation required asylum seekers to submit identity documents or a declaration explaining the reasons for not possessing one. The Refugee Office often refused to issue provisional identity cards to applicants without documentation, even after UNHCR sent detailed letters explaining why the applicants did not have it. UNHCR issued provisional certificates to asylum seekers awaiting documentation, but these did not offer the same legal protection. Security officials often rejected the validity of UNHCR-issued asylum certificates and sometimes even confiscated or destroyed them. In December 2005, the Eligibility Commission began to recognize undocumented asylum seekers with positive recommendations from the Eligibility Officers, under the condition that they submit pending documents within one year. The MFA issued about 5,300 refugee cards valid for one year but indefinitely renewable.

The Constitution granted all individuals access to the judicial system, regardless of their legal status.

**Freedom of Movement and Residence** In general, refugees enjoyed freedom of movement and there were no refugee camps. Asylum seekers without documentation, or with incomplete or expired documents, were in constant fear of police checkpoints. There were permanent immigration control posts along main roads, and police and soldiers often set up ad hoc checkpoints to search for weapons, drugs, and documentation during weekend market days. Many reported abuse, extortion, and inhumane treatment by police and soldiers.

The 1971 Migration Law and the 1986 Foreigners Regulation provided that the migration police could detain asylum seekers at ports of entry until the MFA resolved their cases.
The MFA charged refugees about $80 for international travel documents, but there were no reports that it refused any requests.

**Right to Earn a Livelihood**

Ecuador allowed refugees to work and to practice professions. Refugees also enjoyed the protection of labor legislation. For most of 2006, work permits cost about $60, despite the Refugee Regulation’s stipulation that refugee documentation alone would suffice for authorization. In August, however, the Ministry of Labor signed a ministerial agreement abolishing the fee. Asylum seekers, however, were not entitled to work and recognition as a refugee could take over a year, especially outside Quito and Cuenca. Many had to work illegally as street vendors, cleaners, waiters, or farm workers, and police frequently harassed or detained and sometimes summarily expelled them. In Sucumbios province, young mothers without formal education often had no other option than to become sex workers. Asylum seekers and refugees could report cases of labor exploitation to the Provincial Labor Inspector in Ibarra.

Ecuador allowed refugees to run businesses and commercial activities, but general ignorance of these rights made licenses difficult to obtain and other businesspersons reluctant to contract with refugees. Even one of refugees’ most common livelihoods, street vending, required taxpayer identification numbers and municipal permits that few could afford.

All foreigners were restricted from owning land near borders and in other strategic areas. Salary regulations meant that most employers in the formal sector required bank account numbers from their employees. As a prerequisite to open accounts, receive loans, and other services, however, the banks required Ecuadorian identity cards, which refugee visa holders were not eligible to receive. In Lago Agrio, UNHCR provided letters, which were often persuasive, to the bank director explaining that refugee visa holders had the same rights as foreign residents.
Public Relief and Education
Ecuador excluded refugees and asylum seekers from public relief programs, such as those the Ministry of Welfare provided. Refugees could benefit from national school feeding programs, if enrolled in participating schools.

A 2004 ministerial agreement by the health ministry reaffirmed refugees' access to public health services and basic maternity assistance. UNHCR and partner agencies provided basic health assistance to refugees, but this did not cover advanced surgery or major medical treatments.

The education law guaranteed refugee children access to the national education system, but also required certification of school diplomas in the country of birth. Schools often made refugee children pay extra fees or denied them admittance either because they lacked documentation available only in their home countries or because of anti-Colombian prejudice. In 2002, the Ministry of Education and Culture issued a ministerial agreement exempting refugee children attending primary schools from any legalization and certification requirements. In October, the Ministry of Education and Culture issued a ministerial agreement extending this exemption to refugees between the ages of 12 and 18, requiring them only to take a leveling exam to enter school; but it had not been implemented at year's end.

The provincial administration of Sucumbios province formally included refugees in its local development planning but, by year's end, it was not clear if this was substantive. The Japanese Government financed a Human Security initiative by UNHCR, UNICEF and the World Food Programme to improve education, community development, and nutrition programs in refugee hosting communities in the northern border area.

Refoulement/Physical Protection
In 2006, Egypt forcibly returned at least nine asylum seekers (five Ethiopians and four Eritreans) without allowing them to present their claims. It also deported six Sudanese it accused of crimes and, in early 2007, four more. In a departure from normal practice, authorities did not permit the Office of the UN High Commissioner for Refugees (UNHCR) to interview the Sudanese but assured UNHCR that they had conducted their own assessment of potential risks in returning the Sudanese, and that they did not seek protection.

The Ministry of Foreign Affairs retracted earlier threats to expel Sudanese whom authorities had detained after violently suppressing demonstrations at the end of 2005, in which Sudanese unsuccessfully demanded refugee status.

Egypt was party to the 1951 Convention relating to the Status of Refugees (1951 Convention), its 1967 Protocol, and the 1969 Convention Governing the Specific Aspects of the Problems of Refugees in Africa but with reservations on the 1951 Convention's rights to personal status, rationing, education, relief, labor rights, and social security. The 1971 Constitution guaranteed the right of asylum "for every foreigner persecuted for defending the people's interests, human rights, peace or justice," but the president exercised this right only in rare, high-profile cases. A 1984 presidential decree called for creation of a permanent refugee affairs committee within the Ministry of Foreign Affairs to adjudicate applications for asylum under the 1951 Convention, but under a 1954 Memorandum of Understanding (MOU), the government generally delegated the responsibility to UNHCR. UNHCR allowed applicants to have legal counsel in its status determination interviews but only gave rejected applicants with counsel one paragraph- or one-sentence reasons for their denial. In September, UNHCR began issuing form letters with one or more of ten general reasons checked off. There was no appeal to an independent body. In 2004, UNHCR suspended status determinations for Sudanese refugees, granting applicants temporary protection instead.

Refugees reported that Egyptians frequently attacked them based on their race. Southern Sudanese youth gangs, including refugees, also fought with each other, causing injuries and one death. Gang members severely beat and robbed one recognized refugee in March. Although he reported it, and the police were aware of one of the attackers' identity, the attackers remained at large and continually threatened the victim.

Estimates of the number of Iraqi refugees at the end of the year ranged from UNHCR's estimate of 20,000 to 80,000 to the Government's figure of 150,000, although fewer than 3,100 registered with UNHCR and initially received three-month, later six-month, visas from the Government. Some reported that officials told them they had
to leave the country or pay bribes to renew them although there were no reports of officials enforcing this.

Detention/Access to Courts
In addition to those detained after the December 2005 demonstrations, UNHCR was aware of more than 230 cases of refugees or asylum seekers with UNHCR documentation in detention during the year. During occasional security sweeps, authorities detained some for lack of residence permits, although in a few cases for illegal entry or departure with false documents, and charged about 30 percent with common crimes.

Of the thousands of Sudanese whom authorities detained in the 2005 demonstrations, more than 600 remained in detention at the beginning of the year. In January, authorities released more than 440 after UNHCR interviewed them and, in February, released the last 160. The last group had not registered with UNHCR. After interviewing them in prison, UNHCR said they were not refugees.

UNHCR had access to immigration detainees of concern when the authorities or others informed the agency of them, but authorities could detain and deport refugees without its knowledge. Sometimes the Immigration Department informed the agency about refugee detentions, but refugees often had to use NGO staff, friends, family, bribes, and other unofficial means to inform UNHCR about their arrests.

UNHCR resumed registering asylum seekers and renewing identification cards, but refugees also required residence permits and stamps on their cards. The 1954 MOU provided that the Government would issue residence permits to refugees, but such permits were difficult to obtain. Every two weeks, UNHCR transferred bio-data and file numbers to the Ministry of Foreign Affairs (MFA). Refugees could then approach MFA Sunday through Tuesday between 10 a.m. and noon with their papers for the reference numbers under which it had submitted their applications to the Ministry of Interior’s Immigration Department. Two weeks later, they could apply to the immigration authorities for six-month, renewable permits. Typically, they had to return every week for two to three weeks with their papers, photos, $2 (LE 11.50), etc. before MFA actually transferred their files and stop and follow procedures at at least four windows, one of which was unlabelled, to apply. Ten days later, they had to return pick up the residence permit—a sticker to place on their UNHCR cards. For those without formal refugee status, including Palestinians, residence permits depended on other criteria such as education, licensed work, marriage to an Egyptian, business partnership with an Egyptian, or a deposit of $3,500 (LE 20,000) to the Government. Generally, police respected UNHCR documents but schools, traffic authorities, and notaries regularly requested further letters from UNHCR attesting to the person’s status. In order to obtain residence documents, unregistered refugees also resorted to enrolling in universities, buying drivers licenses from Egyptian intermediaries, or contacting the opposition party.

Refugees and asylum seekers with residence permits had the right to appear before a court when charged with a crime and, under law, the right to a translator, but this was rarely, if ever, provided. There is no record of refugees or asylum seekers using the courts to vindicate their rights under international law. The Public Prosecutor suspended investigation of the lethal December 2005 police crackdown on Sudanese demonstrators without interviewing any of the victims or survivors of the attacks, due to “inability to identify the perpetrators.” The Interior Ministry conducted no internal investigation to identify or discipline security officers who ordered the attack, and the Government maintained that the deaths were entirely due to “the stampede and crushing between the protestors themselves, who were under the influence of drugs and alcohol.”

Freedom of Movement and Residence
Egypt had no refugee camps but there were reports of harassment, arbitrary identity checks, and violence by police and civilians, which inhibited refugee movement and choice of residence.

The Government issued travel documents to Palestinians but did not grant them the right to reenter Egypt without a visa, and Egyptian consulates abroad summarily denied them. Travelers on such documents, including refugees born in Egypt, had to return every six months or one year (with proof of education or work abroad) or the Government would deny reentry.

The 1965 Casablanca Protocol also provided that Palestinian refugees should enjoy the right to obtain and use travel documents. The 1954 MOU with UNHCR provided that the Government would issue refugees international travel documents with visas for return but in 2006 only one non-Palestinian applied for and received one, and no other had done so since 2000. The process was lengthy and restrictive and required UNHCR to liaise with the Ministry of Foreign Affairs and the Ministry of Interior.

Right to Earn a Livelihood
Legal work for asylum seekers was impossible and, for officially recognized refugees, very nearly so, relegating both groups to the informal sector where wages did not cover basic needs. The 2003 Labor Law required all foreigners to have a permit in order to work and did not exempt refugees, nor did the decree of the Ministry of Manpower and Emigration later that year (2003 decree) on the employment of foreigners. The requirements for work permits were severe, including legal status, employer
Agency law required foreigners to employ registered Egyptian and to compete for government contracts. Even naturalized technical, or scientific services or trade representation; companies to be Egyptians, and required employment of foreigners from holding majority ownership of partnerships, and the permits were valid for no more than one year. A 2005 decree extended the exemption to Sudanese in the public sector as well. The 2003 decree also capped the number of foreigners who could work in any establishment at 10 percent. The 2003 Labor Law required reciprocity by a foreigner's state toward Egyptians, effectively excluding Palestinian refugees from practicing professions. Employers had to prepare detailed biannual registers of all foreigners they employed, including listings of the Egyptian assistants they were training. Finally, the 2003 Decree prohibited foreigners from working as tourist guides and, except Palestinians, in export industries.

A 2004 decree on the issuance of work permits exempted those married to nationals, stateless persons with permanent residence, “political refugees” (in the narrow sense of Constitution), those born in the country, Palestinians, and those with special or ordinary residence from the non-competition requirement. The 2004 decree, however, also restricted professions to Egyptians unless the regulations of a profession allowed exceptions. It also excluded foreigners from work in the export and import sectors, customs clearance, and tourism. The 2006 decree restricted earlier liberalization of work permits for domestic workers, requiring the personal approval of the Minister and limiting them to “cases necessitated by humanitarian, social or practical circumstances.” The 2003 Labor Law also excluded domestic workers from its protections.

Egypt maintained a reservation on the 1951 Convention’s guarantee of equal protection of labor laws. Egyptian law made no exception for refugees engaging in business. Under the 1997 Investment Law, foreigners could own businesses in 16 specified fields and manage corporations. The 1971 Companies Law (amended 1998) covered other areas of business and prohibited foreigners from holding majority ownership of partnerships, required the majority of board members of joint stock companies to be Egyptians, and required employment of certain percentages of Egyptians. The 1982 Commercial Agency Law required foreigners to employ registered Egyptian commercial agents to import goods; engage in consulting, technical, or scientific services or trade representation; and to compete for government contracts. Even naturalized Egyptians had to wait 10 years before representing corporations or partnerships. Furthermore, under the 1983 Tenders Law, government contract bids by foreigners had to be 15 percent lower than those by Egyptians to be competitive.

Under Law 56 of 1988, foreigners, including refugees, required the permission of the Prime Minister to own residential property and could not own more than 3,000 square meters. They had to purchase it with convertible currency and could not sell it for five years. Law 143 of 1981 prohibited foreign ownership of agricultural or rural land. Law 230 of 1996 allowed foreigners to apply for permits to own up to two buildings of less than 4,000 square meters. Foreigners opening bank accounts required documentation from their countries of origin, which refugees and asylum seekers frequently did not have.

In 2004, Egypt ratified but did not fully implement the Four Freedoms treaty with Sudan to provide reciprocal rights for each other's nationals to freedom of movement, residence, work, and property. The treaty, however, did not obviate the need for work permits. Egypt was also party to, but had not implemented, the 1965 Casablanca Protocol, which provided that Palestinian refugees should enjoy the right to work on par with nationals.

Public Relief and Education UNHCR was able to give small, often inadequate amounts of aid to only the neediest fifth of its caseload. Church groups also helped but were unable to fill the gap. All Saints’ Cathedral provided asylum seekers with medical services for their first two years in Egypt. Caritas subsidized refugees’ medical expenses.

Through reservations to the 1951 Convention, Egypt maintained and exercised the right to discriminate against refugees in public relief, health services, education, and rationing. When it published the Convention in the Official Gazette, an act essential to making it law, the Government merely referred to “the reservations made to the treaty” without specifying or printing them, arguably depriving them of domestic legal force. The Government provided no substantive aid to the refugee program. According to a 2005 Ministry of Health decision, foreigners, including refugees, had a right to public primary health services on par with nationals, except that only indigent Egyptians were eligible for free services other than in emergencies. Foreign tenants in general were exempt from Government controls on rent.

The Government did not directly restrict humanitarian organizations aiding refugees and asylum seekers, but the Ministry of Social Affairs, through Law 84 of 2002, regulated and monitored them closely. It also made registration of outside NGOs difficult by failing either to approve them or to provide reasons for rejection within the allotted time and by requiring security clearances that the law did not mandate.
Letters from embassies or UNHCR, residence permits, schools, but the obstacles for foreigners (birth certificates, children when their three-month visas expired. Law 12 of 1996 guaranteed free education for all children in state schools, but the obstacles for foreigners (birth certificates, letters from embassies or UNHCR, residence permits, and certificates from previous schools in the country of origin) made it difficult for refugees to exercise this right. Local authorities did not recognize UNHCR refugee and asylum seeker cards in lieu of unavailable passports but, in 2000, the Ministry of Education instructed public schools to accept refugees with UNHCR documentation and Government-issued residence permits. NGOs, many church-affiliated, ran community schools that served refugees, but most did not follow the Egyptian curriculum, the Government did not recognize them, and they did not issue formal diplomas.

Egypt allowed Palestinians to attend colleges of medicine, pharmacy, economics, political science, and journalism, but they had to pay prohibitive foreigners’ fees in pounds sterling that the Government doubled for advanced degrees.

**Ethiopia**

<table>
<thead>
<tr>
<th>Refugees and Asylum Seekers</th>
<th>147,500</th>
</tr>
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<tbody>
<tr>
<td>Sudan</td>
<td>67,800</td>
</tr>
<tr>
<td>Somalia</td>
<td>66,600</td>
</tr>
<tr>
<td>Eritrea</td>
<td>15,100</td>
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</tbody>
</table>

| New Asylum Seekers | 23,800 |
| Departures         | 6,780  |

- **1951 Convention:** Yes
- **Reservations:** Arts. 8, 9, 17, and 22
- **1967 Protocol:** Yes
- **UNHCR Executive Committee:** Yes
- **African Refugee Convention:** Yes

Population: 74.8 million
GDP: $15.3 billion
GDP per capita: $178

**Refoulement/Physical Protection** In 2006, there were no reports of refoulement from Ethiopia, nor were refugees or asylum seekers in physical danger.

Ethiopia was party to the 1951 Convention relating to the Status of Refugees, its 1967 Protocol—with reservations treating the Convention’s rights to exemption from exceptional measures, to work, and to primary education as recommendations—and the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa. The 1995 Constitution made international agreements “an integral part of the law of the land” and gave the executive and legislative branches specific authority to provide asylum. The 2004 Refugee Proclamation established a procedure for applying for asylum and incorporated the refugee definitions from both conventions, including Africans fleeing war and generalized violence. It prohibited the Government from refusing entry to refugees or asylum seekers and returning them to any country where they would be at risk of persecution. It also granted refugees some rights of both Conventions but made exceptions to those of movement and work.

According to the Proclamation, persons could apply whether in the country legally or not but had to submit their applications to the Security, Immigration and Refugee Affairs Authority of Ethiopia (SIRAA) or a police station within 15 days of arrival. Applicants had the right to interpreters at all stages of the hearing and to decisions in writing, including the reasons for them. Applicants SIRAA rejected could appeal within 30 days to the Appeal Hearing Council made up of representatives of SIRAA and the ministries of justice, foreign affairs, and federal affairs where they again had the right to a hearing, to have an interpreter, and to receive a decision in writing with reasons and could remain in the country throughout the process. A representative from the Office of the UN High Commissioner for Refugees (UNHCR) could observe at both stages. The Proclamation also authorized the head of SIRAA to designate classes of persons as *prima facie* refugees under the African Refugee Convention definition, but it did not do so during the year. Nevertheless, the Government granted asylum seekers from southern Somalia refugee status *prima facie*. Eligibility committees made up of staff members of SIRAA’s Administration for Refugee and Returnee Affairs and UNHCR continued to make first instance decisions.

Some 50,000 Somalis entered between August 2006 and February 2007, and between 30,000 and 45,000 unregistered Somali asylum seekers lived in and around the capital Addis Ababa and other urban areas. During the year, 3,600 Eritreans and 700 Somalis applied formally for asylum, and SIRAA decided nearly 2,300 cases.

In February, UNHCR and the Governments of Ethiopia and Sudan signed a tripartite agreement for the repatriation of Sudanese refugees. UNHCR facilitated the return of more than 5,000 Sudanese and about a thousand left on their own but, pursuant to the agreement, Ethiopia continued to recognize the refugee status of those who did not volunteer to return. Third countries resettled nearly 800.

**Detention/Access to Courts** Ethiopia did not detain refugees or asylum seekers for illegal entry, presence, work, or movement, but detained at least 41 for criminal offenses. Courts convicted at least eight in processes UNHCR monitored and found to be fair and on par with treatment
of nationals. The Government released six released before trial, and 19 awaited 2007 trial dates. In addition, the Government kept several Eritreans in detention on national security grounds.

Pre-trial detentions were lengthy because few judges were available in the remote border areas where the Government kept the camps. The Federal High Court had no permanent presence there but made circuit rides. The Government provided free legal aid to criminal defendants, including refugees, but did not pay the lawyers, and their advocacy was often less than diligent. Traditional courts prosecuted camp-based refugees who committed minor offenses and usually fined them. UNHCR and ICRC had access to detained refugees or asylum seekers.

The Refugee Proclamation required SIRAA to issue identity cards to refugees and asylum seekers and prohibited their prosecution for illegal entry or presence, and the Government issued them to asylum seekers and refugees in urban areas but not to those in camps.

The Constitution extended to all its rights to liberty from arbitrary detention, due process in criminal prosecutions, and access to justice in civil matters.

**Freedom of Movement and Residence**

Ethiopia required nearly all Eritrean, Sudanese, and Somali refugees to live in seven camps near their respective borders and required them to obtain permits to leave. The Government issued permits specifying the period of travel to camp residents for personal, medical, educational, or safety reasons. In general, aid was restricted to refugees in camps or those with specific permission to live in urban areas. Some refugees of other nationalities chose to live in Sherkole camp in the west because aid was only available to them there.

According to the UNHCR-commissioned assessment of the socioeconomic situation in Ethiopia completed in May, thousands of unregistered Somali refugees lived in urban centers, mainly Addis Ababa. They reported choosing to live in Addis Ababa because of its security, relative to the camps; economic opportunities in the informal economy; and because they had originated from Mogadishu and were unaccustomed to rural life.

The Government and UNHCR jointly adjudicated refugees' written applications for international travel documents for educational, work-related, or urgent personal reasons and issued four of them.

The Constitution provided that "any ... foreign national lawfully in Ethiopia has, within the national territory, the right to liberty of movement and freedom to choose his residence, as well as the freedom to leave the country at any
time he wishes" but reserved the right of re-entry to nationals. The Refugee Proclamation gave refugees the right to international travel documents but authorized the head of SIRAA to designate areas where refugees and asylum seekers must live "provided that the areas designated shall be located at a reasonable distance from the border of their country of origin or of former habitual residence." There was, however, no such formal designation in 2006.

**Right to Earn a Livelihood**

In general, Ethiopia did not allow refugees to work. The Government only granted work permits to foreigners when there were no qualified nationals available and rarely issued permits to refugees. The Government also tolerated some refugees with special skills working illegally, and refugee participation in the informal sector, including trading in markets or doing other piecemeal jobs. Many of the unregistered Somali refugees living in Addis Ababa worked informally.

The Constitution offered only citizens the right to work, granted the rights to join unions, to bargain collectively, and to strike and other labor rights generally. The Proclamation exercised Ethiopia's reservation to the 1951 Convention's right to work, placing the same restrictions on refugees as on other foreigners.

The Constitution offered only citizens the right to run enterprises and provided that only the state could own land, and reserved its limited property rights to citizens. Only permanent residents could operate newspapers. No foreigner could own a radio or television station, but refugees could hold title to and transfer other types of property.

**Public Relief and Education**

The 30,000 Somalis who entered toward the end of the year received no aid except from family and clan members in Ethiopia. UNHCR was unable to help until it had screened them. UNHCR continued to send food to refugees in the Gambella region in spite of the ethnic conflict, but travel restrictions prevented adequate monitoring of deliveries.

Government clinics in camps provided refugees with health services, including essential drugs. In general, refugees and asylum seekers outside camps received services from Government hospitals on par with nationals, including free anti-retroviral treatment. UNHCR's implementing partner reimbursed Ethiopian hospitals for the treatment of refugees. Most Eritreans received identity cards and six-month renewable residence permits that allowed them to use hospitals and other public services, but local government officials reportedly denied free treatment to some indigent Eritreans.

The Government provided free primary education to refugees in camps, with the exception of Shimelba camp in the north, where the International Rescue Committee provided it. Refugees in urban areas attended public school with Ethiopian children.

Rather than open a new camp in Tigray for arriving Eritrean asylum seekers, the Government and UNHCR placed them in Shimelba camp and spent some of the money set aside for the new camp on health, education, and sanitation projects for the host community.

The Constitution limited its offer of equal access to publicly-funded services to citizens. The Proclamation exercised Ethiopia's reservation to the 1951 Convention's right to primary education, placing the same restrictions on refugees and their children as on other foreigners.

Ethiopia generally cooperated with and granted access to UNHCR and other agencies aiding refugees. The 2002 Poverty Reduction Strategy Paper it prepared for international donors included refugees, but only as an example of social crisis affecting development and as a potential high-risk group to target for HIV/AIDS prevention. It did not include them in any development plans.

### Europe

| Refugees and Asylum Seekers | 303,900 |
| New Asylum Seekers | 202,400 |
| 1951 Convention: All except Andorra, Montenegro, and San Marino |
| 1967 Protocol: All except Andorra, Montenegro, Monaco, and San Marino |

**Reservations:** Austria 17, 22, 23, and 25; Belgium 15, general re regional agreements; Denmark 17; Estonia 23, 24, 25, and 28; Finland 7, 8, 12, 24, 25, 28; and general re Scandinavian countries; France 17 and 29; Greece 26; Ireland 17, 25, and 29; Latvia 8, 17, 26, and 34; Liechtenstein 17 and 24; Luxembourg general re regional agreements; Moldova 13, 17, 21, 24, 26, and 31; Monaco 7, 15, 22, 23, and 24; Netherlands 26, 46, and general re regional agreements; Norway 17; Poland 42; Portugal general re citizens of Brazil; Spain 8, 12, 26, and general re citizens of Portugal, Andorra, Philippines, or Latin American states; Sweden 8, 12, 17, 24, 25, and general re Scandinavia; United Kingdom 8, 9, 24, 25, and Protocol VII re Southern Rhodesia, Jersey, Swaziland, St. Lucia, and Montserrat

**UNHCR Executive Committee:** Austria, Belgium, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Netherlands, Poland, Romania, Spain, Sweden, Switzerland, and the United Kingdom

**Population:** 580.2 million

**GDP:** $15.2 trillion

**GDP per capita:** $30,100

(Russia and Serbia treated separately)
voters overwhelmingly approved a new asylum law to take as Sierra Leone or Côte d'Ivoire. Frontex, the EU agency for September, Spanish border officials said about 15 percent orders. Few applied for asylum in the Canaries, but in early mainland after 40 days and released them with deportation egal and Mauritania, but transferred others to the Spanish year. Spain sent many back to Sen-
Ceuta and Melilla, its enclaves in Northern Africa, arrivals to examine claims from applicants who could not supply documentary proof of their identity within 48 hours. to examine claims as soon as it received requests. Greece, to revoke interruption decisions and accept responsibility conjunction with Dublin II transferees if they had been gone more than three months for any reason short of force majeure. Since 2004, it refused nearly 300 asylum claims and granted no request for review. As a result, Finland, the Netherlands, Norway, and Sweden all restricted transfers to Greece, and the Greek Refugee Council challenged the practice. In July, the Greek Government ceased applying the 1999 decree in conjunction with Dublin II, and Ministry officials agreed to revoke interruption decisions and accept responsibility to examine claims as soon as it received requests. Greece, however, still had no independent appeals body for asylum seekers.

In May, Denmark amended its Immigration Act to allow revocation of refugee status and expulsion for offenses such as tax evasion and vandalism. In September, Swiss voters overwhelmingly approved a new asylum law to take effect January 2007 under which authorities might refuse to examine claims from applicants who could not supply documentary proof of their identity within 48 hours.

After Spain introduced stricter border controls in Ceuta and Melilla, its enclaves in Northern Africa, arrivals from Northern Africa increased in its Canary Islands to more than 31,000 during the year. Spain sent many back to Senegal and Mauritania, but transferred others to the Spanish mainland after 40 days and released them with deportation orders. Few applied for asylum in the Canaries, but in early September. Spanish border officials said about 15 percent of the last 9,000 migrants came from war-torn nations such as Sierra Leone or Côte d’Ivoire. Frontex, the EU agency for cooperation at its external borders, deployed patrol boats, a helicopter, and planes to West Africa to interdict migrants.

Ukraine intercepted about half of all those trying to enter Europe through its territory, and Slovakia apprehended about four-fifths of those who got past the Ukrainian border patrols. Ukrainian asylum procedures had low recognition rates (0.4 percent in 2005), and Ukraine forced 10 asylum seekers back to Uzbekistan in February claiming they had passed through Moldova and Russia and should have sought asylum there instead. At over $1.36 billion ($1 billion), the EU was Ukraine’s biggest donor. Slovakia reportedly returned Chechen asylum seekers to Ukraine with Ukraine returning them to the Russian Federation. Slovakia granted asylum to only eight of the nearly 2,900 persons who applied during the year and none the year before. In September, Belgium defied UNHCR intervention by returning a Chechen to Slovakia, the first EU country in which he had arrived, despite the fact that his second application had nullified the order.

Most EU Directives on asylum came into effect in 2006, but the standards in EU states and prospective members varied widely. Denmark opted out of all the justice and home affairs Directives. EU legislation on asylum also included Directives on reception standards, family reunification (including rules affecting refugees), the qualification of refugees, and procedures, but members had until December 2007 to implement the latter. The EU laws generally contained minimum standards, and member states could continue to apply ones that were more favorable to asylum seekers. National courts were obliged to apply EU law and, if necessary, to ask the European Court of Justice in Luxem-
bourg preliminary questions on their interpretation.

October was the deadline for members to implement the Directive on the qualification of refugees, but only 5 out of 24 EU states did so. The European Commission threatened the others with legal action before the European Court of Justice. Asylum seekers, however, could claim rights under the Directive in national processes, provided these rights were clear and unconditional. The Directive granted refugees rights to status and nonrefoulement. Persons who risked the death penalty, inhuman treatment, or threats to their lives or persons because of indiscriminate violence in conflict had the right to subsidiary protection status. Belgium amended its legislation to include such protection status and granted it to Iraqis and Afghans. Members who previously gave few rights to holders of subsidiary status, such as Poland to Chechens, had to give access to welfare, housing, and the labor market, although not as much as to refugees.

Most EU states had accelerated asylum procedures, with short time limits, limited access to counsel, and/or restricted appeals based on assumptions about the general safety of countries of origin. The Netherlands accelerated claims based largely on its authorities’ capacity. Authorities there could examine complex cases, including those of traumatized applicants, in a few days and processed 40 to 50 percent of all asylum seekers within 48 working hours, while other cases took up to five years. France’s accelerated
Country Updates

The EU Procedure Directive would permit such procedures, safe country lists, and denials without written, reasoned decisions or legal assistance. There was no agreement, however, on a list of safe countries of origin. At the eastern European borders, super safe country rules would allow members to transfer asylum seekers to neighboring European countries without examining their claims.

The EU agreed on a readmission agreement with Morocco and cooperation in the field of migration with Algeria and Libya, as well as similar projects in Africa, but paid no similar attention to the protection of refugees or their access to the EU and its asylum procedures. In December, Morocco arrested and expelled hundreds of migrants—including a number of refugees and asylum seekers with UNHCR documentation—in Rabat and Nador, near the Spanish enclave of Melilla, referring to commitments it had made at the EU-Africa conference on migration and development it hosted in July. Libya reportedly had had a tacit agreement with Eritrea to return Eritrean nationals and had returned refugees there several times since 2002. In mid-September, Italy agreed to deploy its police in Libya to work with local law enforcement to prevent people from leaving Libya’s northern coast by boat but did not protest Libya’s arbitrary detentions and expulsions. In February, the European Parliament released a report on members’ December 2005 fact-finding trip to Libya, finding that, after Italy returned migrants that might need protection to Libya, Libya deported them to their countries of origin and that Libya had set up camps on its southern border. Libya was not party to the 1951 Convention and had no cooperation protocol with UNHCR’s local office.

The EU reserved about $5.3 million (€4 million) for a pilot regional protection program in Tanzania and some $6.7 million (€5 million) for another in Belarus, Moldova, and Ukraine, scheduled to start in 2007.

Detention/Access to Courts With their focus on returns, European countries detained more failed asylum seekers for longer periods of time and under harsher conditions than before. The Netherlands used prison boats to hold detainees, and Spain constructed a detention facility in Mauritania. This facility often held more than its capacity of 250, and the Red Crescent described conditions there as “deplorable.” Greece detained asylum seekers and illegal migrants in abandoned factories and warehouses, destroyed buildings, containers, and stables without sanitation, mattresses, or blankets, even in winter. In April, members of a parliamentary committee visited the Sandholm Refugee Reception Centre north of Copenhagen and declared that asylum seekers there were not living in decent conditions. Some 2,400 asylum seekers were in such facilities in Denmark. About 400 of them were children, 900 were applicants authorities had rejected—mostly Iraqis and Kosovo Albanians—and 40 percent had lived there for more than three years. In May, Italy’s detention facility on the island of Lampedusa, with a maximum capacity of 190, held more than twice that number. An official inquiry into the October 2005 fire at Schiphol Airport detention center in the Netherlands that killed 11 detained migrants revealed serious shortcomings with fire standards compliance. In October, the ECHR held Belgium in breach of the European Convention on Human Rights for detaining an unaccompanied five-year-old girl from the Democratic Republic of Congo for two months in an adult center without counseling or education before repatriating her in 2002.

Freedom of Movement and Residence The right of citizens of EU countries to freedom of movement and residence throughout the EU did not apply to refugees or asylum seekers. Even a EU Directive on long-term residents that granted freedom of movement to some categories of non-EU nationals did not grant such rights to refugees in general, although it did waive a means test for them and counted their time as asylum seekers. It excluded beneficiaries of subsidiary forms of protection altogether. The EU Reception Directive allowed states to restrict the freedom of movement of asylum seekers within their borders and Germany required asylum seekers with “tolerated stay,” including many non-Albanian Kosovars, to remain in certain regions of the country. Other European countries had reporting requirements that restricted movement. Under the EU Qualification Directive, refugees and beneficiaries of subsidiary protection would have the same freedom of movement as foreigners generally.

Asylum seekers were entitled to documents, within three days of application, attesting to their status and their right to remain during the procedure. Refugees were entitled to residence permits and travel documents. Beneficiaries of subsidiary protection were entitled only to residence permits; however, while they could not obtain national documents, they could receive travel documents if they could cite serious humanitarian reasons.

Right to Earn a Livelihood Countries of the EU normally gave refugees free access to the labor market, but restricted it for asylum seekers and persons granted subsidiary protection. Germany only allowed asylum seekers granted tolerated stay to work in limited and exceptional circumstances and, when they found jobs, they were subject to checks by the
Department of Labor as to whether any unemployed German or EU national were available for the jobs. Western European countries often limited asylum seekers to seasonal work or for short periods, in the Netherlands, for example, for 13 weeks per year. Cyprus restricted asylum seekers to agricultural work.

The EU Reception Directive and a Directive on refugee status and subsidiary protection allowed states to restrict access to holders of subsidiary protection based on the situation of the labor market. The Reception Directive granted access to the labor market only to asylum seekers who had not received a first decision within one year and allowed states to give priority to EU citizens and citizens of the European Economic States.

Public Relief and Education
Refugees generally received public assistance on par with nationals. Poland, however, offered almost no public relief to about 85 percent of Chechens in need of protection—one of the largest refugee populations in the EU—because it only granted them subsidiary protection. Some reentered the asylum procedure just to be able to stay in reception centers, while others headed west. Germany also restricted tolerated stay holders to 65 percent of the minimum level of public assistance.

EU law granted asylum seekers the right to subsistence-level public assistance, but actual standards varied widely. States could limit beneficiaries of subsidiary protection to core benefits. Children of refugees and beneficiaries of subsidiary forms of protection had the right to education on par with nationals. Adult refugees or subsidiary protectees had access to education on par with other foreigners.

Refoulement/Physical Protection
There were no reports of refoulement. Gambia accepted roughly 6,400 Senegalese refugees between March and the end of the year. Most of them found shelter in some 50 villages along the border, where families of a similar ethnic group hosted them. The Gambia Red Cross Society, along with the Office of the UN High Commissioner for Refugees (UNHCR), registered the new arrivals.

Gambia was party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol but maintained reservations on its clauses providing exemptions for refugees from exceptional and provisional measures, the right to work, labor protection, social security, and administrative assistance. Gambia was also party to the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa. It had no refugee law, but its Ministry of the Interior had a unit dedicated to screening asylum seekers for refugee status. UNHCR supported the Government’s screening and monitored the process. Asylum seekers had no access to counsel.

While the Economic Community of West African States (ECOWAS) Protocol Relating to Free Movement of Persons, Residence and Establishment (ECOWAS Protocol) granted holders of passports from ECOWAS nations with passports and health certificates visa-free entry and legal stay for 90 days, Gambia limited this to 30 days, limiting the time asylum seekers had to regularize their status.

Detention/Access to Courts
In November, authorities held 300 Sierra Leonean refugees for eight hours at a police station, despite their possession of valid identification cards. On six occasions during 2006, the Refugee Counseling Centre (RCC) set up by UNHCR and the Gambia Food and Nutrition Association (GAFNA) intervened to secure the release of refugees detained up to a day for lack of documentation.

The Immigration Law allowed authorities to detain any persons arriving without a passport for up to 48 hours if they could not adequately explain their lack of documentation, but there were no reports of this during 2006.

The Government allowed local and international human rights groups to monitor prisons, but did not allow the International Committee of the Red Cross access during 2006.

During 2006, the Government issued about 900 identification cards to refugees. None of the 6,400 Senegalese refugees who arrived during 2006 received cards, although the Government planned to issue them in 2007.

The 1996 Constitution guaranteed non-political rights, including the rights to life and personal liberty, to all persons
in Gambia legally on par with nationals, but there was no precedent for refugees using the courts to vindicate these rights.

**Freedom of Movement/Residence** Gambia did not restrict the residence of refugees, and the 6,400 who arrived from Senegal in 2006 settled freely in villages along the border. Police occasionally stopped refugees for failing to carry their identity cards but generally released them within a few hours with intervention by the RCC.

Gambia’s Immigration Department did not grant refugees any international travel documents in 2006. Two students applied, but their requests were still pending at year’s end, as the Government required proof of their admission to foreign colleges.

The Constitution extended the rights to free movement, residence, and departure to “Every person lawfully within The Gambia” but reserved the right to reenter to nationals.

**Right to Earn a Livelihood** Gambia allowed recognized refugees with Government-issued refugee cards to work legally, with rights on par with nationals. Asylum seekers and other foreigners without refugee cards had to obtain residence permits to work legally, and the same rules applied to them as to other foreigners in Gambia. Gambia exempted Senegalese nationals from the requirement of residence permits.

Residence permits cost about $18 (500 Dalasi) for ECOWAS nationals and about $1,100 (30,000 Dalasi) for others. The permits expired yearly on January 31, and applicants could renew them at immigration offices throughout the country for ECOWAS citizens and in Banjul for other foreigners. The Government could revoke them at any time.

Gambia maintained reservations on the 1951 Convention’s rights to work and the protection of labor legislation, accepting refugees’ exemption from restrictions only after four years, rather than three, and omitting any exemptions for refugees with spouses or children who were nationals. The protections of the Labor Law, including the right to join unions, applied to foreign workers as to Gambians, as long as they had work permits.

**Public Relief and Education** UNHCR, the World Food Programme (WFP), and other UN agencies provided emergency relief with the help of the Gambian Red Cross Society, including food, clothing, and basic household items, to newly-arriving refugees from Senegal.

The WFP began assistance in October and planned to continue through at least October 2007. It provided food aid to villagers hosting the refugees as well as to the refugees themselves.

Refugee children had access to education through grade nine, sponsored by UNHCR and the GAFNA. Vocational training was also available but limited by available funding. GAFNA also provided micro-credit loans, material assistance for funerals and childbirth, health services, and recreational equipment. The Constitution extended the right to education, including free primary instruction, to “all persons.”

Gambia cooperated with and granted access to UNHCR and other humanitarian agencies aiding refugees, but the Poverty Reduction Strategy Paper it prepared for international donors made no mention of refugees.

**Ghana**

| Refugees and Asylum Seekers | 50,500 |
| Liberia                      | 36,700 |
| Togo                         | 12,200 |
| New Asylum Seekers          | 100   |
| Departures                  | 11,600 |

1951 Convention: Yes  
1967 Protocol: Yes  
Reservations: Art. IV  
UNHCR Executive Committee: Yes  
African Refugee Convention: Yes  

Population: 22.6 million  
GDP: $12.9 billion  
GDP per capita: $578

**Refoulement/Physical Protection** There were no reports of refoulement in 2006.

Refugees in Krisan camp reported two attempted sexual assaults, and 400 such incidents occurred in Buduburam camp, according to the nongovernmental organization, Women in Self-Empowerment. Refugees in Krisan camp also reported rapes, but witnesses could not determine if the offenders were police or other refugees, as the camp had no lighting at night. Officials prosecuted three persons for sexual assault, only one of whom received a sentence and that, for six months. Refugees in Buduburam reported sexual coercion under threat of eviction.

Ghana was party to the 1951 Convention relating to the Status of Refugees, its 1967 Protocol, and the 1969
Convention Governing the Specific Aspects of Refugee Problems in Africa, all without reservation except to the Protocol’s dispute resolution provision. The 1992 Refugee Law granted refugees the rights of all three instruments and prohibited their refoulement. It recognized refugees under either convention’s definition and any group the Government determined to be refugees. The Law established the Ghana Refugee Board (the Board) to screen applicants, on which the Office of the UN High Commissioner for Refugees (UNHCR) had an observer role. The Government allowed a nongovernmental organization, Distressed and Displaced, to sit on it as well. The law required asylum seekers to apply to Immigration Services, the police, or UNHCR within 14 days of arrival, though the Board could allow an extension. The Board had to consider applications within 30 days and personally interviewed applicants from outside western Africa or those suspected of being former combatants. Denied applicants had 30 days to appeal to the Minister of Interior but could remain in the country with their families pending outcome and three months beyond to seek entry elsewhere. Asylum seekers had the right to counsel at their own expense. The 1992 Constitution (amended 1996) extended to “every person in Ghana” its fundamental human rights and freedoms of the individual in articles 12 through 33.

The Board continued to grant prima facie status to Togolese refugees as well as to Liberians who arrived prior to the presidential inauguration in early 2006. Among the other refugee groups were about 700 Sudanese, nearly all in Krisan camp. The remainder was from Rwanda, Côte d’Ivoire, or Sierra Leone.

UNHCR encouraged Liberian refugees to repatriate by June 2007. About 4,700 Liberians repatriated and third countries resettled 1,200, but many of the repatriates returned to Ghana. Nearly 5,700 Togolese refugees repatriated without any assistance or encouragement from the Government.

**Detention/Access to Courts**

Ghana held 16 refugees it accused of participating in the November 2005 riots in Krisan camp on several charges, including arson. All suspects secured bail and returned to the camp to await trial. UNHCR monitored the cases but at year’s end, it had not yet gone to trial. The Government did not release an investigative report about police use of tear gas, warning shots, and beatings to quell the disturbance.

The Refugee Law prohibited the detention or punishment of asylum seekers for illegal entry or presence, but authorities could detain refugees without documentation and detained one Sudanese refugee traveling without official papers for 24 hours until the U.S. Embassy verified his refugee status, warranting his release. Immigration officials detained two other registered refugees for several days for allegedly trying to leave the country with false passports.

The Refugee Law mandated that refugees should receive identity documents and residence permits, but only 74 asylum seekers received registration numbers and not all received identity documents. Authorities generally respected UNHCR-issued identification cards.

Refugees legally had access to courts but rarely found them effective and generally used traditional dispute resolution mechanisms instead.

**Freedom of Movement and Residence**

Following the November 2005 Krisan riots, the Government dispatched 40 regional police to the camp and restricted the movement of Sudanese refugees. The police and camp authorities strictly monitored refugees’ whereabouts until mid-2006, when they restored refugees’ freedom to enter or leave. Ghana had two refugee camps, Krisan and Buduburam, but generally did not require refugees to live in them. UNHCR provided food aid only to the refugees in Krisan Camp and to 9,500 in Buduburam.

The Constitution allowed the Government to restrict the movement of non-citizens. The 1992 Refugee Law also gave the Minister of Interior the right to designate specific areas for refugees to live.

Refugees from member states of the Economic Community of West African States could also freely travel within other member countries. Refugees from Sudan, Somalia, Congo, and Rwanda, however, could not. The Refugee Law provided for the issuance of international travel documents to refugees, and the Passport Office issued them to those who could prove that they had the means to travel or an offer of employment requiring travel.

**Right to Earn a Livelihood**

It was very difficult for refugees to work legally in Ghana. They had to have employers sponsor them and apply to the Board to apply to the Immigration Service through the Ministry of Interior for permits. The process took about three months, and most employers were not willing to wait. Companies could also acquire work permits on behalf of refugees but had to pay a fee, and there were quotas on the number of foreigners whom they could employ. Many refugees worked in the informal economy without labor protections or social security. Others engaged in small commercial activity inside camps. Unless refugees had Ghanaian partners,
the law treated them as foreigners, and they could open businesses limited by guarantee once they had a mission statement and could fulfill tax requirements.

The Constitution expressly allowed restrictions on non-citizens' economic activities. Refugees could own moveable property and open bank accounts, but the Constitution categorically barred foreigners from any freehold interest in land or any lease greater than 50 years. Nevertheless, several legal residents leased land for 99-year periods. In Buduburam, some refugees leased property from Ghanaians on build, operate, and transfer agreements. At the end of their timeshare, some landowners threatened to evict them.

Public Relief and Education
UNHCR began phasing out food aid and subsidized services in Buduburam to promote repatriation and, in December, cut its funding for Buduburam's health clinic by two-thirds. By year's end, the camp no longer provided drinking water, and residents had to purchase it from surrounding communities. In November, the UN and Japan pledged to finance micro-enterprise projects to augment crop productivity, sanitation, and vocational training in Krissan. UNHCR also gave limited assistance to Togolese refugees in the Volta Region, who had free access to government-run hospitals and clinics.

UNHCR provided free primary school education for almost all refugees, and some continued on to secondary school. The Ghana Education Service and UNHCR assessed over 40 schools in Buduburam with the goal of closing those considered "sub-standard" and asked 28 to shut down.

The Constitution restricted to citizens its requirement that the Government provide education and social security. Aid groups had to register with the Government but generally had access to the camps. Following the 2005 Krissan riots, however, the Ministry of Interior restricted access to the camp for several months.


Under the U.S. Millennium Challenge Account, the Government developed a Compact that could potentially benefit refugees involved in the agricultural sectors, but it did not specifically include or aim to assist them.

Refoulement/Physical Protection
There were no reported cases of refoulement although refugees reported cases of rape, sexual assault, and attempted rape. They were also more vulnerable than nationals were because of lack of documentation, language barriers, and inability to work. The Government, however, maintained that other refugees were generally responsible for such acts.

Guinea was party to the 1951 Convention relating to the Status of Refugees, without reservation, its 1967 Protocol, and the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa. The 1992 Constitution guaranteed asylum to those foreign nationals mistreated because of political, philosophical, or religious opinion; race; ethnicity; or intellectual, scientific, or cultural activities. The 2000 Refugee Law incorporated the Conventions' definitions of refugee and those recognized under the mandate of the Office of the UN High Commissioner for Refugees (UNHCR) and prohibited expelling or extraditing refugees or asylum seekers, including during appeals. The law reserved decisions on the admission, cancellation, and cessation of refugee status for the National Hospitality and Aid Committee (CNHS), on which a UNHCR representative would sit as an observer and allowed appeals to the Minister of Justice. The CNHS, however, did not function and a National Bureau for Refugee Coordination made refugee status determinations. The Bureau's Preparatory Committee conducted preliminary interviews with applicants and made recommendations to the Eligibility Committee, which heard and decided cases.
Refugees could have the assistance of counsel, and UNHCR monitored proceedings. Rejected applicants had the legal right to appeal to an Appeal Committee of high ranking magistrates, but it did not meet regularly or often enough to function effectively.

UNHCR and the Government estimated the registered refugee and asylum seeker population at more than 35,000, about 70 percent of them Liberians, but UNHCR acknowledged that there could be as many as 50,000 more unregistered Liberians. According to the Government, more than 1,200 persons applied for asylum during the year. It granted 530 applications, denied 620, and left some 3,900 pending. The Government agreed to the local integration of about 2,000 Sierra Leoneans but did not naturalize any.

About 54,200 Liberians repatriated, more than 25,000 of them with UNHCR’s help.

Detention/Access to Courts  Police occasionally arrested and detained refugees in 2006 for lack of documentation, including having only copies of their identity documents instead of originals. UNHCR monitored the detention of refugees and intervened in cases of extended, inhumane, or unlawful detention. On several occasions, police detained refugees after they forced their way into UNHCR’s office to make protection complaints. Generally, they released these refugees within a few hours at most.

There were no reports of detention or physical punishment because of traditional or customary forms of dispute resolution by extralegal authorities, but there was greater use of such in cases involving rape and sexual assault, typically resulting in impunity or an exchange of money between families. The formal justice system, on the other hand, often did not protect victims, charged their families fees, and was reluctant to arrest Guinean perpetrators. One exception was the court in Lola, which sentenced a rapist to one year in prison and ordered him to pay nearly $300 to his refugee victim.

The nearly 26,700 refugees in camps received UNHCR attestation certificates with their photographs. In December, UNHCR extended the certificates of nearly 6,700 refugees in Conakry. The 500 or so refugees the Government newly recognized received letters of recognition, which they sometimes used as identity documents. Asylum seekers received no documentation. Despite UNHCR sensitization and training, some police did not recognize UNHCR attestations as valid. The 1994 Entry and Stay Law required all other non-nationals to have temporary residence cards and forbade employers to hire foreigners without prior authorization from the National Office of Employment and Labor and the immigration authorities. Refugees worked without labor protections. A 1986 presidential ordinance required employers to ensure that their foreign workers had work permits, for which employers paid $300 annually.

The 1994 Entry and Stay Law prohibited punishing refugees or asylum seekers for irregular entry or presence. The 1994 Entry and Stay Law provided for house arrest for otherwise deportable refugees.

Freedom of Movement and Residence  Guinea did not confine refugees and asylum seekers to camps or segregated settlements and they traveled freely throughout the country and resided where they chose. Refugees who moved out of the camps, however, lost benefits, such as food aid, provided by UNHCR.

The Government granted international travel documents to fewer than ten refugees for reasons other than repatriation or resettlement, such as medical treatment, study or employment abroad, or religious pilgrimage.

The Constitution reserved to citizens the rights to freedom of movement, choice of residence, and leaving the country, but the 1994 Entry and Stay Law also allowed resident foreigners to leave the country, to move about freely, and to change their place of residence, provided they notified the police in both localities.

Right to Earn a Livelihood  The 2000 Refugee Law treated refugees on par with nationals from countries with which Guinea had the most favorable treaties in regard to the right to work. Residents of the Economic Community of West African States (ECOWAS), including refugees from Liberia, Côte d’Ivoire, and Sierra Leone, legally had the right to work without permits or licenses.

The 1994 Entry and Stay Law required all other non-nationals to have temporary residence cards and forbade employers to hire foreigners without prior authorization from the National Office of Employment and Labor and the immigration authorities. Refugees worked without labor protections. A 1986 presidential ordinance required employers to ensure that their foreign workers had work permits, for which employers paid $300 annually.

The 1992 Constitution offered to all the right to work, to join unions, and to strike.

Refugees could engage freely in business, own property, open bank accounts, and repatriate assets when they returned, subject to customs fees. The 1992 Constitution did not limit to citizens its protection of private property.

Public Relief and Education  UNHCR supplied food, health services, primary education, and other basic services to refugees in camps. Only the neediest refugees in urban areas received aid, including basic
The Government cooperated with UNHCR and other humanitarian aid agencies and granted them access to refugees. The 2000 Refugee Law provided that refugees should enjoy treatment on par with nationals with regard to public relief and primary education. Refugees and citizens of ECOWAS countries had access to social services on par with nationals. The Government cooperated with UNHCR and other humanitarian aid agencies and granted them access to refugees.

UNHCR and other international donors financially supported the rehabilitation of communities in the Forest region, which hosted refugees for 17 years. Guinea’s 2002 Poverty Reduction Strategy Paper (PRSP) it prepared for international donors mentioned refugees in reference to “the cost of border security and sending troops to intervene between rival forces in the countries in conflict” and its 2007 progress report on the PRSP said refugees were “taking a toll in economic, social, and environmental terms.” The PRSP promised an HIV/AIDS prevention program targeted to “the most vulnerable population groups, including ... residents of areas with high concentrations of refugees” but did not include refugees in any development programs.

Refugees and Asylum Seekers 435,908
- China 110,000
- Nepal 108,000
- Sri Lanka 99,600
- Myanmar 58,000
- Bangladesh 35,000
- Afghanistan 38,400
- Bhutan 18,000

New Asylum Seekers 17,900
Departures 600

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

Population: 1.1 billion
GDP: $886 billion
GDP per capita: $790

Refoulement/Physical Protection India reportedly deported a number of Myanmarese from Mizoram State, but the Office of the UN High Commissioner for Refugees (UNHCR) had no access to them and was not able to determine if they were seeking asylum. Indian police also attempted to turn a Myanmarese asylum seeker over to the Myanmarese embassy in New Delhi, but officials there refused to accept him. India also deported a number of Bhutanese refugees to Nepal, where the Government confined them to camps after they tried to cross the Indo-Bhutanese border.

India was not party to the 1951 Convention relating to the Status of Refugees and had no refugee law but, in 1996, its Supreme Court ruled that the 1950 Constitution’s guarantees of life and personal liberty protected refugees from refoulement. India’s Citizenship Amendment Act of 2003 defined all non-citizens who entered without visas as illegal migrants, with no exception for refugees or asylum seekers. India treated refugees differently depending on their nationality. It generally granted Tibetans and Sri Lankan Tamils protection, Nepalis could enter India freely and those with documentation enjoyed most of the rights of Indian citizens under the 1950 Peace and Friendship treaty between the two countries. Other refugees had to travel to New Delhi to reach UNHCR, which had no presence at the borders, and which some refugees reported to be neither fair nor prompt in its status determinations.

India requested that UNHCR not register any Bhutanese asylum seekers as refugees, because a 1949 agreement between India and Bhutan (updated in February 2007) granted them legal residence and most rights on par with Indian nationals. Their Government, however, had expelled them and would not issue documents attesting to their Bhutanese citizenship.

Nearly 16,500 refugees arrived in Tamil Nadu from Sri Lanka during the year. By the end of 2006, UNHCR had recognized about 11,600 refugees under its mandate. It recognized just over 1,200 asylum seekers during the year, granting refugee status to 550. More than 600 had pending claims at year’s end. During 2006, 35 to 45 asylum seekers arrived in New Delhi monthly. The Government ordinarily issued residence permits to pre-2001 Afghan refugees and Myanmarese refugees recognized by UNHCR; other refugees generally did not receive official government documentation authorizing their residence in India. Registration with UNHCR took about seven months to a year to complete.

Refugees, especially ethnic Chin from Myanmar, were often unable to obtain police protection when they were victims of crimes. Chin women reported attempted rapes in June and July, with no investigation resulting.

India also hosted a number of Bangladeshi Hindus who Islamic extremists evicted from their land in Bangladesh and generally allowed them to live freely in West Bengal and Tripura States, although it considered them economic migrants. About 35,000 Chakma and Hajong refugees from Bangladesh lived in Arunachal Pradesh, awaiting Indian citizenship. Despite a 1996 Supreme Court decision in favor of this, the State Government resisted.
About 70 individuals with refugee status voluntarily returned to their country of origin with UNHCR’s help. About 200 refugees resettled to third countries.

**Detention/Access to Courts** India detained at least four refugees in West Bengal State on immigration charges, holding them past the completion of their trials. It released one of them, an Iraqi, to UNHCR, and two others from Myanmar obtained court orders directing their release to UNHCR. The Government detained five refugees and two asylum seekers in New Delhi on immigration charges and one refugee on other criminal charges.

In December, a Chin asylum seeker whose claim UNHCR had denied launched a hunger strike outside UNHCR’s New Delhi office. UNHCR complained to the Indian police, who arrested him and attempted to turn him over to the Myanmar embassy. When the embassy would not accept him, the police held him on immigration charges that could ultimately lead to five years in prison. India continued to operate two closed camps for Sri Lankans it alleged to be members of the Liberation Tigers of Tamil Eelam (LTTE) and their families but allowed no judicial oversight of these administrative decisions. India transferred at least 12 new arrivals there in 2006, two for suspected LTTE ties, and 10 for allegedly smuggling asylum seekers across the Palk Strait between Sri Lanka and India.

The Constitution reserved to citizens its protections against state discrimination on the bases of race, religion, place of birth, and other grounds, but extended to all persons its right to equality before the law and the equal protection of the law, protection of life and liberty, and prohibition of unlawful detention. The Foreigners Act contained broad powers of detention and made illegal entry into the country a crime punishable by up to five years in prison, with no exception for refugee or asylum seekers. The National Human Rights Commission was able to monitor detention facilities, but did not have a mandate specifically to protect refugees and asylum seekers. In New Delhi, UNHCR provided legal aid through an implementing partner.

The Government gave residence permits to many Af-
ghans and Myanmarese. In Mizoram, Myanmarese Chin the police caught without documentation had to pay bribes of 200 to 500 rupees ($4.50 to $11) to avoid deportation. India issued identity documents to Tibetans and Sri Lankan Tamils that legalized their stay in the country. UNHCR provided the refugees it recognized with papers, but India did not officially recognize these. UNHCR also provided documentation to asylum seekers, which authorities generally respected.

**Freedom of Movement/Residence** India maintained around 100 camps for destitute Sri Lankan refugees in Tamil Nadu. Residents were free to live outside them if they chose but had to return every two weeks for attendance and to receive aid. Those who lived in camps but worked outside had to return daily by 7 p.m. India required Sri Lankans and other recognized refugees living outside the camps to register with the nearest Foreigners Regional Registration Office, usually in the local police station. They had to remain in the district unless they received permission, usually granted for economic or other reasons, to move to another. Refugees in New Delhi and Faridabad regularly reported harassment by officials when they tried to change their registered residences, but UNHCR generally intervened to gain permission for them. Refugees with UNHCR papers only had difficulty leaving New Delhi. India did not permit Myanmarese refugees registered with UNHCR to live in its northeastern provinces, near the Myanmar border.

In order to rent apartments, Chin refugees in Mizoram State had to obtain letters from the local government and the Young Mizo Association (YMA), a local nationalist group with strong influence over the local government. The YMA illegally deported many Chin in 2003 when the Government considered issuing them work permits. Its members conducted inspections to make sure Chin had the required recommendation letters and deported those it found without them.

The Constitution reserved to citizens its rights of freedom of movement and choice of residence. The Foreigners Act and the 1948 Foreigners Order implementing it gave the Government the power to force all foreigners, including refugees and asylum seekers, to "reside in a particular place" and "[impose] any restrictions on [their] movements" and to prosecute criminally anyone aiding or abetting their escape.

India rarely issued international travel documents to long-term Tibetan refugees. The Foreigners Order also prohibited refugees and asylum seekers from leaving India without permission. At the end of 2006, India banned Tibetans who entered the country with valid visas and subsequently applied for residence permits from receiving international travel documents.

**Right to Earn a Livelihood**

Though there was no legal basis for doing so, India generally allowed Tibetan and Sri Lankan refugees to work. Sri Lankan refugees living in camps often had to turn over their Government aid to corrupt officials to leave the camp for work. Tibetans could obtain certification to practice professions, but other groups of refugees could not.

Refugees recognized by UNHCR had no access to legal employment, but often worked in the informal sector. Many worked as street vendors, a highly visible job which made it easy for police to extort money or goods from them. Employers often underpaid them, and landlords overcharged them because they knew the refugees could not report them.

The Constitution reserved to citizens its rights to work, practice professions, join unions, and operate businesses. As foreigners, refugees could not legally own land, but Tibetan refugees often acquired land with Indians acting as proxies. Refugees without documentation, including Nepalis, could not open back accounts.

**Public Relief and Education** Much of the housing in Sri Lankan camps was of poor quality, but the Government gave residents subsidized rice and other goods. Government hospitals provided free medical services near the refugee camps. India's provision of public relief and assistance to Tamil refugees approached that of nationals. India gave no aid to Bangladeshi and other refugees whom it did not recognize.

Refugees had to wait nearly two months for UNHCR reimbursement for medical visits, and this was generally not available for private hospital visits.

All refugees with Government permission to stay in the country had full access to local schools. UNHCR provided language training to assist children in making the transition to Indian schools. Children of families without Government permits had to rely on reimbursement from UNHCR for school fees. Children of Sri Lankan Tamil refugees in Tamil Nadu attended primary school free of charge and received one daily meal, free textbooks, bus passes, and school uniforms. Parents received financial assistance if they lived in one of the refugee camps. Nepalis with documentation could freely attend public schools, but those without had to pay for private schools.

India did not allow UNHCR or NGOs to enter Mizoram State, but, in May, a new State Government in Tamil Nadu granted both national and international agencies access to refugee camps. The Foreigners Act authorized the central Government to restrict access to aliens it designated to particular areas.
Iran

Refugees and Asylum Seekers 1,025,000
Afghanistan 940,400
Iraq 54,400

New Asylum Seekers 1,100
Departures 264,200

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

Population: 70.3 million
GDP: $212.5 billion
GDP per capita: $3,020

Refoulement/Physical Protection
Iran deported dozens of registered Afghan refugees. In August, a Government official said the country had expelled 130,000 Afghans over the last three months. Iran agreed to allow the Office of the UN High Commissioner for Refugees (UNHCR) to screen deportees for registered refugees at one border crossing, Dogharun, but hindered its access. Iran also continued to resist setting up a second monitoring station in Milak that its 2003 repatriation agreement with UNHCR and Afghanistan required. Iranian security forces had the full refugee registration database available to them at detention centers to prescreen deportees.

Iran continued to encourage Afghans to repatriate by restricting employment and freedom of movement, levying taxes, launching mass roundups of unregistered Afghans, and revoking the refugee cards of Afghans arrested for petty offenses.

In August, the Government ordered all Afghan refugees to leave the country within three months but relented in September, and the Bureau for Aliens and Foreign Immigrants Affairs (BAFIA), part of the Ministry of the Interior, extended the validity of refugee cards.

In November, in Zahedan, Iranian Disciplinary Forces (IDF) shot at a car carrying 12 Afghans, killing two and injuring four. The IDF did not release the results of its investigation, but did say that none of the victims was a registered refugee. In October, in the same areas, a truck carrying Afghans to detention crashed, killing one Afghan and one police officer and injuring 50 Afghans.

Iran honored UNHCR’s return advisory, which held that conditions in Iraq were not conducive to mass returns, for its 54,400 Iraqi refugees. The Government also reported sponsoring some 30,000 refugees of various nationalities (including Tajiks, Bosnians, Azeris, Eritreans, Somalis, Bangladeshis, and Pakistanis) but did not allow UNHCR access to them or to any information about them and turned away asylum seekers who sought interviews with BAFIA. During 2005 and 2006, Iran reregistered 940,000 Afghan refugees who had initially registered in 2001 or earlier, but did not reregister more recent arrivals. In March, Iran agreed to extend its agreement with UNHCR and Afghanistan for the repatriation of Afghan refugees for another year. Iran was party to the 1951 Convention relating to the Status of Refugees (1951 Convention) and its 1967 Protocol but maintained reservations on many of its rights. The 1979 Constitution allowed the Government to grant asylum to applicants “unless they are regarded as traitors and saboteurs.” Iran’s 1963 Regulations Relating to Refugees (1963 Regulations) provided that “Refugees should not be forcibly returned to the country where their life or freedom is endangered for political, racial or religious reasons or for their membership in a particular social group.”

In its development planning, Iran acknowledged both refugees and displaced persons as types of foreign nationals living legally in Iran. It used the Convention’s definition of refugee and defined displaced persons as persons who, “owing to outbreak of civil or international war, without any formalities,” leave or are driven from their “country of origin but [are] not able to prove [their] well-founded fear of persecution on the basis of Geneva 1951 Convention and 1967 Protocol.”

Nearly 5,300 Afghans returned voluntarily with UNHCR’s help, but no Iraqis did so. Third countries resettled nearly 740 refugees: ten Iraqis, the rest Afghans.

In September, Iran’s Parliament passed a law allowing children of foreign fathers and Iranian mothers to apply for Iranian citizenship at age 18. Children of Iranian fathers were already granted citizenship.

Detention/Access to Courts
Iran regularly detained refugees for illegal entry, lack of documentation, illegal employment, and movement outside their provinces of registration without permission. Typically, Iran revoked their refugee cards and briefly detained them before deporting them to Afghanistan, although it released some who were able to present proper documentation. Iran did not allow UNHCR or any other humanitarian agencies to monitor its detention facilities. However, deportees UNHCR interviewed in Afghanistan reported physical and verbal abuse while detained.

BAFIA issued identification cards to all of the 940,000 Afghan and 54,000 Iraqi refugees it registered. Although Iran
Country Updates

extended the validity of Afghans' cards in September, the cards themselves did not indicate this. BAFIA informed law enforce-
ment agencies, but arrests of Afghans with proper documents
continued nonetheless. BAFIA secured the release of some
of these detainees, but courts ordered others deported. Iran
offered Special Identity Cards that provided greater privileges
to Afghan refugees who were religious students, disabled in
war, relatives of martyrs, or married to Iranians.

The 1963 Regulations read, "A refugee has the right
to refer to Iranian Courts to demand justice." The delays and
costs associated with the courts, however, deterred most refugees
from pursuing cases there. UNHCR offered refugees free legal
advice. In 2004, BAFIA and UNHCR established Dispute Settle-
ment Committees (DSCs) in seven provinces with significant
Afghan communities to mediate legal disputes that might have
hindered repatriation. They added five more Committees in
2005. Each DSC consisted of a judge, one representative each
from BAFIA and the Afghan community, and a lawyer con-
tracted by UNHCR. DSCs mediated nonpayment of salaries
and landlords' refusal to return housing deposits. They were
successful in gaining reimbursements of $850 to $14,500.

Freedom of Movement
and Residence  Afghan refu-
gees were generally able to choose
their places of residence. Fewer
than five percent lived in camps.
Toward the end of the year, how-
ever, Iran closed some areas to
refugees and required refugee residents to either repatriate
or relocate (sometimes to camps). In October, provincial
authorities in East Azerbaijan province announced that
Afghan refugees could not remain there and gave them ten
days to present themselves to authorities. Few of the 50,000
refugees subject to the order obeyed. Iran made no move
to enforce it. The Government also required refugees to
obtain passes from local authorities to travel outside their
provinces of residence.

Of the Iraqi refugees, only 5,000 remained in camps.
Only refugees holding documents issued before
the 1979 Revolution had access to international travel
documents.

Iran maintained its reservation to the freedom of

Afghan refugees in Mashad City, Iran. Iran deported dozens of registered Afghan refugees and expelled thou-
sands of Afghans through its border post at Milak with no screening, in violation of its tripartite agreement with
UNHCR and Afghanistan.  Credit: HORIZON
movement provisions of the 1951 Convention, and its 1963 Regulations allowed the Government to restrict the residence of refugees.

**Right to Earn a Livelihood**
Iran allowed refugees to apply for work permits but only in 16 menial job categories, such as brick making and animal husbandry. Refugees also had to pay a 700,000 Rial ($76) registration fee, and employers were required to contribute towards insurance. Generally, Afghan refugees worked illegally, but the Government fined employers and detained and deported refugees caught doing so. Iraqi refugees also worked without permits, but Iran was generally more tolerant of them.

Iran maintained a reservation to the 1951 Convention provisions regarding the right to work. The 1963 Regulations allowed recognized refugees "employment in the fields authorized for foreign nationals and those fields deemed appropriate." The 1990 Labor Law mandated the Ministry of Labor and Social Affairs to issue, extend, and renew work permits to refugees, subject to the written agreements of the Ministries of the Interior and Foreign Affairs.

The 1963 Regulations provided refugees the right to the "acquisition of movable and immovable properties" generally on par with other foreigners. With respect to purchase of real property, it conditioned this right on the foreigner's country allowing Iranians to purchase land. It also allowed the Government to ban foreign land purchases near borders and in other areas. The 2004 regulations, however, restricted Afghans' rights to obtain mortgages, to rent and own property, and to open bank accounts. The Government did allow Iraqi refugees to open bank accounts.

**Public Relief and Education**
Iran allowed Iraqi children free access to schooling, but charged fees to Afghan children. It also required refugees to pay municipal taxes before allowing their children to enroll in school. Special Identity Card holders did not have to pay to enroll their children in school and could enroll in the national health insurance program. Iran also gave health insurance to Iraqi refugees. In November, a group of Iranians and Afghans combined to provide services for the Afghan refugees, including financial support and volunteer teachers.

The 1963 Regulations allowed refugees medical and social services on par with nationals. Authorities increased health insurance premiums and introduced a tax early in 2004 to encourage repatriation as UNHCR reduced medical assistance.

Few international humanitarian agencies operated in the country as the Government restricted their operations and did not allow UNHCR to fund them. The Government did not allow UNHCR or nongovernmental organizations access to the 30,000 Tajik, Bosnian, Azeri, Eritrean, Somali, Bangladeshi, and Pakistani refugees it reported hosting.

Iran's Fourth Plan of Economic, Social, and Cultural Development included provisions for a council to coordinate administrative policy towards foreign nationals (including refugees and displaced persons) and a committee to suggest new policies but did not include refugees in any development plans.

**Refoulement/Physical Protection**
There were no reports of refoulement in 2006. The Government offered refugees protection under the Law of Administration for the State of Iraq for the Transitional Period (TAL), but had no mechanism for determining refugee status. Refugees typically registered with the local government in their area. The Office of the UN High Commissioner for Refugees (UNHCR) only had local staff in Iraq, with its international staff operating out of Jordan.

Insurgent groups, mostly Shi'a, killed about 170 Palestinian refugees because the Shi'a associated the Palestinians with the larger Sunni insurgency and believed that Palestinians enjoyed privileges under Saddam Hussein. After the February bombing of a Shi'a shrine in Samarra, assailants killed 12 Palestinians in Baghdad and kidnapped several others. More than 100 families received death threats, and insurgents attacked Palestinian buildings with mortars and gunfire. In March, the Judgment Day Brigades passed
out pamphlets in Palestinian neighborhoods threatening residents’ death if they did not leave within 10 days. The messages also accused them of working with the Nawasih, a derogatory term for fundamentalist Sunnis and supporters of Saddam Hussein. Subsequently, many Palestinians did not go to work or send their children to school out of fear.

Neighbors also warned Palestinians that suspicious strangers had asked them in which houses the Palestinians lived. In March, a group of 90 Palestinians, including women and 40 children, fled Baghdad and arrived at the Iraq-Jordan border, but Jordanian authorities stopped them and forced them to remain for four days in a no-man’s-land between the two countries, where the group grew to 200. Iraqi soldiers ordered the refugees to return to Iraq after four days.

In April, the Palestinian Muslims Association in Baghdad said it had received more than 280 reports of murder and rape since September 2005 and more than 140 reports in the previous four weeks alone. At the end of April, Shi’a religious leader Grand Ayatollah Ali al-Sistani released a statement demanding there be no more attacks against Palestinians.

In May, Syria accepted a group of around 300 Palestinian refugees stranded on the Iraq-Jordan border but later closed the border to Palestinians from Iraq. Some of these refugees had been living in a camp inside Jordan but had returned to Baghdad in 2004, only to flee again following the Samarra bombing.

In May, there were at least six more Palestinian deaths and renewed threats, including circulation of the same pamphlets passed out in March.

Despite Syria’s announcement that it would not accept any more Palestinians, dozens of refugees made their way to the border in May. The group was at 330 by September. Iraqi security forces reportedly visited the area. A truck ran over a 14-year-old boy when he asked for water. In November, Iraqi guards abducted three refugee men and two children. They released the prisoners 10 days later, who reported that they had physically abused them. An additional 40 Palestinian refugees arrived in December. By February 2007, the group had risen to 700.

In June, in Baladiyat, a Palestinian housing complex in Baghdad, armed men in three cars tried to kidnap a man from the area. When he tried to run away, they shot and killed him. When a crowd gathered, the armed men fired into the crowd, killing another and injuring three. In August, insurgents seized large numbers of Palestinian homes in Baghdad. In October, insurgents fired mortar shells into Baladiyat, killing four refugees and injuring eight. In November, insurgents abducted, tortured, and killed a 70-year-old Palestinian, and in December shelled the same Palestinian area, wounding and kidnapping three. Four days later, mortar attacks killed at least five Palestinian refugees and wounded about 20. The insurgents shelled the area for three hours with no response from national or international forces; insurgents blocked the path for ambulances.

In January 2007, insurgents killed at least eight Syrian refugees and others went missing.

Insurgents killed two Palestinians in January 2007 while they were standing next to a hospital. Iraqi security forces killed three Palestinians in a raid in the Baladiyat area in March 2007.

More than half the 34,000 Palestinian refugees in the country in 2005 fled. The United States and countries in the European Union usually declined to resettle Palestinian refugees.

In March, UNHCR urged a group of about 200 Iranian-Kurdish refugees in the no-man’s-land to move to a camp in Erbil, northern Iraq. They remained, however, in hopes of resettlement to a third country. In 2005, the refugees had fled the al-Tash camp outside of Baghdad and arrived at the Iraq-Jordan border. After Jordan denied their entry for more than a year, UNHCR said the refugees were outside its mandate, and it could not resettle them. UNHCR had moved about 1,300 Iranian-Kurdish refugees from al-Tash camp to northern Iraq since September 2005. The Government agreed to integrate about 3,000 Iranian Kurd refugees in northern Iraq, as well as Iraqi Shi’a Kurds returning from Iran.

A refugee camp 40 miles north of Baghdad held about 3,500 Iranian refugees, most of whom belonged to the People’s Mujahedin Organization of Iran, which the European Union and the United States considered a terrorist organization.

Detention/Access to Courts The Government detained at least 50 refugees, primarily Palestinians, but also a few Iranian Kurds and Syrians, not all with formal charges and likely because of prevailing anti-foreign sentiment. The International Committee of the Red Cross was able to monitor detainees in custody of the U.S.-led coalition, but not those that the Iraqi Government held.

In January 2007, Iraqi police raided a building rented by the UN for 26 Palestinian families. They detained 17 men as terrorists and Hussein followers, but released them after nine hours. Authorities arrested and released another 13 Palestinians near the Baladiyat area the same day. The security forces had also detained dozens more in previous weeks.

New rules required Palestinian families to appear before the Department of Residency every one to three months for registration renewal, where the staff occasionally verbally abused them or confiscated their documents.

Police, security forces, Iraqi security forces, coalition forces, and members of the public repeatedly threatened, detained, and harassed refugees, particularly Syrians and Palestinians they suspected of terrorism.
Freedom of Movement and Residence

There were no legal restrictions on refugees' freedom of movement or choice of residence. The general insecurity, as well as harassment, physical attacks, and arbitrary detention, however, restricted the ability of refugees to move freely. Fear of kidnapping and murder by mostly Shi'a insurgent groups severely restricted the movements of Palestinians in Baghdad.

The Government issued Palestinians blue travel documents that distinguished them from Iraqis who received green passports. Insurgents reportedly used the distinction to identify and kill many Palestinian. Palestinians reported that they were afraid to leave their buildings. Authorities stamped the passports of Palestinians “right to exit, no right to return” when they left the country.

Right to Earn a Livelihood

Refugees were able to work legally under permission from the president’s office. There was no labor legislation in force for refugees or for nationals.

Refugees were not able to register businesses, own land, or open bank accounts, as all these activities required Iraqi national identification documents.

Public Relief and Education

In January 2007, insurgents turned back volunteers from the Iraqi Aid Association in Baghdad who were bringing supplies to Palestinian and Syrian refugees. UNHCR helped Iranian Kurdish refugees who moved to the Kawa camp in Erbil with vocational training. Hundreds of these refugees had lived in al-Tash camp for more than 20 years.

The Government and UNHCR allowed refugee children to attend local schools. UNHCR provided them with health services. Refugees without residence permits had difficulty gaining access. In March, the Iraqi Red Crescent Society, along with UNHCR, gave tents and assistance to the group of 90 Palestinians on the Iraq-Jordan border. In April, aid officials said the children suffered from lack of food and medicine. The UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) provided medical and dental services and education.

The Government cooperated with humanitarian agencies in assisting refugees.

Refoulement/Physical Protection

In 2006, the Israeli Defense Forces (IDF) killed nearly 700 Palestinians in the Occupied Territories (including more than a hundred minors), a majority of whom were not engaged in hostilities at the time, and injured about 3,200. Of the overall total, Israeli forces killed nearly 70 Palestinians inside refugee camps (including 13 minors), about half of them noncombatants. Factional strife and clan feuds increased late in the year, with 17 Palestinians killed and 75 injured. Palestinians killed 17 Israeli civilians (1 a minor) and 4 soldiers in the West Bank and Israel.

In February, the IDF attacked Nablus and the Balata refugee camp in the West Bank, killing five and injuring more than 24. In July and August, conflict with Israeli authorities following the June capture of Israeli soldier Gilat Shilat by Palestinian militants resulted in more than 200 Palestinians killed and more than 700 injured. In early October, fighting between Hamas and Fatah supporters killed 11 Palestinians and left more than 100 injured, mostly civilians.

In November, Israel’s six-day incursion into the northern Gaza Strip town of Beit Hanoun, whose residents are nearly all Palestinian refugees, killed 82 and injured 260. In one pre-dawn attack, the IDF fired at least a dozen 155 mm artillery shells into a densely populated area, killing 18, mostly women and children from the same extended family, and injuring dozens. Hamas and Islamic Jihad retaliated with indiscriminate rocket attacks on Israel, killing a 57-year-old woman in the town of Sderot and injuring others.

From July through December, the IDF injured 26 Palestinians it found within 164 yards (150 meters) of the perimeter fence between Israel and Gaza. In August, an IDF helicopter killed two men in Jenin refugee camp in the West Bank.
Bank. In December, fighting between Fatah and Hamas killed 17 in Gaza. Hamas and the IDF both used civilians as human shields throughout the year, although hundreds of refugees in Jabalia camp in Gaza also voluntarily protected with their presence a number of houses threatened with an Israeli attack.

There were no reports of forcible transfer by Israel of Palestinians from the West Bank to the Gaza Strip.

Israel withdrew its military and its settlements from the Gaza Strip in 2005, but retained control over the entry and exit of people and goods, airspace, territorial waters, tax revenue, utilities, and population registry. In July 2006, Israel invaded and reoccupied three former Jewish settlements.

**Detention/Access to Courts**

Israel held more than 9,000 Palestinians, including refugees, at year’s end. Of the overall number detained, a military tribunal sentenced about 6,000, some 2,100 were in proceedings, and about 800 were in administrative detention. Authorities could hold administrative detainees without charge or trial for up to six months, with unlimited possibility of extension in six-month increments by military judges. Appeal was possible to a military judge, but there was little chance of success as the IDF based the detentions on secret information. Israel held about 900 Gazans in prisons in Israel proper except for one in the West Bank that did not permit family visits.

According to a UN Special Rapporteur after a June visit, arrests “were frequently accompanied by destruction and trashing of property, beatings, the unleashing of dogs into houses, humiliating strip searches, and early morning raids.” The IDF conducted nearly 400 search campaigns in West Bank refugee camps during the year.

The UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) issued registration cards to refugee families. Israeli authorities granted identity documents to individual refugees according to their place of residence (Jerusalem or West Bank ID cards). Palestinians present in East Jerusalem and other Israel-annexed areas held permanent residence status, as did some of their descendents.

Military police forwarded to the military attorney general the findings of their investigation into the 2005 shooting of an unarmed 13-year-old boy during an IDF raid on the Askar refugee camp near Nablus. An IDF inquiry had earlier concluded that the soldiers violated rules of engagement. Investigations into the 2005 IDF raid on Tulkarm refugee camp that killed five unarmed Palestinians also remained incomplete. The IDF conducted an internal inquiry into its shelling of Beit Hanoun but did not address either accountability or whether the attack was a violation of international law. Human Rights Watch (HRW) called for a more comprehensive investigation to allocate individual and command responsibility, including any criminal responsibility, for the IDF’s firing of some 15,000 shells into Gaza since September 2005, which killed 49 civilians and injured dozens more. HRW also criticized the IDF for dismissing physical evidence contradicting the IDF account of events in its investigation into the June 2006 Gaza beach shelling that killed eight. The Israeli human rights nongovernmental organization, Yesh Din, reported that police closed 90 percent of Palestinian complaints against Israelis without filing charges, including some 79 percent of complaints involving violence.

**Freedom of Movement and Residence**

Authorities did not restrict refugees’ places of residence but the entire Palestinian population, including refugees, was subject to severe movement restrictions and required Israeli permits to travel between West Bank and Gaza, to enter East Jerusalem, to enter Israel, or to travel abroad. The Government could deny permits for any or no reason without meaningful appeal.

About 186,000 Palestinian refugees, more than a fourth of the refugees in the West Bank, lived in 19 camps. Some 478,000 refugees (47 percent) lived in eight camps in Gaza, some of the densest human settlements in the world. In August, the IDF said it would allow Palestinians to cross into the Jordan Valley at the Hamra, Tayasir, Ma’ale Efrayim, and Yitav checkpoints if they had Valley residency written on their IDs (about 50,000 did), permits to work in Israeli settlements in the Valley (in August, the IDF issued 7,000), or Jericho IDs with a West Bank checkpoint permit.

Some 330 refugees moved and transferred their registration to the West Bank from other fields of UNRWA operations. About 500 refugees registered in the West Bank moved and changed their registrations to other countries of UNRWA operations, mainly for marriage.

About 25 percent of the 230,000 Palestinians with East Jerusalem residence permits resided east of the separation barrier and had to wait in line to cross at one of four terminals to enter Jerusalem for services and jobs. A complex and erratic system of permits for specific barrier gates curtailed the movement of Palestinians to Jerusalem and the areas between the barrier and the Green Line of the 1949 armistice.

Curfews in the West Bank, combined with about 520 checkpoints (up from 470 the year before) and the barrier and its associated regulations, cut the territory into three areas and impeded refugees from visiting families, places of work, schools, medical facilities, and farmland. The IDF deployed an average of nearly 600 mobile flying checkpoints per month (up from nearly 200 the year before) for a few hours at a time, often on key transit roads during peak travel times. Israel maintained 40 permanent, staffed checkpoints, preventing movement between Palestinian communities.
inside the West Bank, and another 32 checkpoints as the last inspection points between the West Bank and Israel, some of which were well inside the West Bank. Israel also put up hundreds of physical obstructions, closing off roads and preventing access to and from Palestinian communities. These obstructions included more than 200 dirt piles at entrances to villages, towns, refugee camps, or roads; about 24 miles (40 km) of fences along roadways; 21 miles (35 km) of meter-high fence, primarily in the southern Hebron hills; some 18 miles (30 km) of trenches to prevent vehicles from crossing; and 69 locked gates at entrances to villages.

Palestinians who left Gaza could do so only through the Rafah border terminal with Egypt. The Rafah terminal was closed for much of 2006, so only about 5,100 persons were able to exit and a similar number return through this crossing. Rafah was open for only 21 days between June and November for an average of less than two hours each day. Israel controlled the Palestinian population registry and denied tens of thousands the identity papers necessary for return after any crossing.

In 2002, Israel began erecting a physical barrier to separate Israel and the West Bank. In most areas, it consisted of an electronic fence with dirt paths, barbed-wire fences, and trenches on both sides with an average width of 66 yards (60 m), but in some areas the barrier was a wall up to nine yards (8.5 m) high. In the 2004 Beit Sourik case, Israel's High Court ruled that much of the original route was illegal and that the state must propose another. The cabinet approved a new route in 2005, but one that would leave 80 percent of the barrier inside the West Bank and cut off nearly 12 percent of the West Bank, including all of East Jerusalem. At year's end, Israel had completed almost 60 percent of the total 423 miles of the barrier.

Thousands of Palestinians left the territories—some 10,000 between June and October alone—especially from Gaza. Many left for either Canada, which allowed legal immigration, or Cuba, in which many did not actually arrive—having applied for asylum in Europe while in transit. Travel agencies in Gaza raised their prices for fictitious invitations, hotel bookings, and Cuban visas from $200 to $1,500 because of high demand and risk. Palestinian residents of East Jerusalem, and some of their descendents, could live where they wished in Israel with much the same rights as non-citizen immigrants, but with no right to return if they left the country.

**Right to Earn a Livelihood**

Israel and major donors virtually froze banking transactions following the January election of a new, Hamas-led government in the territories. This freeze resulted in the nonpayment of salaries of some 160,000 employees of the Palestinian Authority (PA), of whom some 75,000 were refugee families. The PA employed some 32 percent of the refugee population, compared to 20 percent of non-refugees. Since February, Israel withheld monthly payments to the PA of $50 to $55 million in taxes and customs duties collected on behalf of the PA but approved the transfer of $100 million of these frozen taxes to the PA president in December.

The number of Palestinians from Gaza working in Israel dropped from about 100,000 before the second intifada to about 4,500 sporadically granted access between January and March. From April onwards, Israel permitted only Palestinian traders holding special permits and emergency humanitarian cases to cross.

Israel frequently closed the Karni crossing, the only export route from the Gaza Strip and a major import terminal, with devastating impact on small- and medium-sized businesses in the territory. When it was open, it was often only for a limited amount of goods or time. The average number of trucks leaving Gaza was 17 per day, far fewer than the 400 per day Gaza needed to serve its 1.4 million inhabitants and set by the 2005 Agreement on Movement and Access. Israel allowed an average of 42 traders per month to cross, compared to 107 in 2005.

Israel closed Karni for nearly half of the winter agricultural season, causing $30 million in losses from January to March to the sector that employed 4,200 manual workers. Of the total 2005–06 harvest in the former Israeli settlement areas in Gaza, which was a little less than 15,400 tons of produce, Palestinian farmers could only export fewer than 551 tons or about three percent. Although they sold about 3,750 tons in local markets and through Israeli wholesalers, they had to give away or destroy the vast majority of the crops.

Israel limited fishing to within six nautical miles off Gaza for most of 2006. Following the June abduction of an Israeli soldier, Israel restricted fishing to within one nautical mile and, during IDF operations, banned fishing entirely. In November, authorities extended the limit to 10 nautical miles. Israeli warships patrolling the area often shot at or arrested Palestinian fishermen for exceeding the limit.

By the end of the year, unemployment in the West Bank stood at more than 25 percent and was even higher among refugee camp dwellers. Employment in Israel or Israeli settlements declined to about 70,000 from 116,000 before the intifada. Tens of thousands of Palestinians living around Jerusalem lost access to jobs and commercial services in the city due to the separation barrier. Demolitions by the Jerusalem Municipality and the Ministry of the Interior left about 100 families (more than 500 individuals) homeless in 2006, while Israel built 90,000 homes for Jews in East Jerusalem. Some 15,000 other buildings in the area also had demolition orders. The IDF demolished at least 153 Palestinian structures in the West Bank—nearly 26 percent of which belonged to refugees and included 73 residential houses, 41 farm structures, 31 stores, and eight public facili-
ties—for reasons including lack of construction permits (63 percent), proximity to completed sections of the barrier (six percent), or ownership by a wanted Palestinian (24 percent). In the Gaza Strip, Israel destroyed nearly 300 homes housing more than 1,700 people, many during military operations. In addition, Israel demolished houses it claimed housed weapons or militants and nearly 50 houses built without permits, which were difficult for Palestinians to get in East Jerusalem and the West Bank.

Israeli authorities confiscated land along the planned route of the separation barrier, including that of refugees. They offered some compensation, but most Palestinians refused it fearing to legitimize the seizures. In addition, those who tried to accept it had difficulty establishing their title to the standards Israeli courts demanded. The barrier's construction had already isolated over 88 square miles (230 km²) of the West Bank's most fertile land—about 15 percent of all West Bank agricultural land. Palestinian communities east of the barrier had difficulties reaching farm and grazing land. Based on its planned route, the barrier would isolate the 60,500 Palestinians living near it or between it and the Green Line from the rest of the West Bank and their main sources of livelihoods and completely encircle some 31,400. The telephone company and others refused to carry out maintenance in Shu'fat refugee camp, which was inside the municipal boundaries of Jerusalem but cut off by the barrier.

**Public Relief and Education** Some 2.7 million Palestinians—about two-thirds of all households—lived below the poverty line, up 40 percent in the first half of the year over the previous year, with more than 2.4 million in extreme poverty, i.e., unable to provide for food, clothing, and housing. More than 72 percent of refugee households were below the poverty line, compared to about 61 percent of non-refugee households in the territories. UNRWA gave about 82,500 refugee families emergency food aid; an additional 36,500 refugee families emergency cash; and employed over 20,000 refugees, who themselves supported more than 148,000 dependants, in emergency job creation/rotation schemes. Palestinians registered with UNRWA received more humanitarian aid than the general population.

UNRWA ran 95 free elementary and preparatory schools, three vocational training centers, 37 health facilities, and one hospital in the West Bank. Between late May and mid-July, the IDF wounded Palestinian medical emergency personnel and damaged ambulances at least six times in Gaza, in two cases using unmanned surveillance drones capable of precision targeting.

In February, the IDF entered an UNRWA girls' school in Balata refugee camp and made it a detention center and military post for three days, disrupting education and damaging the buildings. There were seven such incursions into UNRWA schools and training centers, during the year, and one in the UNRWA hospital in Qalqilya.

On more than 800 occasions in the West Bank, the IDF delayed or denied UNRWA and its contracted vehicles passage to deliver humanitarian aid, including food, medicine, mobile health, and food distribution teams. Tens of thousands of Palestinians living around Jerusalem lost access to schools in the city due to the separation barrier. The barrier also cut off the two most advanced Palestinian hospitals, one of which, Augusta Victoria, is the primary hospital serving Palestinian refugees. The Shu'fat refugee camp in Jerusalem, home to about 10,000, was outside the barrier's route and separated from the rest of the city, hindering access to education, medical facilities, and services.

Refugees in Gaza were entitled to UNRWA education, health, relief, and social services. Unemployment rose from about 33 percent to nearly 42 percent during the year, and already high poverty levels rose by over two percent. By the middle of the year, nearly 57 percent of Gaza households received emergency aid. UNRWA ran nearly 200 elementary and preparatory schools and one vocational training center in Gaza, most with two shifts and up to 50 pupils per class. UNRWA had 18 free primary clinics in Gaza and provided food, cash, and housing aid to refugees. The number of repeat visits to UNRWA's free clinics increased by nearly 330,000 during the year, mostly due to an inability to pay at the PA clinics, which charged for some services.

Israeli border and crossing point closures and restrictions on crossing permits for local staff hindered humanitarian aid delivery to refugees in Gaza. By year's end, UNRWA had nearly 400 empty containers inside Gaza awaiting return to depots in Israel and 154 containers in Israel awaiting delivery to Gaza—all were accruing additional charges and hampering aid delivery. Such restrictions cost the agency about $2 million throughout the year.

During the six-day Beit Hanoun incursion in November, nearly 10,500 refugees lost six school days. The UNRWA health clinic also closed for the six days, except for one three-hour period, preventing up to 4,200 consultations or medical services. More than 400 UNRWA staff members residing and/or working in Beit Hanoun—often refugees themselves—could not reach their duty stations—a loss of more than 17,300 working hours. In December, fighting between Fatah and Hamas in Gaza closed schools in Khan Younis city and the Jabalia, Beach, and Bureij refugee camps.

In October, Palestinian gunmen broke into the UNRWA office in Rafah, fired shots in the air and inside the building, and demanded money to reconstruct their home, which the Israeli Air Force had destroyed five days earlier.
Refoulement/Physical Protection  

Jordan regularly deported Iraqis it caught overstaying their visas, generally after detaining them for up to a week. Buses holding up to 40 Iraqi deportees arrived at the border weekly, amounting to as many as 100 deportations monthly. The General Intelligence Department increasingly targeted Iraqi Shi’as for deportation.

The Office of the UN High Commissioner for Refugees (UNHCR) could not screen these deportees, despite its 1998 Memorandum of Understanding (MOU) with the Jordanian Government against refoulement. The Ministry of the Interior allowed Iraqis to choose deportation to Syria or Yemen if they feared returning to Iraq, which most did. Although deportees had the right to appeal within 60 days of the order, few did so.

If UNHCR was aware of a recognized refugee among the deportees, Jordan would delay the deportation until UNHCR found a resettlement country willing to accept the deportee. This occurred in at least two cases, when Jordan gave UNHCR 24-hour deadlines to find alternative solutions for refugees, and it was able to do so. Jordanian border guards increasingly turned back Iraqis, especially younger men and those who appeared to be poor. They also turned back those they accused of carrying false passports or being part of smuggling operations.

Jordan continued to deny entry to a group of 190 Iranian Kurdish refugees who tried to leave Iraq in 2005. The Kurds camped in the no-man’s-land between the Iraqi and Jordanian checkpoints at the border, and crossed into Jordan to protest their situation several times. Jordan also denied entry to a group of 250 Pal-

Detention/Access to Courts  

Jordan detained between five and 15 Iraqis registered with UNHCR and many more without UNHCR papers monthly during 2006. Typically, police arrested Iraqis for crimes including attempting religious conversions or for unspecified security reasons. Jordan increasingly targeted Shi’as Iraqis for arrest on these charges.

Jordan released recognized refugees on the recognition of a Jordanian sponsor if they had committed only a minor offense such as working illegally. It generally released without condition those who had merely overstayed their visas.

The 1952 Constitution promised all persons protection from arbitrary detention or imprisonment, but refugees and asylum seekers could not challenge administrative detention in court, and bail was only available in court-ordered detentions with judges’ discretion. The Constitution reserved to nationals the right to equal treatment before the law, but the MOU and Jordanian law provided for refugees’ and asylum seekers’ access to courts and legal assistance on par with nationals. Few asylum seekers availed themselves of this because of their lack of legal residence.

Although UNHCR continued to issue documentation to Iraqi asylum seekers, the police did not respect such
documents. Palestinians displaced from Gaza in 1967 held temporary Jordanian passports without national identity numbers, which were valid for two years.

**Freedom of Movement and Residence** Jordan kept more than 100 mostly Palestinian refugees confined in Ruweished camp, guarded by border police. It permitted them to leave for medical appointments with a police escort, and a local nongovernmental organization (NGO), the Jordanian Hashemite Charity Organization, ran a daily shuttle to a nearby market. Other refugees were not subject to such restrictions, but, under the 1973 Residence and Foreigner's Act, all foreigners had to notify the authorities of their residence and any movement.

About 328,000 Palestinians (including Jordanian citizens of Palestinian descent) also lived in camps throughout the country. More than 50 squatter settlements in mostly urban areas housed some 60,000 to 70,000 Palestinians ineligible for status with the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), including some of the former Gazan population.

Gazans held temporary Jordanian passports renewable every two years, as well as cards for crossing between the East and West Bank, subject to Israeli closures and other restrictions. The Government refused to renew the passports of some 10,000 to 12,000 Palestinian former residents at its embassies outside the country for failure to prove such former residence.

**Right to Earn a Livelihood** It was difficult for refugees with residence permits to work legally and virtually impossible for those without them, including many asylum seekers. The 1952 Constitution reserved to citizens its right to work. The 1996 Labor Law required non-Jordanians with legal residency and valid passports to obtain work permits from the Ministry of Labor showing that the job required experience or skills unavailable among Jordanians, with preference to Arabs but no exceptions for refugees and asylum seekers. The law required employers to pay a fee, and the permits were valid for one year or less, but were renewable. Violators were subject to cumulative fines and expulsion of the foreign worker at the employer's expense.

All bearers of temporary passports, including Palestinians displaced from Gaza since 1967, had to obtain permits to work legally. Palestinian refugees holding temporary Jordanian passports could work for the Government only on a contractual basis.

Jordanian law did not permit foreigners to join unions, but its labor laws did generally apply to non-citizens. Access to social security benefits depended on reciprocal privileges in the worker's country of origin, rendering stateless Palestinians ineligible.

The MOU with UNHCR provided that a legally resident refugee could work "for his own account whenever the Laws and regulations permit" and conditioned the right to practice professions on the same requirements.

According to Jordan's Investment Promotion Law, foreigners could not own more than a half-interest in enterprises in mining, trade and retail, and construction contracting. Temporary passport holders had to obtain ministerial permission and find a Jordanian partner to own property. Although the 1952 Constitution protected the property of all persons from arbitrary expropriation or confiscation, few refugees took advantage of these restricted rights largely due to their lack of residence status.

**Public Relief and Education** Jordan did not aid refugees and asylum seekers but UNHCR, UNRWA, national institutions, and NGOs did and had free access to do so.

The 1952 Constitution reserved the right to free primary education to nationals. The Government issued a series of contradictory statements as to whether it would allow the children of foreigners without residency to attend public schools. Many school officials were unsure if they could allow Iraqi children to enroll and often told Iraqi parents that they had to notify the Government when refugee children enrolled. As a result, most parents kept their children out of the public schools. During the 2005-06 school year, some 60,000 Iraqi children attended Jordanian schools. For 2006-07, this dropped to 15,000 of the estimated 200,000 to 300,000 Iraqi children in the country.

Palestinians from Gaza holding temporary Jordanian passports had to pay school fees in foreign currency where applicable and a fee for medical services. Public hospitals and health centers treated patients regardless of status, but non-Jordanians paid higher fees than citizens did. Palestinians displaced from Gaza since 1967 did not enjoy social security benefits, medical services, public education, or other social services that Palestinian citizens of Jordan enjoyed. UNRWA operated 24 medical clinics inside and outside of the refugee camps.

Children of Palestinians from Gaza holding temporary Jordanian passports could enroll in Jordanian schools. Additionally, UNRWA operated 180 schools and two vocational training centers for Palestinian refugees. Universities, however, restricted foreign students with quotas and required them to pay twice as much as Jordanians.
Kenya

**Refoulement/Physical Protection**
There were no reports of refoulement of recognized refugees but the Government did return one asylum seeker from the Democratic Republic of Congo to Kinshasa after the Office of the UN High Commissioner for Refugees (UNHCR) rejected his application in the first instance but before he could appeal.

In October, the Government refused asylum to about 4,400 Somalis who fled continued fighting. The Internal Security Minister cited security concerns as reasons to deny the refugees entrance and stated that the Government barred them because “they were found not to be qualified for refugee status.” The Government allowed registration to resume in November with stricter screening procedures, including the National Registration Bureau’s fingerprinting of refugees and checking them against records in Nairobi, a process that took two weeks.

At the end of the year, the Government did not allow other agencies to monitor the Liboi border point, which reported the highest entry of asylum seekers during the year. In January 2007, the Government deported more than 420 Somali refugees—mostly women and children—who had just crossed the border at Liboi and barred 7,000 more from entering. Authorities also barred UNHCR from the area. Kenyan authorities claimed the dispersal of UIC forces within Somalia made it impossible to distinguish refugees from fighters. The Kenyan foreign minister commented that “it’s not a written rule that when there is fighting in Somalia that people should run to Kenya, other nations should also take the burden.” In February 2007, the Government forcibly repatriated about 2,000 Ethiopian asylum seekers who arrived in Moyale District, citing security concerns.

In August, fighting killed three refugees—two Somalis and one Sudanese—and a Kenyan man in Kakuma refugee camp in the northwest part of the country. The killings were the result of increasingly strained relations between refugees and the local Turkana community. Widespread banditry and cattle rustling contributed to the tension in the region.

Although security in the camps improved from the year before due to increased police presence, security forces, locals, and other refugees allegedly raped several refugee women in the camps. At Kakuma, rape was among the most frequently reported crimes although less so than in previous years. Women and girls were especially vulnerable when they left the camps to herd goats and collect water or firewood. Other sources of insecurity included persecution of Muslims who converted to other religions or married non-Muslims, controversies over female genital cutting, Islamic dress, forced marriages, and family objections to out-of-clan marriage, which often resulted in assault and the kidnapping of spouses and children. Kenyans and refugees from other camps mistreated and abused refugees because of ethnic and religious differences. Rival Somali clans sometimes fought among each other in the camps.

Flooding in northeastern Dadaab in mid-November killed two refugees, destroyed homes, displaced 100,000 refugees, and increased incidents of diarrhea and waterborne illness into the camps.

Kenya was party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol but maintained reservations on its clauses providing exemptions for refugees from exceptional and provisional measures, the right to work, labor protection, social security, and administrative assistance. It was also party to the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa. In November, the Parliament passed the Refugees Bill, which called for an inter-ministerial Refugee Status Determination Committee to adjudicate refugee applications under a Commissioner for Refugee Affairs. The legislation would also designate a Refugee Appeal Board and allow additional appeals to Kenyan High Court. The Bill also mandated the documentation of refugees living in urban centers and outside of refugee camps. The President signed it into law in January 2007.

UNHCR recognized about 285,900 refugees *prima facie*. The Government had recognized about 8,600 in the 1990s. There were also about 60,000 de facto refugees, recognized neither by the Government nor by UNHCR. Kenya received about 32,000 Somali refugees during the year. UNHCR also carried out refugee status determinations but did not accept written testimony prepared by applicants’ legal representatives and did not allow applicants to have...
representatives with them at initial interviews but did allow lawyers at appeals interviews. Rejected applicants received generic forms with general categories of reasons checked but not specific individualized explanations.

About 1,800 Sudanese refugees repatriated with UNHCR's assistance, pursuant to a tripartite agreement between the agency, Sudan, and Kenya in January, but more may have left on their own. UNHCR signed a similar agreement with Rwanda and Kenya in March, but only two Rwandans chose to return under it. Resettlement countries accepted about 6,200 refugees and about 2,300 repatriated.

**Detention/Access to Courts** The Government arrested about 43 percent fewer refugees and asylum seekers than in the previous year, generally charging them with illegal entry, lack of proper documents, or violation of the encampment policy (see below). UNHCR intervened in 118 cases in Nairobi. Pending implementation of the Refugees Bill, refugees and asylum seekers were subject to 1973 Aliens Restriction Act, under which the Government detained and prosecuted refugees and asylum seekers for illegal entry. The Government did not provide counsel but allowed the Refugee Consortium of Kenya to do so.

The few government-recognized refugees had access to courts equal to that of citizens and could use them to enforce their economic rights. UNHCR-recognized refugees did not. Refugees used traditional dispute resolution practices in Dadaab and Kakuma, which at times exceeded their powers by hearing criminal cases, such as rape, which belonged in Kenyan courts. In cases of rape, perpetrators could escape with payment of compensation to the victim's family and/or marriage to the victim.

In March, the Government began an official registration of foreigners. According to the Government, the process was an effort to account for as many as 60,000 refugees living outside of refugee camps and to issue them Class M permits to identify them as refugees with legal residence and Class H permits to engage in business.

Refugees the Government recognized under its early procedures were entitled to a government-issued Alien Certificate. Refugees UNHCR recognized after 1990 and holding UNHCR mandate letters were not entitled to such a certificate. The Government once issued some 20,000 identity cards to *prima facie* refugees in Kakuma. The Government received funding to issue identity cards to all the refugees in camps in 2007. Asylum seekers with UNHCR in Nairobi obtained appointment slips with their photographs that doubled as an identification document. Upon recognition, more than 2,900 applicants and dependents received mandate letters, but these did not always secure refugees and asylum seekers against arrest.

**Freedom of Movement and Residence** The Government required nearly all refugees to live in several camps in the Dadaab and Kakuma regions but made exceptions for higher education, medical, or security reasons. At the year's end, the total camp population was about 285,000. Some 60,000 refugees resided outside of camps without permission, however, primarily in Nairobi. The small number of refugees the Government granted Convention refugee status before 1993 could live where they pleased.

UNHCR mandate letters stated that their bearers were to reside in camps and could receive assistance only there. UNHCR also transferred refugee status determinations to the camps, giving asylum seekers in Nairobi documents valid for one month to go to the camps for screening and registration. Police checks outside the camps also discouraged free movement. Camp-based refugees could travel to the towns of Kakuma and Dadaab, but the district officer had to authorize them time-limited movement passes to leave the area for specific reasons, usually specialized medical treatment and for specific durations. Officials took a long time to process applications, and the passes were often close to expiry when they issued them. Refugees who did not have valid travel authorization risked detention and prosecution at police checkpoints for unlawful presence under the 1967 Immigration Act, although, in most cases, they had to pay bribes or accept return to the camps.

In the urban areas, refugees, especially men, confined their movements to their residential areas to avoid harassment. Arrests decreased from years past, however, likely due to the Government issuing registration documents to refugees and asylum seekers earlier in the year.

No law authorized Kenya's encampment policy. The 1973 Aliens Restriction Act authorized the Government to "require aliens to reside and remain within certain places or district," but allowed the exercise of this power only in times of war or "imminent danger or great emergency."

Only the small numbers of government-recognized refugees were eligible for international travel documents, and the Government issued more than a hundred of them during the year and improved its processing time in emergency cases.

**Right to Earn a Livelihood** The vast majority of refugees could not legally work. Many UNHCR-recognized refugees, however, did practice petty trade and paid daily rates to the city council. The few refugees the Government recognized in the 1990s could apply for permits under the 1967 Immigration Act to "engage in specific employment" for specific employers, trade, or engage in professions. The Government granted permits only if there was no qualified
In 2005, the Government suspended issuance of the permits in anticipation of new permits that would give refugees the right to conduct business. During 2006, only one refugee obtained a work permit after the combined efforts of the refugee concerned, his employer, and UNHCR. The Government also tolerated tens of thousands of refugees working or trading in the informal sector. The small number of refugees the Government recognized enjoyed the protection of labor legislation but not social security.

In the camps, the Government tolerated refugees working, trading, and performing other economic activities. In Dadaab, however, the local government banned farming as it conflicted with local pastoralists grazing. In Kakuma, there was an informal ban on refugees owning livestock other than poultry. Nongovernmental organizations commonly hired refugees but paid them with incentives rather than salaries, and UNHCR and the Government placed a ceiling on the amount of the incentives. In 2006, the refugee workers filed a complaint with the International Labour Organization asking the Government to address their freedom of association, right to join trade unions, and minimum wages.

Only the small number of refugees the Government recognized could own property if they had a valid Alien Certificate. The vast majority could not. This exclusion was so pervasive that officials mistakenly perceived that refugees did not enjoy the right to own property. UNHCR-recognized refugees with valid passports could own bank accounts, and most could send and receive money through banks using their mandate letters for identification.

Public Relief and Education
Refugees were not eligible for Government rations but, in Nairobi, the few refugees recognized by the Government did have access to health services on par with nationals. Other refugees had to pay double the normal rate. In the camps, UNHCR and its partners provided free health services and rations.

In March, agencies reduced food aid rations by 20 percent for the 285,000 Somalis and Sudanese living in Dadaab and Kakuma camps. The cut was due to insufficient funding and the continuing demands of a regional drought on the donor community. More than one-fourth of refugees in Dadaab suffered from acute malnutrition, as did nearly one-fifth in Kakuma. More than four-fifths of refugee children under the age of five were anemic.

The 2001 Children’s Act made primary education equally accessible to all but not free. In the camps, schools were free of charge.

For several weeks in December, security authorities restricted UNHCR and its partners’ access to hundreds of refugees who had arrived at the Liboi border.

The Government did not include refugee protection into its Poverty Reduction Strategy Paper. However, it did invite the Refugee Consortium of Kenya to comment on land reform and education policies.
seekers and refugees under the condition that UNHCR repatriate or resettle them. The MOU prohibited any person who entered Lebanon illegally from applying for asylum with UNHCR after two months after entry. UNHCR had to submit all applicants' documentation to the General Security Directorate, according to the MOU, "in order to undertake the appropriate follow up and investigations" and had three months to make determinations and to turn over a list of the names of everyone it denied. If UNHCR granted refugee status, the MOU gave UNHCR six months to find countries to accept the refugees for resettlement. During this time, the Government issued circulation permits, which it renewed only once "for a final period of three months after which time the General Security would be entitled to take the appropriate legal measures."

A 1962 decree recognized most Palestinians as "foreigners without identity documents from their countries of origin residing in Lebanon on the basis of residence cards issued by the General Security Directorate or by the General Directorate of the Administration of Palestinian Refugee Affairs." The UN Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) had registered nearly 409,000 Palestinian refugees but many of those resided outside of the country or had Lebanese citizenship. The Government's Directorate of Affairs of the Palestinian Refugees (DAPR) issued them identity documents attesting to their right to be in Lebanon and registered their births, marriages, and deaths. Those Palestinian refugees whose families fled after 1948 or whose first country of exile was not Lebanon were barred from registering with few exceptions. Non-registered spouses and children of registered women were not eligible for UNRWA refugee status. In a June instruction however, UNRWA agreed to include them starting June 7.

Between 20,000 and 40,000 Iraqis were in the country but the Government did not give them temporary protection as advocated by UNHCR.

The July 2006 conflict between Israel and Hezbollah displaced many asylum seekers and refugees who lived in areas of south Lebanon, Bekaa, and the southern suburbs of Beirut, including some 16,000 Palestinians.

**Detention/Access to Courts** Lebanon detained at least 2,100 foreigners in 2006, including 363 Sudanese, 343 Iraqis, and 145 Palestinians. Among these were 21 recognized refugees and 46 asylum applicants with pending claims. Authorities held half the total for immigration violations and accused the other half of common crimes. Because the 1962 Entry and Exit Law did not differentiate between refugees and illegal immigrants, authorities detained many refugees for illegal entry and for breaking the requirements of the labor laws. Under Lebanese law, courts could sentence anyone who entered the country and worked illegally to at least one month in jail and a fine. The 2003 MOU provided that the General Security Directorate would notify UNHCR of asylum seekers detained "at its premises" and UNHCR could send "an explanatory letter with the proper documents" if it wished to interview other detainees. The Government kept most detainees for illegal entry at the overcrowded Roumieh prison and only transferred them to the General Security detention center after they completed their sentences. Authorities released refugees from detention when UNHCR intervened if they had resettlement prospects. If not, the Government detained them indefinitely beyond the initial imprisonment sentence, without judicial review, pending durable solutions. Palestinian refugees were subject to arrest, detention, and harassment by state security forces and members of groups, such as Fatah and others, that controlled Palestinian refugee camps also detained members of rival factions. UN Security Council resolutions called upon the Government to control its territory and disarm militia groups but it failed to do so.

Lebanon provided legal aid to refugees whose home country provided legal aid rights to Lebanese nationals, but this excluded all Palestinian refugees. All detained refugees had the right to attorney at their own expense. In 2006, UNHCR and CARITAS created a legal aid program to provide legal support to refugees.

The police and other authorities, including the judiciary, did not acknowledge asylum and refugee certificates issued by UNHCR, but in some cases police reportedly refrained from arresting persons who presented them. Authorities respected the Government-issued temporary circulation permits, but they were valid for only three months for asylum seekers and six months for refugees with only one renewal for three months.

Although refugees and other asylum seekers technically had access to the courts, many refugees avoided them for fear of arrest. Unelected Palestinian factions in refugee camps operated autonomous and arbitrary traditional tribal justice systems through local committees, although the committees sometimes turned homicide perpetrators over to Lebanese authorities for trial. The Government was unable to conduct investigations in the 12 Palestinian-controlled camps.

The 1926 Constitution promised protection from arbitrary arrest, imprisonment, and custody to all persons. The 1962 Entry and Exit Law provided that the General Security Directorate would issue special identity cards to political refugees.

**Freedom of Movement and Residence** The Government restricted the movements of unregistered refugees. The Government gave all UNRWA registered Palestinian refugees who entered Lebanon before or during 1948 and their descendents renewable five-year
travel documents. Palestinian refugees registered with DAPR received travel documents valid for one year. In 2006, the General Security Directorate stated that refugees who obtained foreign passports could still keep their travel documents.

Lebanon did not confine non-Palestinian refugees to camps or segregated settlements. However, since it considered the majority of non-Palestinian refugees to be illegal immigrants, they could not move freely within the country for fear of arrest for illegal entry.

Refugees with circulation permits could travel and reside where they liked in the country. The 1962 Entry and Exit Law provided that the commission granting political asylum could oblige its beneficiaries to reside in determined areas.

The Government issued international travel documents to Palestinian refugees but not to others.

**Right to Earn a Livelihood**

In June 2005, the Ministry of Labor (MOL) partially repealed restrictions prohibiting Palestinian refugees from working in 70 types of jobs. The edict covered about two-thirds of the occupations previously restricted, generally the low- to medium-skilled ones. To obtain work permits, Palestinians had to be born in Lebanon, have registered with the MOL, and had to have contracts with specific employers. Annual fees for work permits ranged from 240,000LL ($159) for workers earning below the minimum wage of 300,000LL ($200) per month to 960,000LL ($635) for workers earning twice the minimum and 1,800,000LL ($1,191) for consultants, experts, general directors, or heads of accounts. Registered Palestinians only had to pay a fourth of those fees but they also were ineligible for social security, due to a requirement that foreigners’ home states give reciprocal benefits to Lebanese—the Palestinians having no home state—although they had to contribute to it. The edict did not change a 1964 law that also imposed a reciprocity condition on membership in professional syndicates—a precondition for employment in professions such as law, medicine, engineering, and journalism that also effectively excluded Palestinians. In 2005, fewer than 300 Palestinians obtained work permits.

Non-Palestinian refugees had to apply to MOL for work permits as foreigners. To gain work permits, foreigners had to be experts or professionals in a field where no Lebanese candidates were available, to be residents of Lebanon since 1954, or to work in a company for at least nine consecutive months during the year. Lebanon also offered work permits to foreigners who were married to Lebanese women for at least a year, had Lebanese mothers, or were of Lebanese descent.

Most refugees worked in the informal sector of the economy. Employers paid refugees less and required them to work more hours than other workers. Palestinian refugees could not organize their own unions.

The 1926 Constitution promised protection of property rights to all. Foreigners, including refugees and the nation’s 25,000 stateless Kurds, could own limited plots of land, but they had to fulfill special legal requirements, including the approval of five different district offices. An amendment made in 2001 to the Property decree of 1969, only allowed foreigners to acquire property if they came from countries that granted reciprocal rights to Lebanese and their possession was not contrary to the Constitution’s ban on Palestinian mautin (implantation). This excluded Palestinians from acquiring or bequeathing property to their heirs. Banks required nonresident foreigners to have a valid entry visa to open an account but refugees could register vehicles in their names at the MOI.

Despite the heavy damage the refugee camps sustained during the civil war, the 1980s Israeli invasion, camp feuds, and the July-August Israeli invasion, the Government generally prohibited the repair, renovation, or construction of permanent structures in the camps. Guards outside of camps searched vehicles upon entry to prohibit refugees bringing in building supplies.

**Public Relief and Education**

The 2003 MOU required UNHCR to provide “the necessary assistance” to refugees holding circulation permits, to avoid their being “a burden on the Lebanese Government.” Palestinian refugees were not eligible for government health services or education. UNRWA ran 25 health clinics for Palestinian refugees.

A 1999 Ministry of Education decree granted all refugee children access to primary and secondary schools if space was available. The school’s required that all refugee children have an identification certificate issued by UNHCR to enroll. Only around 10,000 Palestinian refugee children enrolled in both private and government-run elementary and secondary schools. UNHCR provided educational assistance to non-Palestinian refugee children attending primary and secondary school and UNRWA ran about 80 schools for Palestinian refugees.

UNHCR provided support for up to 85 percent of medical expenses incurred by refugees and covered 100 percent of medical expenses for those refugees it considered the most vulnerable. UNHCR also obtained supplementary funding from other operational partners for expensive medical procedures or operations.

Authorities prohibited the expansion of or renovation in the severely overcrowded and war-damaged refugee
Country Updates

Camps. Some refugees reported that, during the Israeli invasion, nationals refused to admit them into the public shelters, but UNHCR created shelters that provided food and other necessities to over 2,000 refugees and immigrants. There were no reports that the Government restricted humanitarian access to refugees.

Liberia

Refugees and Asylum Seekers

<table>
<thead>
<tr>
<th>Country</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Côte d'Ivoire</td>
<td>16,200</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>12,600</td>
</tr>
<tr>
<td>New Asylum Seekers</td>
<td>3,600</td>
</tr>
<tr>
<td>Total</td>
<td>16,800</td>
</tr>
</tbody>
</table>

New Asylum Seekers: 100

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

Population: 3.4 million
GDP: $622 billion
GDP per capita: $183

Refoulement/Physical Protection

There were no reports of refoulement in 2006. Some 300 asylum seekers from Côte d'Ivoire were not permitted to apply for refugee status in Monrovia because they had entered over land and not applied at the county where they arrived. By year's end and after a violent demonstration and the detention of 25 of them, the Office of the UN High Commissioner for Refugees (UNHCR) agreed to hear their claims.

Liberia was party to the 1951 Convention relating to the Status of Refugees, its 1967 Protocol, and the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa, all without reservation. Liberia's 1993 Refugee Act incorporated the definitions of a refugee from both the 1951 Convention relating to the Status of Refugees and the broader 1969 African Refugee Convention and allowed for group classification. It offered refugees all the rights in those conventions. It required applicants to submit claims through UNHCR and established an Asylum Committee to decide them. UNHCR received applications and conducted interviews on the Committee's behalf, but the Government had deactivated the Asylum Committee in 2003 due to civil war. Under the Act, applicants had the right to remain in the country for at least 90 days after a refusal in order to pursue an appeal or admission to another country.

Detention/Access to Courts

Liberia did not detain refugees for illegal entry.

In December, however, Liberian National Police and Nepalese troops of the UN Mission in Liberia arrested 25 Ivorian refugees who were demonstrating at UNHCR headquarters in Monrovia, protesting lack of health services and education for refugees outside of camps and for refugee status for some 300 undocumented asylum seekers in Monrovia. The demonstration was reportedly peaceful until the authorities charged with whips and batons. Some demonstrators reportedly threw stones. Several refugees, mainly women, required hospitalization. The Government said the protest was illegal because the demonstrators did not have the Ministry of Justice's permission to demonstrate. The refugees claimed they had requested permission to demonstrate from UNHCR and the Liberia Refugee Repatriation and Resettlement Commission and interpreted their lack of response as consent. Authorities released them after two days but several refugees reported mistreatment in detention.

UNHCR and the International Committee of the Red Cross had access to detention centers.

The 1983 Constitution's equal protection and due process provisions applied to all persons, including refugees.

As provided for in the 1993 Refugee Act, the Government issued identity cards and letters of attestation to refugees and their family members aged seven and up. Asylum seekers received certificates with their photographs, valid for three months after they submitted their application. Authorities generally respected the cards and certificates, though not all refugees and asylum seekers received them. Of the 12,600 Ivorian refugees in Liberia, 7,400 obtained identity cards.

Freedom of Movement and Residence

Refugees and asylum seekers could move freely throughout Liberia without harassment but only camp residents received aid. Most Sierra Leonean refugees lived in three camps near Monrovia. While many Ivorians lived in Saclepea camp, the only recognized camp for Ivorian refugees, many more integrated into local communities along the eastern border.

The 1983 Constitution guaranteed freedom of movement and choice of residence to "every person ... subject however to the safeguarding of public security, public order, public health or morals or the rights and freedoms of others." The Refugee Act allowed the Government to designate places for refugees, asylum applicants, and their families to live and allowed regulations to enforce such designations but also provided "this shall, however, not preclude the right
of any refugee to live in any place of his choice."

Three refugees applied for international travel documents to UNHCR, which requested them from the Ministry of Foreign Affairs. The refugees received them but with restrictions based on needs assessed by UNHCR Protection and Community Service officers. One refugee received a travel document with a right of reentry for a job requiring international travel. Another received one to repatriate to Sudan without right of reentry, and UNHCR collected the travel document upon arrival in Sudan. The Constitution reserved the right of exit from and reentry to Liberia to citizens.

**Right to Earn a Livelihood**

Conflicting legislation made it virtually impossible for refugees to work legally in Liberia. Four applied for permits in 2006 and their status remained pending at year’s end. Some refugees engaged in small trading or manual labor in the informal market but the legal restrictions effectively barred refugees from practicing professions.

The 1983 Constitution reserved the rights of equal employment opportunity and treatment at work to citizens. The Refugee Act granted refugees the same right to work as other non-citizens and exempted them from measures to protect the national labor force. It also allowed regulations to require employers to favor them over other non-nationals in hiring. The Labor Law, however, required permits for specific jobs and specified that the Ministry of Labor would issue only them if no qualified Liberians were available and the foreigner had met residence requirements. It also allowed the Ministry to withhold permits from nationals of any country that did not accord reciprocal rights to Liberians.

The Constitution offered the right to own property and its protection to all persons but provided that “only Liberian citizens shall have the right to own real property” and that only the Government could own mineral rights under ground or water.

**Public Relief and Education**

Liberia provided public relief to refugees on par with nationals. UNHCR provided material assistance only to refugees in Saclepea camp. In December, a strike by refugees in Saclepea for better services blocked access to the camp and closed Jesuit Refugee Service’s vocational training school. Only one health clinic remained open. In response to refugees demonstrating for aid in Monrovia, UNHCR offered to transport them to Saclepea. Community empowerment and reintegration projects in Nimba and other parts of the southeast for Liberian returnees also benefited refugees.

The Government’s recent policy of free and compulsory primary education applied to all children without discrimination and refugee children outside of camps attended schools along with Liberian children. Camp-based refugee children received free primary education.

Humanitarian aid groups generally had free access to refugees and asylum seekers, but the Government did not include refugees in the interim Poverty Reduction Strategy Paper it prepared for international donors covering mid-2006 to mid-2008.

**Refoulement/Physical Protection**

Malaysia deported nearly 1,200 Myanmarese refugees to Thailand, of whom Thai immigration officials turned more than 30 over to Myanmar. Refugees who were able to leave Myanmar and return to Malaysia reported that Myanmarese officials detained them for up to five months, tortured them, and fined them from about $1,000 to $7,900 (6,000 to 50,000 Myanmar Kyats). The Government said these deportations were voluntary, but the Office of the UN High Commissioner for Refugees (UNHCR) could not always verify this. The harsh conditions in Malaysia’s detention facilities (below) made it likely that not all were voluntary.

In December, the Government deported a former Cambodian government official who was seeking asylum back to Cambodia, even though he had an offer of resettlement from Finland.

Malaysian officials turned many of the refugees it deported to Thailand directly over to human traffickers, such as in the April case of 25 recognized Chin refugees from Myanmar, including two pregnant women.
edly, immigration officials received bribes for each deportee from the traffickers. Agents sometimes held these and others they captured for ransoms of about $140 to $190 or smuggled them back into Malaysia for higher fees of about $380 to $490. Traffickers often sold those not able to pay to Thai fishing boats in the case of men, or brothels in the case of women.

The Government had no mechanism for granting asylum or registering refugees. UNHCR handled all refugee status determinations in Malaysia and issued plastic, tamper-proof cards to those it recognized as refugees. UNHCR gave Myanmarese Rohingya temporary protection as a group, interviewing asylum seekers to establish their ethnicity. In November, it stopped offering group status to Acehnese asylum seekers from Indonesia. UNHCR performed individual status determinations for non-Rohingya asylum seekers, granting refugee status under its mandate. Refugees with group status were not eligible for resettlement, but if the authorities arrested and detained them, UNHCR gave them full interviews, making those that passed eligible.

As UNHCR had no presence at the border, most asylum seekers had to travel to Kuala Lumpur for determinations. UNHCR conducted mobile registration exercises in areas with high concentrations of refugees, but these were insufficient to meet the need. UNHCR registered 9,000 asylum seekers in 2006, and performed 10,700 refugee status determinations. As many as 20,000 refugees and asylum seekers were not able to register with UNHCR.

After a February raid by the Ministry of Home Affairs’ auxiliary People’s Volunteer Corps (RELA), the bodies of five Myanmar migrant workers were found in a lake. In February, a Mon asylum seeker from Myanmar died during a RELA raid. RELA members slapped and repeatedly kicked a refugee during a July raid.

At least one asylum seeker died in detention during the year, and several died in workplace accidents. Crime was common in areas where refugees lived, as criminals took advantage of their illegal status, particularly victimizing women. Police found a Rohingya refugee murdered in her apartment in May. In December, assailants stabbed two Chin youths to death during a New Year’s Eve celebration.

During 2006, Malaysian officials caned six refugees and asylum seekers for immigration violations. In 2005, Malaysia issued between 32,000 and 35,000 IMM13 work permits to Acehnese refugees and migrants, which legalized their stay in the country. As the Government allowed the Acehnese community to handle the process instead of UNHCR, not all of the refugees recognized by UNHCR received the permits. The Government continued to permit some 68,600 Filipino Muslim refugees from the Moro insurgency of the 1970s to remain in Sabah Province.

Following the 2005 signing of a Memorandum of Understanding between the Free Aceh Movement and the Indonesian Government, Acehnese refugees began returning voluntarily. There was no formal process for doing so, and many had to purchase false passports to return.
UNHCR and the Human Rights Commission of Malaysia, a governmental body, were able to visit detention centers, but the Government did not generally permit the International Committee of the Red Cross, nongovernmental organizations, or the media to visit prisons or monitor conditions. Refugees could challenge their detention if they had legal representation, but most had no opportunity to ask for legal representation and/or could not afford legal fees. UNHCR provided refugees with volunteer lawyers, but as Malaysia had not ratified most relevant human rights accord their arguments were rarely successful. Additionally, authorities did not permit detainees to make phone calls upon arrest, so they generally had to bribe a police officer to be able to inform anyone of their arrest. In 2003, a court sentenced Irene Fernandez of the human rights group Tenaganita to a year in prison for malicious publication of allegedly false allegations of abuse and torture of migrant workers in detention, and her case remained on appeal at year’s end.

In April, immigration officials ignored a magistrate’s order to release 25 Myanmarese refugees, detained them at Machap Umboo Centre, and forcibly deported them.

Since 2004, Malaysia had improved its recognition of the refugee cards issued by UNHCR. Refugees with UNHCR cards were usually safe from arrest by regular police, although immigration officials still detained them. Police still arrested asylum seekers occasionally, as they did not always recognize the letters UNHCR issued asylum seekers. When authorities did arrest refugees, they were subject to prosecution under the 1959 Immigration Act (amended 2002), which made no distinction between refugees and illegal immigrants. Amendments to the Immigration Act in 2002 provided for up to five years imprisonment, along with whipping up to six strokes, and fines of about $2,900 for violations.

In December, police threatened a Myanmarese woman with arrest when she attempted to report an assault by her boyfriend. The Kachin Development Organization, a group of Kachin refugees from Myanmar, reported 12 cases for violations.

When authorities did arrest refugees, they were subject to prosecution under the 1959 Immigration Act (amended 2002), which made no distinction between refugees and illegal immigrants. Amendments to the Immigration Act in 2002 provided for up to five years imprisonment, along with whipping up to six strokes, and fines of about $2,900 for violations.

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Right to Earn a Livelihood

Malaysia allowed Filipino Muslims in Sabah and Acehnese refugees to work, but not other refugees.

In 2005, the Government issued between 32,000 and 35,000 IMM13 work permits to Acehnese migrants and refugees from Indonesia. The permits cost between about $44 and $50, were valid for two years, and were renewable. They did not permit the refugees to engage in trade but did allow them to work, attend school, and live in the country legally. The permits did not tie their bearers to single employers. In August, Malaysia began to register some 12,000 Rohingyas from Myanmar for the same permits, but suspended the process almost immediately, alleging corruption on the part of the community leaders it allowed to coordinate the registration. In the past, Malaysia also allowed Cambodian Khmer Muslim and Bosnian refugees the right to work.

The Immigration Act penalized employers of illegal immigrants with fines of about $2,900 to $14,500 or, if they employed more than five, imprisonment from six months to five years and up to six cane strokes. Authorities often raided workplaces and arrested illegal workers. A December raid, for instance, netted 51 refugees and asylum seekers, including 32 with UNHCR cards.

Many refugees worked in the informal sector without legal protection and in unsafe conditions. At least three Myanmarese workers died during the year, one falling from a lift on a construction site in May, and two killed by a falling stack of glass slabs in June. In January 2007, a Chin refugee fell to his death on a construction site. Refugees had no access to workers compensation, and medical treatment for on the job injuries was at the discretion of the employer.

Freedom of Movement and Residence

Refugees and asylum seekers recognized by UNHCR enjoyed some freedom of movement, although government harassment, extortion, and detention still occurred. Police sometimes held refugees with UNHCR cards until they paid bribes of about $58 to $145. In October, police arrested two Kachin women from Myanmar on their way to church and sexually molested them, holding them until they paid a ransom of about $290.

 Authorities still arrested those without cards while they were trying to move about the country and during immigration raids conducted house-to-house or at businesses.

The Immigration Act prohibited renting housing to undocumented migrants. Although they had no legal right to do so, refugees resided where they could find jobs and were under constant threat of arrest. Many Chin refugees lived in makeshift camps in the jungle, near construction sites or other places of employment. Malaysia generally confined Filipino Muslim refugees to the designated area of Sabah.

Refugees did not have access to international travel documents, except for those who received documents from countries of resettlement.

In 2005, the Government allowed between 32,000 and 35,000 IMM13 work permits to Acehnese migrants and refugees from Indonesia. The permits cost between about $44 and $50, were valid for two years, and were renewable. They did not permit the refugees to engage in trade but did allow them to work, attend school, and live in the country legally. The permits did not tie their bearers to single employers. In August, Malaysia began to register some 12,000 Rohingyas from Myanmar for the same permits, but suspended the process almost immediately, alleging corruption on the part of the community leaders it allowed to coordinate the registration. In the past, Malaysia also allowed Cambodian Khmer Muslim and Bosnian refugees the right to work.

The Immigration Act penalized employers of illegal immigrants with fines of about $2,900 to $14,500 or, if they employed more than five, imprisonment from six months to five years and up to six cane strokes. Authorities often raided workplaces and arrested illegal workers. A December raid, for instance, netted 51 refugees and asylum seekers, including 32 with UNHCR cards.

Many refugees worked in the informal sector without legal protection and in unsafe conditions. At least three Myanmarese workers died during the year, one falling from a lift on a construction site in May, and two killed by a falling stack of glass slabs in June. In January 2007, a Chin refugee fell to his death on a construction site. Refugees had no access to workers compensation, and medical treatment for on the job injuries was at the discretion of the employer.

In December, police threatened a Myanmarese woman with arrest when she attempted to report an assault by her boyfriend. The Kachin Development Organization, a group of Kachin refugees from Myanmar, reported 12 cases for violations.

When authorities did arrest refugees, they were subject to prosecution under the 1959 Immigration Act (amended 2002), which made no distinction between refugees and illegal immigrants. Amendments to the Immigration Act in 2002 provided for up to five years imprisonment, along with whipping up to six strokes, and fines of about $2,900 for violations.

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Malaysia also did not allow refugees to hold title to or transfer business premises, farmland, homes, or other capital assets.

Foreign workers with legal permits could theoretically join unions, but the Immigration Department placed conditions on their permits that effectively barred them from doing so. The permits of most foreign workers tied them to single employers, although this was not the case with the IMM13 permits given to Acehnese or Filipino refugees.

Immigrant workers in construction and other sectors, especially those without legal status, generally could not use the national system of labor adjudication. If employers dismissed foreign workers for any reason, they lost their permits, their legal right to remain in Malaysia, and their right to pursue legal action against abusive employers—despite court requests that the Immigration Department grant them visas to do so.

The Federal Constitution offered most of its protections from arbitrary deprivation of property to all persons but reserved protection against discrimination based on religion, race, descent, or place of birth in work, trade, professional, or property matters and the right to form associations to citizens.

Public Relief and Education

Refugees and asylum seekers were ineligible for public relief.

Despite having ratified the Convention on the Rights of the Child, Malaysia did not provide primary education or free health services to most refugee children or asylum seekers—not even those born in Malaysia. Although the IMM13 cards technically granted parents the right to send their children to public schools, in practice the Government only allowed them to attend private schools. Many refugee communities established their own schools, and UNHCR partners ran some basic education programs for refugee children and adults.

Refugees with UNHCR documents received medical services at half price. Also, refugees and asylum seekers with HIV/AIDS received free treatment from the public health service. Other than this, authorities provided no medical services, public relief, rationing, or assistance, but did permit independent humanitarian agencies to help refugees. Police conducted surveillance of local NGOs who helped asylum seekers and refugees, but allowed them to continue their work.

Authorities generally did not restrict humanitarian agencies from aiding refugees and asylum seekers. Malaysia did not include refugees or asylum seekers in the Ninth Malaysia Plan, the country's primary economic planning document, but it did include them in its National Strategic Plan for HIV/AIDS 2007-2010.
had to renew them in person every six months. Refugees and asylum seekers those who had applied for status and authorities respected refugee status under its mandate and provisional ones to refugees but UNHCR issued attestations to those it granted UNHCR attestations, however, could move around freely although they could not use them to leave the country legally. The Government did not issue refugees international travel documents and had an agreement with Spain to accept the return of any migrant to the nearby Canary Islands that passed through Mauritania on the way.

Mauritanian authorities and 20 Spanish Civil Guards conducted surveillance and interdiction operations at sea to prevent migrants from reaching Spain’s Canary Islands. The Government maintained 100 police and gendarmerie checkpoints along the border with Mali and Senegal and the International Organization for Migration helped it to open five more.

Most refugees and asylum seekers lived on the outskirts of the two major urban centers—the capital, Nouakchott and the economic center, Nouadhibou—as did most migrants, generally among compatriots.

The Constitution reserved its protection of freedom of movement and residence and the right to leave the country to citizens.

Freedom of Movement and Residence Fear of identity checks hindered the movement of asylum seekers. Refugees with UNHCR attestations, however, could move around freely although they could not use them to leave the country legally. The Government did not issue refugees international travel documents and had an agreement with Spain to accept the return of any migrant to the nearby Canary Islands that passed through Mauritania on the way.

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The Constitution reserved its protection of freedom of movement and residence and the right to leave the country to citizens.

Right to Earn a Livelihood Refugees could not receive work permits from the Government. Refugees worked in informal sectors where the supply of local labor was inadequate, for lower wages and under worse conditions than nationals did.

Some refugees started businesses that the authorities recognized as legitimate. Some refugees, especially those from Sierra Leone, found work as teachers in official schools.

The Constitution included general protections for private property, did not reserve them for citizens, and expressly protected the property of foreigners. It reserved its protection of intellectual property, equality in taxation, and the right to join unions and engage in commerce, however, for citizens.

Public Relief and Education The Government allowed refugees health services on par with nationals. UNHCR also helped the needier refugees with money for private clinics. The Government offered refugees the same access to primary schools—in which instruction was in Arabic—as nationals. UNHCR assisted refugees, especially families with small children, with their rent and paid school fees for
families who could not afford them. UNHCR also supported a women's community center in Nouakchott that helped women with income generating activities.

MOI cooperated with UNHCR and there were no reports that Mauritania hindered humanitarian aid to refugees but Mauritania did not include refugees in the Poverty Reduction Strategy Paper it prepared for international donors. Refugees benefited from urban regeneration projects of World Vision International and Caritas in the most destitute areas of Nouakchott where they lived among nationals.

Refugees and Asylum Seekers

<table>
<thead>
<tr>
<th>Country</th>
<th>Refugees and Asylum Seekers</th>
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<tr>
<td>African Refugee Convention: Yes</td>
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Population: 2.1 million

GDP: $6.32 billion

GDP per capita: $3,800

Refoulement/Physical Protection

The Government expelled at least 128 Angolans during the year. The Government extended prima facie recognition of refugee status to all Angolans but in March, denied refugee status to nearly 300 asylum applicants, including many from the Democratic Republic of Congo (Congo-Kinshasa), Burundi, and Rwanda, alleging that their home countries were stable.

Namibia was party to both the 1951 Convention relating to the Status of Refugees and the 1969 African Refugee Convention. Its 1990 Constitution provided for asylum and prohibited any deportation except by an authorized tribunal. The 1999 Refugees Act established a status determination process, and applied the refugee definitions and conferred all the rights of both Conventions. Applicants had 30 days from entry to apply. The Office of the UN High Commissioner for Refugees (UNHCR) worked with Namibia Legal Help to interview applicants. As stipulated by the Refugees Act, UNHCR forwarded applications to the National Refugee Committee (NRC), which included representatives from the Councilor of Churches, the Ministry of Home Affairs and Immigration, the Ministry of Justice, the Ministry of Foreign Affairs, and the President's Office. UNHCR participated as an observer. The law required NRC to approve or reject every application within 30 days of receipt. The Commissioner for Refugees made the final status determinations and had to give reasons in writing for any refusal. The Act provided a right of appeal but the Government established an Appeal Board only at the end of the year. In April, there was a backlog of more than 1,000 cases. During the year, Namibia recorded 242 new applications and decided 239 of them. Of these, it granted protection to 146, denied it to 67, and held 24 past the end of the year.

Refugees and asylum seekers reported two cases of rape of women who had left the camp to search for firewood, and, in January, assailants gang-raped a Congolese refugee there.

During 2006, about 20 refugees returned to Congo-Kinshasa, Liberia, Angola, and Burundi with the assistance of UNHCR. Forty refugees returned to Angola on their own. In January 2007, some of the 1,000 Angolan refugees who disappeared from Nangweshi camp in Zambia made their way to Namibia's Caprivi region where locals hosted them despite Government threats to treat them as illegal aliens if they did not turn themselves in. In December, anti-corruption agents arrested two border officials for extracting bribes from would-be entrants, including Zimbabweans.

Detention/Access to Courts

During the year, the Government arrested 48 refugees and asylum seekers for leaving their camp without permits or traveling with expired permits. Immigration officials released most of them after UNHCR intervened.

The Constitution extended its protections against arbitrary arrest and detention to all persons but excepted "illegal immigrants" from the right to be brought before a judge within 48 hours of arrest.

The Refugee Act provided that all recognized refugees should receive identity papers but the Government issued few of them. In February and March 2007, the home affairs ministry and UNHCR began registering all refugees and asylum seekers to issue all over six years of age three-year, renewable identification cards in June. The process began at Osire, but refugees also had two days to register in the capital, Windhoek.

Freedom of Movement and Residence

The home affairs minister required all refugees and asylum seekers in Namibia to live in Osire camp in the central part of the country. Refugees required an exit permit issued by the Namibian
the rights of non-citizens to acquire property. According to UNHCR, in Osire, a limited number of refugees obtained vehicles, bank accounts, and homes. However, Government identification document requirements for financial transactions often hindered refugees in obtaining property.

In October, the newly appointed Refugee Commissioner, Nkumah Mushelenga, visited Osire and proposed allowing refugees to farm, market their produce, and work legally on nearby farms. In December, he wrote, “Namibia needs to take a position regarding the use of the existing locally based untapped refugee skills for the growth of this country’s economy. … [Refugees] can make a meaningful contribution to both the economic growth and the social upliftment of the people.” He began a re-registration in February and March 2007 to assess the skills of the refugees, stating, “The goal is to make sure that instead of a brain drain, Namibia advocates brain gain by effectively utilizing the untapped refugees’ skills and expertise.”

**Public Relief and Education**

Refugees in Osire camp were dependent on humanitarian aid. The World Food Programme announced in February 2007 that, despite its hopes that most refugees would have repatriated, it would continue feeding them until the end of the year. During the year, refugees living in the Osire camp had access to primary and secondary education. UNHCR funded the primary and junior secondary school through an implementing partner. Ten refugee teachers were also on the Government payroll. For grades 11 and 12, students had to find their own sponsorship to continue their studies outside Osire. Twelve students completed their studies during the year. The Constitution extended the right of education to all persons and mandated the State to provide primary education to “all residents.”

Refugees had access to a health center maintained by the Government and a clinic funded by UNHCR, both within walking distance of the camp. Health providers referred serious cases to a district hospital. In critical cases, UNHCR funded visits to private specialists. Refugees participated in a national anti-retroviral treatment program including supplementary feeding. Namibia’s inclusion of refugees impressed the UN Special Envoy on HIV/AIDS in Africa and, in April, he said the UN would favor the country’s funding request.

The Government restricted outside access to the camp, but allowed the International Committee of the Red Cross, UNHCR, and UNHCR’s partners free access.

In 2006, Namibia became eligible for development funding as part of the Millennium Challenge Account (MCA). Namibia’s September MCA Program Document said it would relax work permit requirements for service providers in the SADC region but, in 312 pages, did not mention refugees. The Government dismissed requests from the refugee community for potential development projects.
**Refoulement/Physical Protection** There were reports that Nepal handed Tibetan asylum seekers back to Chinese authorities. In July, the Department of Immigration arrested eight Tibetans traveling without documents and deported them to India.

There was occasional violence between Bhutanese refugees residing in camps and the surrounding population. In February 2007, a clash between refugees in Sanischare camp and the local community over firewood resulted in the death of one refugee, injury to eight, and the burning of several huts in the camp. The refugee camps were in areas under the tacit control of the Maoist insurgency, and there had been no police presence since 2003. Sexual and gender-based violence and physical assaults were major problems in the camps. At the end of 2006, the Government reinstated police posts in some of the seven camps, but in most there were none and no street lighting. According to the Office of the UN High Commissioner for Refugees (UNHCR), "Dissatisfaction and rebellion amongst refugee adolescent boys posed a serious threat to safety and security in the camps." There were 174 reported incidents of sexual and gender-based violence in the camps, a nine percent increase from the year before, 88 of them cases of domestic violence, a six percent increase from the year before but 52 percent higher than 2004.

Nepal was not party to the 1951 Convention relating to the Status of Refugees and had no refugee law, but its 1992 Immigration Act allowed the Government to exempt "any class, group, nationality or race from any or all of [its] provisions," and the 1988 Extradition Act prohibited extradition for "political crimes." The Government conducted status determinations solely for Bhutanese through a 1993 "Modus Operandi" outlining procedures for granting asylum but no criteria. UNHCR had observer and advisory status in the screening process. Applicants could appeal negative decisions to a three-member board with two government officials and one UNHCR representative, which made decisions jointly. The 1958 Foreigners Act and administrative directives determined refugees' legal rights.

According to the Government, some 107,500 Bhutanese refugees stayed in seven camps located in the Jhapa and Morang districts in eastern Nepal and some 10,000 outside the camps. Although the Government recognized those who arrived in the early 1990s as *prima facie* refugees, thereafter it required individual refugee status determinations. The Government granted 32 Bhutanese refugee status during the year, about 1,000 awaited initial determinations in early 2007, and about 300 were on appeal from prior rejections. During 2006, UNHCR granted refugee status to nearly 200 individuals.

There were about 20,500 Tibetans refugees residing in Nepal and UNHCR helped about 2,400 Tibetans transit to a third country. Since 1990, Nepal has not permitted new Tibetan arrivals to seek asylum, instead allowing them to travel on to India or other countries. Before January 1990, Nepal recognized about 97 percent of the Tibetans as refugees but did not formally recognize some. The instability from the conflict between the Government and Maoist insurgents hindered support for the Tibetan refugees and slowed their processing for transit.

UNHCR recognized about 360 refugees and asylum seekers from other countries but the Government did not respect refugee status under UNHCR's mandate.

**Detention/Access to Courts** In October, Nepal fined a Tibetan man for not carrying proper identification documents and, because he could not pay, sentenced him to detention of up to 22 months. Nepal arrested some newly arrived Tibetans and other nationals for immigration offenses and held some until they paid immigration fees. In 2005, police reportedly detained over 100 Tibetans and turned them over to the Department of Immigration, which prosecuted 26 of them for violating immigration laws. All of them received heavy penalties, but authorities released them after they paid fines. The law allowed the police to hold suspects for 25 days without a court appearance, but security forces occasionally held prisoners longer and refugees had difficulty obtaining bail. UNHCR, its implementing partners, and other organizations had access to detainees of concern to them. A UNHCR implementing partner provided legal aid to refugees and asylum seekers in urban areas whose immigration violation cases went to court.

Neither UNHCR nor the Government provided Bhutanese refugees with individual identity documents. In November, in response to UNHCR's longstanding request,
the Government began conducting a census of the camps and issuing cards to families based entirely on information about the senior member of the household, usually male. Tibetan refugees residing in Nepal prior to 1990 were eligible for government-issued Refugee Cards, valid for one year, but more than 4,600 did not receive them. At the age of 16, the Government no longer listed Tibetan refugee children on their parents’ cards nor issued them their own cards. The cards for Bhutanese and Tibetans documented their right to remain in Nepal but provided no other rights including civil registration of birth, death, or marriage.

UNHCR gave refugees and asylum seekers in urban areas individual certificates with photographs that defined their status in Nepal, and law enforcement officials generally respected them as identity documents.

The 1990 Constitution provided that “No person shall be denied the equal protection of the laws” and that “No person shall be deprived of his personal liberty save in accordance with law” and extended most criminal procedure protections to all persons, with some exceptions for citizens of enemy states. It reserved for citizens, however, its specific protections against discrimination in the application of laws or other functions of the state on grounds of religion, race, sex, caste, or tribe. Generally, refugees had access to courts, including for civil matters, but only citizens had standing to challenge the constitutionality of a law before the Supreme Court. One woman with UNHCR legal aid pressed charges against her husband for battery, and the court convicted and sentenced him to three years in prison. The Government made no progress, however, on the 2004 case of Lukla police sexually abusing two Tibetan refugee girls.

Right to Earn a Livelihood

The 1990 Constitution reserved its protection of the right to engage in work, professions, trade, or industry or to form unions to citizens. The 1992 Labor Act greatly restricted employment of foreigners without exception for refugees. If no Nepali was available for a skilled post after national advertising, managers could apply to the Labor Department for permission to hire foreigners for the posts. In such cases, after investigation, the Labor Department could grant permits for two years at a time but for no more than five years in total. Managers had to make arrangements to replace the foreigners by training Nepalis and, according to the 1993 Labor Rules, lay off foreigners first in case of retrenchment. Penalties could be as high as $148 (10,000 Rupees) per instance and $1.48 (100 Rupees) per day. Camp rules specifically forbade Bhutanese refugees from engaging in livelihoods. The small number able to work illegally did so without protection of labor legislation or social security and often had to pay bribes or use false documents. Refugees could not legally operate businesses, own property or bank accounts, or obtain drivers licences.

Camp rules also restricted Bhutanese refugees from engaging in almost any income generating activity aside from small cottage industries, such as making sanitary napkins, chalk, blankets, and jute roofing materials. Authorities tolerated some illegal work where there were shortages such as teaching in

For international travel, Bhutanese refugees had to apply to camp officials, who recommended them with photo attestation to the Refugee Coordination Unit in Jhapa, which recommended them to the National Unit for Coordination of Refugee Affairs in the Ministry of Home Affairs, which recommended them to the Ministry of Foreign Affairs, which issued the necessary documents.

Nepal stopped issuing travel documents and exit permits in October 2005. In May 2006, the Government resumed issuing travel documents to refugees it recognized, i.e., Bhutanese and pre-1990 Tibetans, and, in June, resumed issuing exit permits for newly arrived Tibetan refugees. Refugees of other nationalities whom UNHCR recognized under its mandate were eligible for neither. More than 2,400 newly arrived Tibetans registered with UNHCR for transit to India, and more than 2,900 departed, the difference coming from a backlog of nearly 1,000 from the previous year. Tibetans had to apply to the Chief District Administrative Office and obtain approval from the Ministry of Home Affairs.

In September, in response to pressure from resettlement states, the Government agreed to allow third countries to resettle 16 Bhutanese refugees but only allowed three of them to leave by year’s end. Other countries accepted 52 refugees residing in Kathmandu for resettlement, but the Government had not issued them exit permits by year’s end. Some Tibetans left on their own to seek asylum or family reunification in other countries.

Freedom of Movement and Residence

Since the 1990s, Nepal restricted Bhutanese refugees to seven camps in the Jhapa and Morang districts in the east. Camp rules required them to obtain prior permission and passes to leave the camp for more 24 hours and to return within a week. Authorities generally granted requests for passes, but in August, Jhapa authorities, with UNHCR approval, suspended the passes in order to restrict refugee anti-resettlement protests. Officials suspended ration cards if refugees stayed outside the camps without permission. Tibetans who arrived before 1990 and refugees in urban areas enjoyed freedom of movement and could live where they wished if they had refugee cards. Tibetan refugees stayed at the Tibetan Refugee Transit Center in Swayambhu before continuing to India.

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

For international travel, Bhutanese refugees had to...
remote schools. District authorities shut down activities the central government permitted, especially projects making goods that locals used to sell to aid agencies, such as soap.

The 1994 Immigration Rules required foreign investors to invest at least $1 million in order to get a residential visa. The Government generally tolerated Tibetans who entered the country prior to 1990 running small handicraft businesses in the informal sector, such as carpet weaving. In June, however, authorities prevented some 70 Tibetan street merchants from selling their wares near the Boudanath Stupa. Some refugees in urban areas ran businesses with locals in unenforceable partnerships, paid bribes, or used false documents to obtain Nepali citizenship to hold title to property. The 1990 Constitution reserved the rights to acquire, to own, to sell, and to otherwise dispose of property to citizens but provided that “The State shall not, except in the public interest, acquire or cause any encumbrance on, the property of any person.”

Public Relief and Education
UNHCR described living conditions in the camps as “deplorable” due to overcrowding and disrepair of dwellings and latrines. In January 2007, poor insulation in the bamboo huts caused some 30 refugees per day, mostly children, to report to the hospital with pneumonia and asthma in three camps in Jhapa district. In December 2005, UNHCR had switched the refugees’ cooking fuel from kerosene to cheaper briquettes made from compressed coal dust, which produced much more smoke. Inadequate fuel rations also compelled refugees to look for firewood outside the camps, which led to conflict with locals such as the clash in February 2007 that killed one.

In the camps, the World Food Programme (WFP) gave basic rations, while UNHCR and its implementing partners provided housing materials, water, supplemental food, sanitation, and health services. In December, WFP announced that donors had not funded it for the next two years and that it would cut rations. Donors restored some funding in February 2007. UNHCR’s implementing partners, such as Lutheran World Federation, aided host communities. UNHCR supported health services for refugees and asylum seekers in urban areas, though there were limitations on referrals and expensive treatments. Refugees generally had access to national health services on par with locals but some hospitals charged foreigners double. Outside the UNHCR partner hospital, refugees had to pay.

Within the camps, UNHCR provided education to grade eight. Caritas and others provided education to grade 10 and partial support for grades 11 and 12. With international aid, Tibetan refugees attended primary schools. Non-Tibetan refugees and asylum seekers in urban areas had to pay for their children’s private schooling.

Tibetan refugees, with help from Tibetans abroad, had their own educational and medical systems. In November, however, the Government revoked without explanation the registration of the Bhota Welfare Society, an NGO run by Nepalis that aided Tibetan refugees.

Nepal cooperated with UNHCR and other humanitarian agencies helping refugees and asylum seekers and earmarked a contribution to the WFP for camp refugees. The Government did not, however, include refugees in the 2003 Poverty Reduction Strategy Paper it prepared for international donors, nor did donors include refugees in their development plans. Refugees outside camps did not receive rations, nonfood items, or education.

Niger

Refugees and Asylum Seekers 15,300
Chad 15,100

Reservations: None
UNHCR Executive Committee: No
African Refugee Convention: Yes

Population: 14.4 million
GDP: $3.55 billion
GDP per capita: $247

Refoulement/Physical Protection
There were no reports of refoulement in 2006.

In October, Niger announced that it would return the Mahamid Arabs living in the Diffa region of eastern Niger to Chad. This population numbered about 15,000, although some reports estimated as many as 150,000. The Government soon reduced the number affected by the order to 3,300, who it alleged had false identity documents, and ultimately called off the deportation four days after announcing it. While the Government was rounding up Mahamid Arabs in preparation for the deportation, two girls died, reportedly after fleeing Government forces, and three women suffered miscarriages.

The Mahamid Arabs had arrived in eastern Niger in several waves from Chad, fleeing drought in the early 1970s and armed conflict in the 1980s. Niger never granted them refugee status, and most did not hold Nigerien citizenship.
Some had Nigerien identity papers, but a local government official said these were forgeries and acknowledged no record of a Mahamid Arab applying for citizenship. Tensions between the Mahamid Arabs and the local population over wells and other natural resources, as well as the Mahamid Arabs’ hidden stocks of weapons, prompted the deportation order.

The Office of the UN High Commissioner for Refugees (UNHCR) did not have an office in Niger, but monitored the country from its regional office in Benin.

Niger was party to the 1951 Convention relating to the Status of Refugees, its 1967 Protocol, and the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa, all without reservations. Niger’s 1997 Refugee Law created the Commission Nationale d’Eligibilité au Statut des Réfugiés (CNE) to hear asylum claims. The CNE’s process was lengthy: it met only once during 2006 to hear 10 cases, accepting four and rejecting six. Asylum applicants had three interviews: a preliminary interview, an interview with CNE members, and an interview with the police to assess the applicant’s morality. Police from the Direction de la Surveillance du Territoire also investigated all asylum seekers, often delaying cases for months and frightening applicants. The CNE President heard appeals of rejected asylum claims. In March, Niger established the Comité de Recours Gracieux to hear appeals, but it was not active.

The 1999 Constitution guaranteed equality before the law to all, “without distinction of gender or social, racial, ethnic, or religious origin.” The 1997 Refugee Law granted refugees all the same rights as nationals regarding physical security, freedom of movement, health services, education, and identity documents.

**Detention/Access to Courts** During the aborted expulsion of the Mahamid Arabs, Niger detained nearly 30 women and children for 48 hours. There were no other reports of Niger detaining refugees or asylum seekers.

The Government issued certificates to asylum seekers valid for three months upon receiving their claims. These documents were renewable if necessary. Once Niger recognized refugees, it issued renewable identity cards attesting to their legal status in the country. Niger issued 41 asylum seeker certificates and 17 refugee identity cards during 2006.

**Freedom of Movement and Residence** There were no camps in Niger and refugees were free to move within the country and could choose their places of residence. The 1999 Constitution said Niger “shall recognise and guarantee freedom of movement” without limiting the right to citizens.

Niger issued international travel documents to refugees 18 years old or older who requested them in writing and provided documentation of the reason for travel, such as proof of registration at a foreign school or university, invitation to a conference, or proof of a medical appointment abroad. During 2006, Niger issued five such permits.

**Right to Earn a Livelihood** Refugees had most of the rights of nationals to work, but Niger did not permit refugees to work in its civil service. The CNE provided refugees with letters of introduction to help them find employment. The 1999 Constitution only recognized the right of citizens to work. Part of the tension that led to the threatened deportation of the Mahamid Arabs was the strain their livestock put on the local environment. UNHCR reported that they owned at least 100,000 camels, amongst other livestock.

**Public Relief and Education** There were no restrictions on aid to refugees, and agencies including Caritas and the Red Cross helped them.

Refugees had access to primary education and health services on par with nationals. During 2006, UNHCR partners assisted 45 primary school students, 38 secondary school students, and 7 students of colleges or technical schools with tuition expenses—including both recognized and *prima facie* refugees.

The Government granted UNHCR and other humanitarian agencies access to aid refugees, but Niger did not include refugees in the 2002 Poverty Reduction Strategy Paper it prepared for international donors or in its June 2006 annual progress report.
Refoulement/Physical Protection  Citing security concerns, Pakistan deported several hundred Afghans without allowing the Office of the UN High Commissioner for Refugees (UNHCR) to screen them. It deported other Afghans for non-security-related offenses throughout the year. In some cases, authorities allowed UNHCR or the 13 legal clinics it established to assist potential deportees.

In April, an Afghan refugee in Quetta, Baluchistan Province, accidentally detonated a bomb he was handling, killing himself and four members of his family, including two children. In August, Islamic militants kidnapped an Afghan refugee from a camp in North Waziristan, one of the Federally Administered Tribal Areas, alleged that he was a U.S. spy, and shot him three times in the head, killing him. In May 2007, Taliban militants beheaded another Afghan refugee in North Waziristan, also accusing him spying for the United States.

Pakistan was not party to the 1951 Convention relating to the Status of Refugees or its 1967 Protocol, and had no legislation to recognize refugees. The 1946 Foreigners Act (amended 2000) remained the only law applying to refugees and asylum seekers even though it recognized no distinction between them and other foreigners.

The Government registered 2.16 million Afghans by the end of January 2007, out of an estimated 2.4 million Afghans in the country. Some 84 percent of Afghans were unwilling to return, with nearly 42 percent citing security as the primary reason and 24 percent citing lack of jobs in Afghanistan.

During 2006, UNHCR assisted roughly 133,000 Afghans in repatriating and nearly 9,700 returned without assistance, well below the 400,000 UNHCR had planned. UNHCR attributed the low numbers to “the deteriorating security situation in Afghanistan, the challenging economic and social conditions inside the country,” and the long exile, during which half the refugees were born outside Afghanistan. In 2007, UNHCR increased from $60 to $100 the repatriation grant it offered returnees and, as of April, only those who registered were eligible. Of the unregistered who sought repatriation grants, UNHCR found 30 percent to be ineligible either because they had no proof that they had lived in Pakistan during the previous year, or iris scans revealed they had already returned to Afghanistan with UNHCR’s assistance. UNHCR also assisted two refugees from Iraq and four from Somalia in returning to their homelands. Third countries accepted just over 120 refugees, including Afghans, Iranians, and Chinese.

Some 17,000 displaced Kashmiris remained in a refugee-like situation on the Pakistani side of the line of demarcation between Pakistan and India.

Detention/Access to Courts  During 2006, the Advice and Legal Aid Center (ALAC) set up by UNHCR and Lawyers for Human Rights and Legal Aid intervened in the cases of 148 detained Afghan refugees. Of these, authorities released 143, but held five pending court decisions at year’s end. Officials selectively enforced the 1946 Foreigners Act, on several occasions arresting hundreds of Afghans at a time, and UNHCR intervened to secure their release. Security forces often harassed Afghan refugees in their search for Al Qaeda.

Arrests of Afghans under the Foreigners Act generally declined in 2006, especially in Punjab Province. After dozens of arrests there in 2005, UNHCR intervened with the Punjab authorities who agreed to issue a directive to cease arrests of Afghans for immigration violations. In February, as a goodwill gesture to visiting President Karzai of Afghanistan, Pakistan released nearly 600 Afghans authorities had arrested and held for six months in immigration crackdowns in Karachi.

By end of January 2007, Pakistan issued identity cards to the nearly 2.16 million Afghans it registered. These cards legalized their stay in the country, and were valid through December 2009.

The 1973 Constitution granted the same protections against arrest and detention to all persons. The Foreigners Act authorized the arrest and detention of undocumented aliens, making no exception for refugees. Afghans with the new identity cards were exempt from its provisions, however. Foreigners who knowingly entered Pakistan illegally were subject to as many as ten years in prison, a $165 (10,000 rupees) fine, and deportation at the end of the sentence.

Refugees had access to the court system for criminal and civil matters. The ALACs assisted them in criminal matters as well as in dealing with issues including harassment by police or other community members, family law matters, and rent disputes.

Freedom of Movement and Residence  Around 977,000 Afghan refugees lived in 86 camps, but more than half (55 percent) of those who registered did not. Afghan refugees were generally free to move about the country and live where they chose. Material aid was largely restricted to refugees who lived in camps, although recognized refugees living outside the camps received some aid.

As a security precaution, Pakistan reportedly ordered Afghan refugees to remain in their camps during a March visit from U.S. President George W. Bush, and arrested 150 who violated the ban. The 1973 Constitution limited its protection of freedom of movement to citizens.
Right to Earn a Livelihood

The 1946 Foreigners Act prohibited employers from hiring "a person who has no permission to stay in Pakistan," but authorities generally tolerated refugees working in the informal sector. Only a fifth had jobs, nearly half of those in unskilled or day labor, and the vast majority earning less than the minimum wage of $66 (4,000 rupees) per month. Some 200 Pakistani civil society groups meeting in federal and provincial capitals in 2005 recommended that the Government grant Afghans formal work permits to "ensure uniform treatment of Afghan and Pakistani labor and raise wage levels." Pakistan also lacked a professional registration process with criteria for degree equivalence, hindering the ability of Afghan doctors, nurses, technicians, teachers, lawyers, and engineers to practice.

In formal trade, Afghan refugees required Pakistani partners and could not hold immovable property or the necessary legal documents to run businesses on their own. In the North-West Frontier Province (NWFP), Afghan refugees dominated the transportation industry; but others complained that their lack of clear legal status and the Government's unpredictable stance prevented them from making secure long-term investments.

Afghan Taliban sympathizers harassed some female refugees employed by nongovernmental organizations.

Public Relief and Education

UNHCR and international humanitarian organizations provided basic health services in camps, mainly those in NWFP. Church World Service offered women's clinics, disease prevention and treatment programs, nutrition, and immunization. These programs had brought down the maternal mortality rate of 500 per 100,000 live births to 39 per 100,000 live births.

About 71 percent of Afghans in Pakistan had no formal education. Basic Education for Awareness, Reforms and Empowerment, a UNHCR implementing partner, ran 171 schools in camps in the NWFP. Only about 43 percent of adolescents were literate, including only 25 percent of adolescent girls. Literacy rates were slightly higher among urban refugees.

Pakistan granted UNHCR and humanitarian agencies access to aid refugees and, in 2007, donated $5 million (303 million rupees) for the repatriation effort, but did not mention refugees or Afghans in the 2003 Poverty Reduction Strategy Paper it prepared for international donors.

Refoulement/Physical Protection

As many as one third of the 55,800 persons whose expulsion the Government ordered were potential asylum seekers denied opportunity to apply for protection, according to the human rights organization Memorial.

In the fall, in response to the arrest of Russian officers in Georgia on espionage charges, authorities launched a campaign against ethnic Georgians in Russia, including refugees from the ten-year Abkhazia conflict. The Government reported Georgians committed more than 27,400 administrative violations of migration rules and regulations governing their stay in Russia. It also reported that its judges ordered more than 5,600 expulsions of Georgians and actually deported around 4,000. Authorities delivered Georgians in large groups without lawyers to courts, which issued pre-determined administrative expulsion orders in minutes. Often they did not admit the detainees to the courtroom, keeping them in hallways or even in cars outside. The Government acknowledged that authorities submitted inaccurate information to courts resulting in expulsion orders. Prosecutors later filed 22 corrective appeals in Moscow city courts, which overturned 16 of the district court expulsion rulings.

The Government forcibly returned at least three asylum seekers registered with the Office of the UN High Commissioner for Refugees (UNHCR) in Moscow to Afghanistan and presumably more from other locations. According to the Government, it expelled 62 Afghans in the first quarter of 2006, "including four by force," and extradited 19 Uzbeks. Russian militia members received bonuses for
returning detained persons to Uzbek authorities. In October, authorities deported asylum seeker Rustam Muminov to Uzbekistan without a court hearing his extradition appeal, just days before UNHCR had scheduled a status determination interview, and after the European Court of Human Rights had called for suspension of the extradition. A local court in Lipetsk had earlier ordered authorities to set him free, and a Moscow court later ruled his deportation illegal. In November, authorities deported two Uzbek brothers from Krasnoyarsk in Siberia for allegedly violating immigration laws and handed them over to Uzbek authorities.

In August, the Government sought the extradition of 13 UNHCR-recognized refugees to Uzbekistan, where rights advocates and Western governments suspected authorities of routinely torturing detainees, in response to accusations that they supported the Andijan unrest of 2005. It later suspended the extradition to allow the European Court of Human Rights to review the case. In November, the Supreme Court upheld the extradition. A month later, however, the Oktyabrsky District Court overturned the denial of their asylum claims because the Federal Migration Service (FMS) had not sufficiently shown the absence of torture in Uzbekistan, taken cognizance of UNHCR's grant of mandate refugee status, or considered the nonrefoulement principle of the 1951 Convention relating to the Status of Refugees. In January 2007, an appellate court upheld this judgment and the Government withdrew its other appeals. Finally, in March, a court in Ivanovo ordered their release.

Border guards and Aeroflot airlines often denied asylum seekers access to FMS and returned them to their countries of origin, including to countries where they had a well-founded fear of persecution. The Government fined airlines and charged them for food and medical services if it admitted such passengers to the country but not if the airline returned the passengers to the country of origin. The FMS Point of Immigration Control (PIC) had not accepted a case at the airport since 1999.

At least four Georgians died in custody for lack of medical attention pending deportation. In December, Manana Dzhabelia, a 52-year-old refugee from Georgia, died of a heart attack awaiting deportation in a Moscow holding center. By the time of her death, a court had overturned the decision to deport her as unlawful.

Refugees, NGOs, and the press reported that police beat, arrested, and extorted money from persons who appeared to be non-Slavic, including Roma and those from the Caucasus, Central Asia, or Africa. According to the Ministry of Internal Affairs, assailants committed more than 150 crimes “of an extremist nature” against non-Russians. Xenophobic attacks reportedly killed more than 50 persons and injured nearly 470 (up from about 30 and 410 the year before), mostly in Moscow.

In a 10-day period in late July and early August in Moscow, skinheads beat two Iranians outside Frunzenskaya Metro Station, shot a non-Slav looking veteran with an air gun, stabbed to death a 19-year-old man from Uzbekistan, wounded a Turkish national, and stabbed three people from Dagestan several times, hospitalizing two of them with life-threatening injuries. A bomb attack in August directed against central Asian traders in Moscow killed ten, including Uzbeks.

The Russian Federation was party to the 1951 Convention relating to the Status of Refugees and to its 1967 Protocol without reservations. The 1993 Constitution provided for "political asylum...in conformity with the commonly recognized norms of international law." The 1997 Law on Refugees contained guarantees against the forced return of asylum applicants, refugees, and persons granted temporary asylum. The 1997 Decree on Political Asylum provided a procedure for granting asylum to political figures targeted for persecution, but it was nearly impossible to get. According to the Government, only 10 to 20 persons applied for it per year, and most persons seeking protection filed for refugee status instead, "since the federal law 'On Refugees' provides more governmental support." According to the Government, no one had ever received political asylum (although Memorial knew of one case since 1995).

In offering refugee status, the 1997 Law on Refugees used the definition of refugee from the 1951 Convention. FMS received and decided claims with the right of appeal. Refugee status lasted for three years and was annually renewable thereafter, if grounds remained. The Government applied a “safe third country” rule, a 24-hour deadline for applications, and narrow interpretation of the refugee definition. A 2002 FMS instruction concluded that, due to stability in countries of the Commonwealth of Independent States (CIS) and because their laws prohibited persecution, persons from CIS were ineligible for refugee status, including applicants from repressive regimes such as those in Uzbekistan and Turkmenistan.

The Government did not allow applicants counsel in, or public monitoring of, its administrative procedure. Applicants, however, did have the right to appeal decisions and actions of national authorities in court, with counsel and public access, and the judiciary was an effective venue for enforcement of their rights.

In 1997-98, the Government removed most of those granted refugee status in earlier years from its registry as they had not reapplied under the 1997 Law on Refugees. It had not notified them of the need to do so. This rendered about 100,000 former Soviet citizens in the Russian Federation illegal migrants with the possibility of expulsion. An amendment in January extended the deadline for former Soviet citizens to obtain citizenship until 2008, simplified some earlier requirements, and allowed those with post-2002 residence permits to apply.

The 1997 Law on Refugees also provided for granting temporary asylum for one year to persons who met the refugee definition or whom the Government could not deport for humanitarian reasons. According to the Govern-
ment, persons in danger of "foreign aggression, occupation... events that seriously disrupt the internal political situation or human rights in that country," "torture or other cruel, inhuman or degrading forms of treatment or punishment," and persons from failed states could also benefit. The 2001 Resolution on Temporary Asylum defined the procedure. Application for temporary asylum could not halt expulsion if a court ordered it.

In mid-2005 authorities ceased to renew Afghans' temporary asylum, declaring, "Modern Afghan society is noted for a high level of political tolerance...there are no grounds of fear of being subjected to persecution on the part of the present Afghan authorities for their past activities." Most Afghans in the Russian Federation fled the Northern Alliance that overthrew the Najibula regime in 1992, not the Taliban.

Persons arriving at borders or airports and not yet admitted to the territory applied to one of 114 Points of Immigration Control (PIC), sub-organs of FMS, for admissibility review. The 1997 law allowed five days for this, during which time authorities held asylum seekers in transit zones or other facilities, and required persons rejected even at the admissibility level to leave the country within three days, obviating the right to appeal. In other cases, it provided an appeal decision within a month. The PICs referred rejected cases, without granting them legal entry, to UNHCR for resettlement.

In the interior process, asylum seekers in Moscow had to wait up to three years to have their claims heard, during which time they remained undocumented and vulnerable to police harassment.

In December, FMS ceased issuing certificates to applicants with their interview dates and started seizing certificates it had issued earlier. Asylum seekers had used them to appeal courts' refusals to accept their applications. Authorities also told the militia that the certificates were not binding and that their bearers were not going through status determinations. Authorities typically arrested asylum seekers for lack of residential registration under the 2002 Code of Administrative Offenses, sought their expulsion, and detained them throughout the process. About 150 applicants with lawyers were able to appeal such orders in the courts with a 70 percent success rate, arguing that the 1997 Law on Refugees protected them against refoulement whether the Government provided them with certificates in a timely fashion or not.

UNHCR provided legal assistance and counseling through the Refugee Reception Centre (RRC) in Moscow and the Refugee Counseling Centre (RCC) in St. Petersburg to determine eligibility for UNHCR's protection and aid, to identify durable solutions, and to monitor the national procedure. The Government did not grant legal status to UNHCR mandate refugees but tolerated their presence subject to UNHCR's commitment to support them and find durable solutions.

The Russian Federation granted refugee status to 41 persons during the year, three-quarters of them Afghans, or less than four percent of those who applied. Fewer than 400 persons held refugee status at the end of the year, just over half of them from Afghanistan and 31 percent from Georgia. The trend was steadily down from about 8,700 in 2003, 26,100 in 2000, and 239,400 in 1997. During the year, 11 regional FMS offices granted temporary asylum to 275 persons—a fourth of those who applied—244 of them from Afghanistan. Over a thousand persons held temporary asylum at the end of the year, almost all of them from Afghanistan. Hundreds of Uzbeks continued to flee and seek asylum but the Russian Federation granted it to none of them.

**Detention/Access to Courts** In St. Petersburg, authorities held Georgians pending deportation with virtually no food for days, some in railway cars. The Government detained at least seven UNHCR-registered asylum seekers in Moscow as illegal migrants after they exhausted the national procedure. Although Russian law limited the period in which an individual could be held to 180 days without a request from the Prosecutor General, officials refused to release the 12 Uzbek and one Kyrgyz refugee they had detained since June 2005 when this period expired in December.

Detention, whether for deportation or administrative expulsion, was subject to judicial review. Authorities detained asylum seekers for deportation as illegal aliens if migration authorities did not provide them with documentation. Courts or local prosecutors' offices reviewed detention cases but, without documentation, they generally authorized the detention or its extension. Authorities informed UNHCR of asylum seekers they detained for expulsion for lack of documents, and they had access to legal counsel. UNHCR, however, was able to monitor only one detention center for illegal migrants in Moscow.

The 1993 Constitution provided that "no person may be detained for more than 48 hours without" a court order. The 1997 Law on Refugees authorized FMS to issue certificates to asylum seekers formally in the national procedure, identity documents to recognized refugees, and temporary asylum certificates to persons with that status, providing a legal basis for them and their families to remain. Other national authorities recognized these documents. Pending appeal, however, FMS seized application certificates, making it impossible for appellants to register their residence. In June, FMS handcuffed and detained for deportation a Palestinian who re-applied for temporary asylum, denied in 2005, based on changed circumstances.

Police did not systematically investigate assaults against non-Slavic asylum seekers and others unless victims filed complaints or treated them with indifference and rarely
Country Updates

prosecuted them as hate crimes. In many cases, asylum seekers did not file complaints for fear of prosecution for immigration violations, retaliation, or lack of confidence in the outcome. Bias crime convictions, however, rose to 28 from 16 in 2005 and eight in 2004. In May, a district court in Bashkortostan sentenced two Ufa residents to more than five years imprisonment for severely beating an Iraqi student in 2005.

Freedom of Movement and Residence The 1993 Constitution offered freedom of movement to everyone legally in the territory, but the Government severely restricted freedom of movement and residence by requiring all persons, regardless of their status, to have registration at the place of sojourn or residence—a remnant of the Soviet-era propiska system. Authorities discriminated against non-Slavic ethnic groups by denying them registration. A number of local governments, including those of Moscow City, Moscow Region, and Krasnodar Krai had regional acts allowing them to deny migrants residential registration. It could take months for refugees to obtain residential registration. Police constantly checked registration and often singled out traveling asylum seekers and refugees, identifying them by their non-Slavic appearance, and fined them or extorted bribes in lieu of detention or expulsion.

The 1997 Law on Refugees obliged refugees and temporary asylees to inform the respective migration service of any change in their places of residence within seven days. The penalty for failure to do so was an administrative fine although, in at least one case, the migration service stripped the temporary asylum status of an Afghan. Even though the law did not provide for this penalty, a court affirmed the action.

The law required asylum seekers, temporary asylees, and refugees to surrender their national passports and other identity documents to the migration service prior to receiving certificates acknowledging their status. The Government issued them certificates valid for exiting and re-entering the country, but also required exit visas.

Krasnodar Krai authorities granted Meskhetian Turks residence permits if they had Russian passports but denied them to those who did not, effectively rendering them stateless. Authorities permitted them only temporary registration and required them to reregister every 45 days. About 23,000 applied to emigrate and, because nearly 11,000 Meskhetian Turks had left since 2004, police officers issued fewer arbitrary fines against them but continued to stop, check, and fine those not emigrating.

One Iranian refugee and her two children had to
spend nine months at Moscow's Sheremetyevo-2 international airport, sleeping on the floor and bathing in public restrooms. She received mandate status in December and authorities allowed her to leave for Canada in March 2007.

Right to Earn a Livelihood

While the 1997 Law on Refugees allowed documented refugees and asylum seekers with residential registration to accept wage labor on par with nationals and to run business enterprises, most were unable to do so legally because such documentation was nearly impossible to obtain. The Code of Administrative Offenses also provided for expulsion for illegal employment. Furthermore, the 2002 Law on Foreigners required all foreigners to have permits to work, but the Government only issued them to their employers. Workers could use the permits only with those employers, for those specific jobs, and for the designated contract period. Firms had to apply with FMS and obtain a certificate that there were no Russians seeking the job, a process that took months. The Government also limited the number of permits through quotas, charged employers a deposit for the cost of the migrants' return, required them to facilitate workers' exit and pay for deportation, if necessary, and made no exception for refugees or asylum seekers. Migrant workers could not join unions.

Open air markets presented some of the few opportunities for refugees and asylum seekers to earn livelihoods, but these were the targets of xenophobic attacks, including a bombing at Cherkizovsky market in Moscow in August that killed ten, including several Uzbekis. In November, authorities refused to admit Afghans to Traktorozavodsky market in Volgograd and destroyed their workplaces. In the fall anti-Georgian campaign, authorities raided and conducted widespread inspections of Georgian-owned businesses or those that employed Georgians. In November, the Government published official quotas for foreign labor, completely banning foreigners from working in retail sales of alcohol and pharmaceuticals, as of January 2007, and in retail sales in kiosks and open air markets and other commerce outside stores—the last remaining legal livelihood for many, if not most de facto refugees—as of April.

Krasnodar Kray authorities denied residence permits to Meskhetian Turks who did not apply to emigrate, prohibited them from leasing land, working, or doing business, and denied sole proprietor registration to Afghans with temporary asylum.

The 1997 Law on Refugees at least implicitly recognized the right of refugees to own residential property, in that it provided for their expulsion from public housing should they acquire any. The Land Code provided that foreigners could own land, but not in border territories the president designated. If asylum seekers had another legal status under the Law on Foreigners, they could acquire housing and land on par with other foreigners.

Public Relief and Education

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

The 1993 Constitution guaranteed free education to all from pre-school to college, the latter on a competitive basis. The 1997 Law on Refugees guaranteed refugee children access to state and municipal schools on par with nationals. A 2002 Decree by Moscow area authorities required only indication of their place of residence for access to primary education, but regional authorities sometimes denied access to asylum seekers lacking residential registration. It also required schools to report to the authorities those who did not submit sojourn or residence registration. In other regions of the Russian Federation, however, registration rules and lack of documentation still effectively barred asylum seeker children from education. Officials from the Department of Internal Affairs ordered Moscow schools to produce lists of Georgians studying there to check compliance with migration regulations.

While the 1993 Constitution provided a universal “right to health care and medical assistance,” it also limited its mandate upon the Government to provide free medical aid to citizens. The law guaranteed refugees access to health services, but those lacking residential registration had access to emergency services only.

Rwanda

Refugees and Asylum Seekers

<table>
<thead>
<tr>
<th>Country</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Congo-Kinshasa</td>
<td>49,600</td>
</tr>
<tr>
<td>Burundi</td>
<td>3,400</td>
</tr>
</tbody>
</table>

New Asylum Seekers: 2,500

Departures: 700

1951 Convention: Yes
Reservations: Art. 26
1967 Protocol: Yes
Reservations: Art. 14
UNHCR Executive Committee: No
African Refugee Convention: Yes

Population: 9.1 million
GDP: $2.4 billion
GDP per capita: $263

Refoulement/Physical Protection

Despite intervention from the Office of the UN High Commissioner for Refugees (UNHCR), immigration officials forcibly returned, and abandoned at the border, four Burundian refugee
Country Updates

minors. Denmark had accepted these refugees for resettlement. They eventually found their way to the UNHCR office in Burundi, which helped them reach their resettlement destination. Five other Burundian refugees (also accepted for resettlement) had to go to Uganda in order to proceed with their resettlement. Seven others had to go to Kenya, where UNHCR had been reporting such arrivals for the past three years. One Ugandan refugee left for Tanzania, fearing Rwanda could not protect him from his nearby Ugandan persecutors.

Police deported six nationals of the Democratic Republic of Congo (Congo-Kinshasa), some who were registered refugees or asylum seekers in Belgium and Burundi. The authorities said they were security threats and had problems with their identity documents but listed no specific charges.

An armed group from Congo-Kinshasa reportedly recruited between 20 and 30 children from one refugee camp as combatants or forced laborers. In 2005, the Rwanda Defense Forces reportedly participated in child soldier recruitment by such militias.

There were no reports of physical assault against refugees resulting in injury or death. However, according to a World Vision study in December, 30 out of 60 children interviewed in the Gihembe refugee camp reported sexual abuse (although the rate was even higher in other camps in the Great Lakes region) and 18 percent of the abused reported having nightmares as a result. Abused children identified teachers (23 percent), military personnel (23 percent), community members (23 percent), family members (seven percent), camp leaders (four percent), and police officers (three percent) as the perpetrators.

Rwanda was party to the 1951 Convention relating to the Status of Refugees (1951 Convention), its 1967 Protocol and the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa. It maintained a reservation to the 1951 Convention's freedom of movement provision and to the Protocol's dispute resolution provision. The 2003 Constitution recognized a right of asylum. It also explicitly extended all rights it did not reserve for nationals to legal foreign residents and established the supremacy of duly ratified treaties over statutory law.

The 2001 Refugee Law applied a modified version of the refugee definitions of the 1951 Convention (including ethnic or tribal origins and "opinions divergent from national policies" among applicable grounds of persecution) and the more general grounds of the African Refugee Convention but did not explicitly prohibit refoulement. The law created a National Council for Refugees (CNR) made up of representatives from several ministries to make policy concerning refugees, to grant and revoke refugee status, and to ensure respect for refugees' rights. Asylum seekers had to report to the provincial or municipal authority closest to their point of entry and register with the closest immigration office within 15 days. The immigration office was to forward the file to CNR within 15 days and the applicant then had to fill out forms to apply for asylum at CNR, which was to decide their claims within six months. The law required CNR to issue written decisions and allowed rejected applicants to appeal within 15 days and to remain until a final decision by the State Council, which was to rule on their appeals within 60 days. After final rejections, asylum seekers had 60 days, renewable once, to leave the country. Those granted asylum had the right to bring their spouses and minor children to join them.

CNR began, and UNHCR stopped, registering new applicants in 2004 while UNHCR continued determining the status of those submitted earlier and counseled new applicants and, at CNR's invitation, attended its deliberations. In January 2006, CNR assumed responsibility for all determinations. In practice, immigration officials, part of the security apparatus serving the military and intelligence service, claimed a period of 30 days to investigate cases before transmitting them to CNR. However, CNR was not able to meet the six-month deadline for deciding claims and, since 2004, more than 400 applicants accumulated in the backlog.

During 2006, fewer than a dozen Burundians requested asylum in Rwanda; they were each recognized individually. Rwanda granted about 2,500 asylum seekers from Congo-Kinshasa prima facie status, although it also recognized a small number individually along with over a dozen Ugandans.

Voluntary repatriation to Congo-Kinshasa remained volatile, as political tensions continued, leading to fewer repatriations than UNHCR had originally estimated. In June, at a World Refugee Day event at Kigeme camp, CNR President Frank Gatete told all refugees in various camps in the country to go home.

Detention/Access to Courts Police arrested four Burundian minors scheduled for resettlement to Denmark and sent them to an illegal youth detention center and held them for three days on unsupported suspicions that they were Rwandan nationals before deporting them.

In Kigali, police officers frequently arrested and detained refugees and asylum seekers who were not carrying their identification cards or refugee papers. UNHCR intervened in several cases to identify and free them. Authorities arrested seven Burundians after witnesses in the Gacaca process accused them of involvement in the 1994 genocide. Authorities detained two members of the Ugandan army for crossing the border illegally and failing to register with immigration. Intelligence agents approached other...
visas. Officials blocked several cases because they suspected
travellers to travel overland without permits to Uganda and seven to
police arrested refugees following the interview. Five had
that the applicants were Rwandan nationals. In four cases,
interview with immigration officials before receiving exit
Law extended it to refugees.
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their movement. The World Food Programme gave food to
gees had only ration cards for identity and this inhibited
especially) about their reasons for travel. Camp-based refu-
voices, their spouses, and minor children identity cards with
right to stay in Rwanda.
UNHCR reported several cases of arrest by police
requesting confirmation of status by national authorities and
UNHCR. However, UNHCR training of police officers, immi-
gestion officials, and vice mayors led to fewer arrests and greater
understanding by police officers in cases of identity cards.

Freedom of Movement/ Residence Around 40,000 Con-
golese and almost 2,000 Burundian refugees remained in camps and
had to apply to camp authorities for passes to leave. Refugees in urban ar-
areas with identification papers could move freely throughout the country,
although police occasionally questioned them (Ugandans especially) about their reasons for travel. Camp-based refu-
eges had only ration cards for identity and this inhibited
their movement. The World Food Programme gave food to
refugees in camps but not to those in urban areas.

In signing the 1951 Convention, Rwanda reserved
the right to determine refugees' places of residence and to
limit their freedom of movement "for reasons of public
policy (ordre public)." The Constitution also reserved to
citizens its right to freedom of movement, but the Refugee
Law extended it to refugees.

Refugees accepted for resettlement had to pass an
interview with immigration officials before receiving exit
visas. Officials blocked several cases because they suspected
that the applicants were Rwandan nationals. In four cases,
police arrested refugees following the interview. Five had
to travel overland without permits to Uganda and seven to
Kenya where UNHCR had been reporting such arrivals for
the past three years.

The refugee law entitled refugees to two-year
international travel documents on demand. In practice, how-
however, the Government required refugees to show that
the travel was valid and well founded and the reasons for it
well documented and required a letter of authorization. The
only refugee who applied for a travel document, intending
to visit his family in Kenya, eventually decided to wait until
his family could come to Rwanda instead.

Right to Earn a Livelihood
The Government reserved most jobs
for Rwandans. Refugees needed per-
mits to work legally, for which they
also needed a government-issued
identity card. Permits were too ex-
ensive for most refugees and many
worked in the informal economy in construction, mechanics,
farming, and domestic work. A few professionals were able
to work in the refugee camps as teachers and nurses.

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

Public Relief and Edu-
cation Refugees had access to
national hospitals but not the na-
tional health insurance program or
public assistance. UNHCR provided
primary health services to camp
refugees. Urban refugees received
assistance on a case-by-case basis. In February, refugees in
Gihembe camp reported a lack of cooking fuel following a
government directive against tree cutting.

Refugee children had access to public primary
schools on par with nationals. Camp-based primary schools
followed the national curriculum. The Constitution ex-
tended to all persons the rights to free primary education
and to health. The refugee law granted refugees the right
to housing and government aid.

The Government did not restrict humanitarian
agencies' access to refugees. The 2002 Poverty Reduction
Strategy Paper (PRSP) the Ministry of Finance and Economic
Planning prepared for international donors mentioned
refugees (other than Rwandan returnees) in passing as a
housing burden but did not propose any development plans
to include them. In its July 2005 Annual Progress Report, it
said that Ministry of Local Government, Community Devel-
upment and Social Affairs provided "[s]upport programmes
for refugees and repatriates" and listed its establishment of
the CNR as one of the principal actions undertaken in "Social
Protection Policy."
**Country Updates**

**Saudi Arabia**

**Refugees and Asylum Seekers**
- Former Palestine: 240,000
- New Asylum Seekers: 100
- Departures: 300

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<table>
<thead>
<tr>
<th>1951 Convention: No</th>
<th>1967 Protocol: No</th>
<th>UNHCR Executive Committee: No</th>
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</table>

**Population:** 24.1 million  
**GDP:** $348.6 billion  
**GDP per capita:** $14,500

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**Refoulement/Physical Protection**

There were no reports of refoulement from Saudi Arabia or physical danger to refugees there in 2006.

Late in the year, the Government announced it would allocate $500 million toward the construction of an elaborate, more than 500 mile-long (814 km), barbed-wire security fence along its northern border to keep out Iraqis. Construction was to begin in 2007 and take five years.

Saudi Arabia was not party to the 1951 Convention relating to the Status of Refugees. Its 1993 Basic Law stated, “the State will grant political asylum, if so required by the public interest,” but the country had no law for refugee status determination. Nevertheless, in its 1993 Memorandum of Understanding (MOU) with the Office of the UN High Commissioner for Refugees (UNHCR), the Government agreed to “provide protection to refugees present in the Kingdom.” Since 1998, UNHCR carried out refugee status determinations for asylum seekers on the Government's behalf and refugees received only temporary authorization to stay.

In 2006, UNHCR processed 184 claims for refugee status. At year's end, the country hosted 250 Iraqi and 400 Eritrean refugees, plus 240,000 Palestinian refugees. Though classified only as foreigners, UNHCR stated that some Palestinian refugees were gradually coming to enjoy “a more favorable treatment that still does not exist in the local legislation.”

Reportedly, there were also an undetermined number of Myanmarese Muslims in the country holding Pakistani passports. They had arrived in the 1970s and under a 1986 agreement between the Muslim World League and the King to allow those fleeing from religious persecution in then-Burma to remain in Saudi Arabia for 14 years under any passport they could obtain and Pakistan agreed to provide them. Saudi Arabia was to naturalize them after that but reneged. There were also reportedly thousands of Myanmarese Muslims remaining in Saudi Arabia after arriving on pilgrimages under Bangladeshi passports.

Some 70,000 stateless Bidon people also resided in Saudi Arabia without any formal legal status. Saudi authorities amended the 1954 Nationality Law in 2004 to allow qualified foreigners—presumably including refugees—who were fluent in Arabic, had lived in Saudi Arabia for ten or more years, had a clean criminal record, had a valuable vocation, and who were supporting themselves through legal means to apply for Saudi citizenship. This included the stateless Bidon, but not Palestinians. Saudi Arabia reserved the right to revoke citizenship within ten years if a court convicted the person of a crime or he or she committed an act that disturbed public security. The Minister of Interior also reserved the right to deny citizenship to any foreigner even if they met all qualifications.

**Detention/Access to Courts**

Saudi authorities continued to confine 214 Eritrean refugees, all former military personnel, in the Jizan Coast Guard facility. The facility also held two more Eritrean fugitives who sought asylum in late December. By year's end, the United States accepted 172 of them for resettlement. UNHCR had regular access to the detained refugees and reported good conditions.

In consultation with UNHCR, the Saudi Interior Ministry issued identity documents, which authorities respected, to 161 Iraqi refugees. Saudi courts authenticated refugees' marriage documents.

The 1993 Basic Law extended to all individuals its protections against arbitrary deprivation of liberty and ex post facto punishment and explicitly extended to foreign residents access to court in civil matters.

**Freedom of Movement**

In late 2005, Iraqi refugees gained the right to leave Rafha refugee camp and, by the end of 2006, less than 100 Iraqis remained there. The Government confined the movement of the Eritrean refugees in Jizan. Foreigners required travel permits for specified distances and periods of time in order to move within the country.

Palestinians who left Saudi Arabia for six months or more could not return without acquiring a new employer or sponsor, a virtual impossibility from abroad.
Right to Earn a Livelihood
The 1970 Residence Regulations required that foreigners have residence permits in order to work, with no exception for refugees. Residence permits, in turn, required sponsors. Refugees then had to obtain work permits, which cost around $1,300 (5,000 Riyals). According to the 1970 Residence Regulations, sponsors could cancel sponsorship for "legitimate reasons" and have the worker detained and deported. Foreigners could not change jobs without finding a new sponsor. Media reports announced an easing of employment restrictions for businessmen. The Government denied employment to the stateless Bidoon people due to their lack of citizenship or residence permits.

The 1993 Basic Law provided that "the State shall provide job opportunities to all able-bodied people," implicitly affirming the right of refugees to work. Refugees enjoyed the same rights as other foreigners to engage in business, but even this required sponsorship. The 1993 Basic Law did not limit its protections of property rights to citizens.

Public Relief and Education
Refugees were ineligible for social security, although the Government did give Iraqi urban refugees some social services and subsistence aid. All refugees had access to education in Saudi Arabia. While the 1993 Basic Law promised job opportunities for "all able-bodied people," it reserved its guarantee of health services and social security to citizens. The 1993 MOU with UNHCR obliged Saudi Arabia to grant UNHCR access to refugees, and the Government cooperated with the agency and other humanitarian organizations and allowed them to aid refugees and asylum seekers.

Senegal
Refugees and Asylum Seekers
* Mauritania
  - 23,288
  - 19,700
New Asylum Seekers
  - 500
Departures
  - 180
1951 Convention: Yes
1967 Protocol: Yes
Reservations: None
UNHCR Executive Committee: No
African Refugee Convention: Yes
Population: 11.9 million
GDP: $9.24 billion
GDP per capita: $777

Refoulement / Physical Protection
There were no reported cases of physical assault or refoulement in 2006.

Asylum seekers had to apply to the National Refugee Eligibility Committee, fill out forms, and submit application letters, photos, and identity documents. The Committee gave them receipts establishing their right to remain until the Committee ruled, and appointments for interviews with officers of the Committee and the immigration department of the Ministry of Interior within two weeks. After the interviews, the Committee met to decide cases and, if it approved, issued applicants certificates attesting to their recognition as refugees while they waited for decrees signed by the president of the country formally granting it. Rejected applicants had 15 days to appeal to the Committee if they had new facts to present, failing there, to the president of the country but not to any independent body. They could use lawyers.

Senegal was party to the 1951 Convention relating to the Status of Refugees (1951 Convention) and its 1967 Protocol without reservation, and to the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa. The 2001 Constitution established that international agreements were of higher legal authority than local laws. A 1968 law on the status of refugees recognized refugees under the mandate of the Office of the UN High Commissioner for Refugees (UNHCR) and the 1951 Convention. The law also established a refugee commission composed of the representatives of various ministries, with UNHCR as an observer, that decided to grant or revoke refugee status, and prohibited their forcible return. It also provided that refugees should enjoy all the rights of the 1951 Convention. A 1978 decree established a Refugee Commission to recommend grants or withdrawals of refugee status under the definitions of either Convention. Asylum seekers were to address their applications to the president of Senegal in care of the president of the Commission.

By the end of 2006, Senegal hosted about 23,000 refugees, mainly from Mauritania, and 2,500 asylum seekers. The majority of asylum seekers arrived from Guinea Bissau; an estimated 700 Guineans crossed into Senegal in early 2006 due to separatist fighting in the region. Other refugees and asylum seekers arrived from Rwanda, Liberia, Sierra Leone, and Côte d’Ivoire. During the year, about 300 people filed for refugee status with UNHCR which recognized fewer than ten as refugees, although the process sometimes took a year or two.

Senegal continued to offer informal protection of nearly 20,000 Mauritanian refugees. Mauritanians repatriated informally across the border and sometimes returned to Senegal after a short period.

Detention/Access to Courts
Authorities detained, usually for less than 24 hours, refugees or asylum
Refugees International reported that, in one settlement of 5,000 refugees, only 10 had refugee cards. To renew their documents, they had to travel to Dakar and pay fees, and some complained of police harassment when they tried to travel in the country. Many refugees obtained illegal identity cards to find employment and to move freely. The Committee issued receipts or certificates to 270 refugees and asylum seekers during the year, but, since 2000, had suspended issuing refugees identity documents in response to objections from the Mauritanian Government and showed no inclination to start again, despite a 1987 decree mandating their delivery and a 2005 memorandum from the refugee community requesting them.

UNHCR and UNICEF encouraged birth registry in refugee settlements, but many Mauritanian parents were reluctant to register the births of their children, fearing eventual denial of their Mauritanian citizenship.

The 1978 decree obliged the interior minister to issue to all registered refugees without charge certificates of their status and identity cards valid for ten years, renewable, and establishing the bearer’s rights to remain in the country. At the beginning of each year, refugees had to present their cards to the authorities in their area of residence.

The Constitution extended to all the principle of equality before the law and its prohibition of arbitrary detention. Refugees generally enjoyed access to courts.

Freedom of Movement and Residence

Refugee identity cards and asylum application receipts entitled their bearers to freedom of movement. Police took several refugees into custody for traveling without identity cards, and others without cards complained of harassment when they traveled. Many obtained illegal cards, allowing them to move more freely.

Thousands of Mauritanians lived in two main settlements, N'Dioum and Dodel, near the border, but did not have to. No camps for other groups of refugees existed. Most lived in the river valley in villages and small settlements in a 360-mile strip on the border.

Twenty refugees received international travel documents. In order to obtain them, refugees had to apply to the interior minister, through UNHCR, confirm their refugee status, state their reasons for travel, and show a return plane ticket. Mauritanian refugees occasionally repatriated informally.

The Constitution reserved to citizens its rights to move about freely, to choose one’s place of residence, and to leave the country, but the 1978 decree provided that the interior minister would issue international travel documents to refugees. A 1989 decree offered international travel documents to Mauritanian refugees registered with the Ministry of Interior if they applied to the prefect of their department of residence.

Right to Earn a Livelihood

Refugees with only receipts but not cards could not work or open bank accounts, although many obtained illegal cards, allowing them to find employment. In at least one case, the Government denied a registered refugee permission to practice a profession.

Refugees could engage in markets and farm work pursuant to local arrangements and were able to own property.

The Constitution guaranteed to all the right to work, including the right to form labor unions and strike. The Refugee Law granted refugees the same right to work as nationals but, with regard to practicing professions, treated them as foreigners from countries with which Senegal had the most favorable treaty. A 1971 law conditioned permission of foreigners to practice professions upon authorization of their establishments and certificates by the authorities that the applicants satisfied all legal requirements. The Constitution reserved to citizens its protection to engage in business, and to own property.

Public Relief and Education

Registered refugees in the capital, Dakar, received some aid from the Bureau d'Orienteation Social but asylum seekers and those without status did not. UNHCR stopped providing general assistance to Mauritanians in 1998, although it continued to provide some community aid. Refugees without identity cards did not have access to public health services but registered refugees and asylum seekers had the right to the same health services as nationals.

Refugee children with birth registration could attend primary schools along with nationals, but the situation in the settlements varied. In one, all children over the age of six attended primary school, while in another, less than 50 out of 1,700 children attended.

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

The Government generally allowed UNHCR and other humanitarian organizations access to aid refugees
and asylum seekers. The 2002 Poverty Reduction Strategy Paper (PSRP) Senegal prepared for the International Monetary Fund and other donors noted refugee malnutrition, poverty, and vulnerability. It promised programs to reduce the social exclusion of refugees and specific arrangements “to allow them to take advantage of wealth-generating opportunities,” including, with donor assistance, “a special fund to support displaced persons and refugees” and listed it as a priority action. Its 2004 and 2005 progress report on implementation of the PSRP, however, mentioned none of these, and the Government did not include refugees in any development programs.

### Serbia

<table>
<thead>
<tr>
<th>Refugees and Asylum Seekers</th>
<th>77,900</th>
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<tbody>
<tr>
<td>Croatia</td>
<td>50,000</td>
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<tr>
<td>Bosnia &amp; Herzegovina</td>
<td>27,400</td>
</tr>
<tr>
<td>New Asylum Seekers</td>
<td>100</td>
</tr>
<tr>
<td>Departures</td>
<td>3,800</td>
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<tr>
<td>1951 Convention: Yes</td>
<td></td>
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<tr>
<td>1967 Protocol: Yes</td>
<td></td>
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<td>Reservations: None</td>
<td></td>
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<tr>
<td>UNHCR Executive Committee:</td>
<td></td>
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<tr>
<td>Population: 9.5 million</td>
<td></td>
</tr>
<tr>
<td>GDP: $31.6 billion</td>
<td></td>
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<tr>
<td>GDP per capita: $3,330</td>
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</tbody>
</table>

**Refoulement/Physical Protection** There were no reports of refoulement during 2006, but the Office of the UN High Commissioner for Refugees (UNHCR) did not have access to border posts and could not verify that no asylum seekers were among the 15,300 people that Serbia turned away at these posts. They included about 3,800 Romanians, 3,300 Bosnians, 2,900 Bulgarians, 1,000 Turks, 500 Croats, and 500 Ukrainians. It also turned back 77 people it caught trying to enter the country at places other than border posts.

Serbia was party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, by succession from the former Serbia and Montenegro, with no reservations. A new Constitution passed by referendum in November included a right to asylum and protection from refoulement and provided that foreigners should enjoy all of its rights except those expressly reserved to citizens. Serbia had no general refugee law, however, and UNHCR handled all refugee status determinations. Refugees from the former Yugoslav republics were the exception, as they received prima facie status under the 1992 Serbian Refugee Law. The Serbian Province of Kosovo was under the de facto control of the UN Interim Administration Mission in Kosovo (UNMIK). UNMIK included a procedure for determining asylum in its declaration on entry to and exit from Kosovo and granted refugee status to two asylum seekers during 2006.

Most refugees in the country were either ethnic Serbian Croats or Bosnians but many of those officials counted had already naturalized as Serbians. UNHCR helped more than 400 Croatians repatriate and more than 3,300 returned on their own. UNHCR submitted the cases of 11 refugees (six from the former Yugoslavia) to Canada for resettlement. Sixteen refugees (eight from the former Yugoslavia) submitted in 2005 left for resettlement in third countries in 2006. Asylum seekers filed no requests for voluntary return in 2006, but two Moldovans and two Ethiopians left Serbia before UNHCR processed their claims, likely to move on to Western Europe.

**Detention/Access to Courts** Serbia routinely detained refugees and asylum seekers for 30 days for entry without proper documents along with illegal migrants. After 30 days, authorities transferred those who sought asylum to the Padinska Skela Reception Center for Aliens in the Belgrade County Prison, where they detained them administratively until they could establish their identity for repatriation or UNHCR resolved their asylum claim. From Padinska Skela, applicants could contact UNHCR to seek asylum, if the Ministry of Interior cleared it. In most cases, UNHCR was able to get them released to other accommodations in Belgrade until it determined their status but when they could not prove their identity or nationality, applicants remained in detention until status determination was complete. Women and children family members of applicants and unaccompanied minors seeking asylum were generally exempt from this detention and, after police screening, authorities transferred them to UNHCR housing centers.

Serbia referred seven detained asylum seekers to UNHCR during 2006. In July, authorities reported to UNHCR a Somali asylum seeker, whom they had denied entry and detained at the Belgrade airport for 70 days, when he developed severe health problems requiring urgent treatment. In March 2007, UNHCR learned of a Senegalese asylum seeker the authorities had been holding at Padinska Skela for four months.

Serbia allowed no independent monitoring of detention facilities, but, in May, the Council of Europe’s Committee for the Prevention of Torture reported on a 2004 visit to Padinska Skela—finding no evidence of ill-treatment of detainees, but that the facility was overcrowded and generally in poor condition. Serbia allowed UNHCR access...
to detained asylum seekers at Padinska Skela and Belgrade International Airport if the Ministry of Interior referred their cases to UNHCR or if they received the Ministry’s permission to contact UNHCR directly. Authorities displayed UNHCR posters informing detainees of their right to seek asylum in Padinska Skela.

UNHCR issued identity cards to refugees it recognized and certificates to asylum seekers. While the UNHCR documents did not formally legalize refugees’ and asylum seekers’ stay in Serbia, authorities generally respected them. The Government issued new refugee cards to refugees from the former Yugoslavia if they were not already citizens or had permanent status. Some 10,000 appealed negative decisions, but the process was not transparent.

While refugees from Croatia and Bosnia and Herzegovina had access to courts to vindicate other rights, asylum seekers and mandate refugees did not because Serbia did not grant them a formal legal status. In Kosovo, UNMIK provided legal assistance to refugees.

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

**Freedom of Movement and Residence** The number of refugees and internally displaced Serbs from Kosovo residing in internationally and state-funded collective centers continued its six-year decline, dropping to fewer than 7,600, about 2,500 of them refugees from Bosnia and Herzegovina and Croatia. Serbia provided material assistance only to those refugees living in the official centers.

Refugees recognized by UNHCR and asylum seekers not in detention were free to choose their places of residence, though the restrictions on their right to work meant most lived in housing sponsored by UNHCR. All refugees were free to move about the country as they chose, regardless of their residence.

Serbia did not issue any international travel documents.

The Constitution extended to all its right to freedom of movement but expressly noted that the law would limit the entry and stay of foreigners.

**Right to Earn a Livelihood** Serbia allowed refugees from Croatia and Bosnia and Herzegovina to work and practice professions with rights generally on par with nationals but did not extend these rights to other refugees. Even some refugees from the former Yugoslavia sometimes were not able to obtain the documents they needed to work, especially if they had lost their personal identification numbers or if the registries in their hometowns had been destroyed.

Refugees from the former Yugoslavia could purchase property and open bank accounts, but other refugees were not able to do so.

The Constitution extended to all its rights to work, to strike, and to join unions and its protection of working conditions. It also provided expressly for the right of foreigners to engage in markets on par with nationals and to own property. The 1992 Refugee Law, which only applied to refugees from the former Yugoslavia, provided specifically for the protection of “personal, property and other rights and freedoms of the refugees, and provide for their protection under international law, in the manner set for its own citizens.” Similarly, Serbian labor laws protected Croatian and Bosnian refugees, but not other refugees, on par with nationals.

**Public Relief and Education** The Government granted former Yugoslavian refugees, but not other refugees, public relief and medical services on par with Serbian nationals. UNHCR provided medical services and other assistance to the refugees it recognized.

While refugees from the former Yugoslavia were eligible for unemployment insurance in Serbia, local bureaucracies sometimes made it difficult for them to obtain it.

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

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

Serbia had a 2002 National Strategy for Resolving the Problems of Refugees, Expellees and Displaced Persons, and its 2004 Poverty Reduction Strategy Paper (PRSP) prepared by the then-Union of Serbia and Montenegro for the International Monetary Fund and other donors included some 309 references to refugees. It noted that poverty rates among refugees and IDPs were twice as high as among the general population and addressed their needs in health, education, housing, water and sanitation, and general aid. It also called for more focused monitoring of their conditions with nongovernmental organization and civil society involvement and analyzed the special needs of refugee women and children. Most notable, however, was its emphasis on rights essential to their integration into Serbian society, especially...
those related to work, movement, and property:

The problem of poverty among these groups must also be considered from the perspective of basic human rights in view of their difficulties in exercising the right to freedom of movement, obtaining necessary documents, having freedom of disposal of their property, access to the formal labour market, adequate health care services, income support, quality education, and so on. Consequently, their problems can only be resolved through comprehensive measures, providing a legal status that would eliminate obstacles in their ability to exercise their guaranteed human rights and providing compensation and stimulating recovery of all the above mentioned resources.

The PRSP set forth four “strategic options”: 1) basic human rights, especially the resolution of refugees’ legal status; 2) closing down the collective centers, which it found “intensifies social isolation...and significantly contributes to the development and maintenance of a culture of poverty and inertness”; 3) education programs; and 4) targeted transfers making programs equally accessible to refugees and nationals. In April 2006, Serbia submitted its first progress report on the PRSP’s implementation in 2005, noting modest improvements in aid delivery and the conversion of six former collective centers for refugees into homes for the elderly.

These programs applied only to refugees the Government recognized from the former Yugoslavia and not to refugees of other nationalities UNHCR recognized under its mandate. Nevertheless, it serves as a model for what a PRSP that treated refugees as rights-bearing fellow human beings might look like.

### Refoulement/Physical Protection
There were no reports of refoulement in 2006.

There were reports of sexual abuse against refugees during the year, with incidents of abuse by other refugees as well as Sierra Leonean nationals. In February, a refugee raped a three-year-old refugee in Tobanda camp. In July, a police officer raped a 10-year-old refugee in Zimmi near the border.

In April, hundreds of Liberian refugees gathered at the Office of the UN High Commissioner for Refugees (UNHCR) in Freetown seeking protection from harassment and intimidation in the wake of the arrest of former Liberian dictator Charles Taylor in March. Rumors circulated throughout the capital that Liberians loyal to Taylor attacked Sierra Leoneans in Monrovia, Liberia. Liberian refugees feared reprisal attacks by Sierra Leoneans in Freetown, but there were no reports that any materialized.

In June, when former Liberian combatants attacked UNHCR’s office in Freetown (see below), they accused 22 refugees of treason and threatened them with violence. UNHCR relocated them to Bo, and third countries subsequently resettled them on an emergency basis.

Sierra Leone was party to the 1951 Convention relating to the Status of Refugees (1951 Convention), its 1967 Protocol, with reservations on the right to work and exemptions from extra taxes, and ratified the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa in 1987. Sierra Leone did not have a specific refugee law, but a 1980 amendment to the 1965 Non-Citizens Act (Registration, Immigration and Expulsion) exempted refugees under the 1951 Convention and any refugee convention Sierra Leone might later ratify from its provisions. Sierra Leone did not have a refugee status determination process but relied on UNHCR to review and decide claims.

The Relief and Resettlement Directorate of the National Commission for Social Action (NaCSA), was responsible for refugee issues. During the year, the Parliament considered a draft refugee law that would improve the protection of refugees, but only began to hold pre-legislative meetings in March 2007.

More than 33,000 Liberian refugees voluntarily repatriated during the year, and about 170 resettled to third countries.

### Detention/Access to Courts
The Government did not detain refugees or asylum seekers for exercising their rights, but police arrested several refugees for other crimes.

In June, the Government
arrested 44 Liberians, 23 women and 21 men, for vandalizing UNHCR’s office in Freetown after a group of about 100 former combatants and refugees forced their way in, demanding resettlement to the United States and complaining about medical services in the camps and lack of support for repatriation. After UNHCR told them they would not be eligible for resettlement, they destroyed vehicles and office equipment in the compound. Authorities held the detainees awaiting court appearances at Pademba Road prison. The detainees included a nursing mother with her one-year-old child and a woman suffering from breast cancer. The Government identified 16 of the detainees as ex-combatants and not refugees.

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

The July case of a police officer who raped a 10-year-old refugee in Zimmi was still in court at year’s end. Refugees had access to courts but were less willing than before to pursue judicial remedies against other refugees. The family of the three-year-old Liberian refugee raped in Tobanda camp settled out of court with the refugee assailant after the police’s Family Support Unit learned of the crime.

The Constitution guaranteed equal protection under the law only to citizens of Sierra Leone and expressly exempted foreigners from its prohibition of laws and actions under law that were discriminatory on the basis of race, tribe, sex, place of origin, political opinions, color, or creed but extended to all persons its protection from arbitrary arrest or detention.

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

Right to Earn a Livelihood
Sierra Leone required all foreigners, without exception for refugees, to obtain permits to work. They could apply for work permits on their own or through their employers on the same terms as other migrants and had to pay fees and present passport photos to the Ministry of Labor to obtain them. The permits cost about $22.

Sierra Leone maintained a reservation to the 1951 Convention’s right of refugees to work, stating that “it considers the article to be a recommendation only” and to its exemptions from extra taxes, stating that “it reserves the right to impose special taxes on aliens as provided for in the Constitution.” The Constitution of Sierra Leone reserved to citizens the rights to “secure adequate means of livelihood” but extended to “all persons in employment” protection of health, safety, and welfare.

Refugees could own moveable property, but could not own land or other non-moveable property. The Constitution provided that “no property of any description” could be taken arbitrarily, without limiting this to the property of citizens.

Public Relief and Education
UNHCR and its implementing partners provided food, education, medical services, water, and sanitation to camp-based refugees, but the World Food Programme announced in July that it would be ending food aid in December.

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

The Constitution of Sierra Leone granted all citizens the opportunity to “be educated to the best of [their] ability, aptitude and inclination.” In practice, this assurance extended to refugees through the provision of education in refugee camps and UNHCR’s provision of limited scholarships for tertiary education.

The Government allowed UNHCR and other humanitarian organizations access to aid refugees. The Poverty Reduction Strategy Paper Sierra Leone prepared in 2005 for international donors did not mention refugees except those returning to Sierra Leone. Its September 2006 Annual Progress Report did not mention refugees at all.
South Africa

Refugees and Asylum Seekers 171,400
Congo-Kinshasa 26,300
Zimbabwe 18,000
Somalia 14,100
Ethiopia 11,800
Pakistan 9,200
Malawi 9,100
Angola 8,900
India 8,400
Former Palestine 7,000
Bangladesh 6,500
Burundi 5,300
China 5,200
Tanzania 3,800
Congo-Brazzaville 3,400
Sri Lanka 2,900
Kenya 2,100

New Asylum Seekers 53,400
Departures 150

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

Population: 47.3 million
GDP: $255.2 billion
GDP per capita: $5,390

Refoulement/Physical Protection South Africa deported tens of thousands of Zimbabwean nationals in 2006 without screening most for refugees or asylum seekers. Police deported refugees, registered asylum seekers, and, in some cases, South African citizens to Zimbabwe. According to the International Organization for Migration (IOM), the Government deported more than 55,000 Zimbabweans in the first eight months of 2006 alone. In some cases, the Government did not provide food or water to Zimbabweans during their deportations, which could take as long as 24 hours. Human Rights Watch reported that policed shoved some Zimbabweans out of the windows of a moving train after they paid them bribes to allow them to escape.

The Office of the UN High Commissioner for Refugees (UNHCR) reported a high rate of success in intervening to prevent the deportation of refugees and asylum seekers from the Democratic Republic of Congo (Congo-Kinshasa), Burundi, Ethiopia, and Eritrea.

Black and mixed-race neighborhoods throughout South Africa became increasingly xenophobic in 2006. Mobs attacked Somali-run businesses and killed an estimated 100 Somali refugees by year's end, according to refugee groups. Police claimed they could not give an accurate number of Somalis murdered because they do not keep records of ethnicity. In Durban, criminals abducted a Liberian refugee and held him captive for three days until the Durban Organised Crime Unit rescued him.

Human traffickers in South Africa frequently preyed on refugee children from Congo-Kinshasa, Mozambique, and Zimbabwe to work in the illegal sex trade. Reportedly, police and immigration officials repeatedly raped young female asylum seekers when they attempted to gain entry into South Africa, although UNHCR could not confirm this.

Police in Limpopo Province, on the border with Zimbabwe, abused Zimbabweans and did not review their legal status before deporting them. South Africa claimed that these individuals were economic migrants rather than asylum seekers, even though 36 percent of applicants for asylum in 2006 were Zimbabwean. South Africa and Zimbabwe jointly announced the creation of a border reception center to manage the flow of migrants between them. The Government indicated that the office would help Zimbabweans get work permits and that the IOM would assist the 2,000 Zimbabweans deported from South Africa each week.

South Africa was party to the 1951 Convention relating to the Status of Refugees, its 1967 Protocol, and the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa, all without reservations. The 1998 Refugees Act prohibited refusal of entry, expulsion, or extradition of refugees. Its refugee definition included individuals forced to leave their countries because of “events seriously disturbing or disrupting public order in either a part or the whole of [that] country.”

The Act, in effect since 2000, created a two-tier system for refugee status determination. In the first stage, trained immigration officers heard claims and issued decisions at South Africa’s five refugee reception offices (Cape Town, Johannesburg, Pretoria, Durban, and Port Elizabeth). Asylum seekers had the right to appeal to a separate board—unless the immigration officer found their claims to be “manifestly unfounded, abusive or fraudulent.” Refugees had access to legal counsel at both the initial claim hearing and during their appeal.

The Refugees Act obligated the Standing Committee for Refugee Affairs (SCRA) to review any case that asylum officers rejected as “manifestly unfounded, abusive or fraudulent.” Legal representation before the SCRA was by invitation only. The SCRA could also review any questions of law raised in the initial stage.

At the end of 2006, the Department of Home Affairs had a backlog of more than 136,000 cases. On World Refugee Day in June, Minister of Home Affairs Nosiviwe Mapisa-Nqakula said the Government hoped to clear that
backlog over the next year. To expedite asylum claims, the Government used a form to screen asylum seekers and only issued permits to those whose claims were deemed genuine. The Pretoria High Court, however, ruled the forms illegal because asylum seekers with less credible claims did not receive the asylum seeker permits required by the Refugees Act. The Government appealed the ruling, and the case was pending at year’s end.

The Department of Home Affairs contracted a biometric security firm to create a fingerprint identification system for refugees in South Africa. The Government also hired more personnel to tackle the backlog at the country’s five refugee reception centers and launched a partnership with the International Association of Refugee Law Judges (IARLJ) in September to help train the country’s immigration officers.

The Rosettenville Refugee Reception Office in Johannesburg lost all records of registered refugees and asylum seekers in a computer crash and was unable to recover them. In the wake of the crash, it ceased to accept new applications, despite a 2005 court order that it do so.

Voluntary repatriation remained low in 2006. In May 2006, the Government joined UNHCR to announce a voluntary repatriation initiative for the 14,000 Angolan refugees living in South Africa, but few chose to return home. About 80 refugees voluntarily repatriated during the year, and nearly 70 resettled to other countries.

**Detention/Access to Courts** In addition to the tens of thousands of Zimbabweans it detained before deporting them, the Government held at least two hundred refugees and asylum seekers during the year. Authorities regularly detained refugees and asylum seekers, often because of lost or expired documents or because they had not been able to access the Government’s asylum system because of the severe backlogs. More than 55,000 detainees passed through South Africa’s Lindela holding facility, more than 53,000 of them on their way to be deported. Immigration officials violated the Immigration Act by detaining unaccompanied children with adults at detention facilities.

The Department of Home Affairs briefly detained 41 refugees in November after they tried to protest at UNHCR’s office, alleging that they had been living on the streets with no support.

Although there were no reports of deaths, after more than 50 in 2005, conditions at the Lindela holding facility were still harsh. There were at least two riots at Lindela during the year: one in July and one in November. During the latter, police fired tear gas into closed cells, injuring at least 10 refugees after they attempted to protest their detention for allegedly carrying fake asylum papers. The July riot began when Congolese refugees protested the length of their detentions and beatings by facility staff. In addition to the reports of violence against detainees, there were also reports of corruption, including officials accepting bribes to arrange escapes. Police detained and threatened to deport refugees convicted of criminal offenses after they served their sentence, claiming that their crime negated their protected status, a violation of Section 2 of the Refugees Act.

The Government contracted Lindela’s operation to Bosasa (Pty) Ltd., and while immigration officials were on site during the day, Bosasa was responsible for food, health services, security, and other accommodations for the detainees.

The South African Police Service used a warehouse on a military base near the Zimbabwean border as a detention facility for Zimbabweans awaiting deportation and began building a new detention facility there. Food was in short supply at this facility, and there were minimal accommodations for the detainees.

By law, the Department of Home Affairs had to provide identity documents to recognized refugees, but fewer than 2,000 of the 6,350 refugees who applied for identification books received them in 2006. A program to issue smart cards to refugees for identification was suspended due to technical difficulties, leaving many refugees without sufficient documentation.

Refugees were successful in bringing class action suits on a variety of issues. For example, Somali asylees in Limpopo Province fled to Pretoria after a mob destroyed their possessions and the police refused to file a case on their behalf. They filed a claim with the Pretoria High Court, and the Court’s decision upheld the right of the asylees to receive compensation from the Government under the Refugees Act.

**Freedom of Movement and Residence** The Constitution’s Bill of Rights guaranteed freedom of movement to all persons in South Africa, and the Refugees Act affirmed that this applied to refugees. The Refugees Act did not specifically address the right of asylum seekers to freedom of movement, but in practice, South Africa generally respected this right.

South African law allowed refugees and asylum seekers with the appropriate identification and permits to move freely across the country and to settle in any of the nine provinces. However, the Refugees Act prohibited asylum seekers from traveling outside of South Africa without approval from the Department of Home Affairs (DHA). Failure to comply with this statute could result in detention upon asylum seekers’ return until asylum claims were resolved, but this generally did not occur if they sought permission to reenter before arriving. Recognized refugees could apply to a panel of UNHCR and DHA officials for international travel...
documents of which they issued 1,300 in 2006.

Due to DHA’s backlog, many refugees could not obtain the valid paperwork that would facilitate such travel. Some officials required asylum seekers to renew their permits on a monthly basis at the original office of their application, which often inhibited travel.

**Right to Earn a Livelihood**

Although the Refugees Act granted refugees the right to work, in practice it was difficult for them to do so. In addition to the difficulty in obtaining documentation, many businesses did not recognize refugees’ documents as valid for employment, as they were red rather than the green identification booklets issued to citizens and permanent residents.

Refugees with advanced degrees in engineering, medicine, and finance often resorted to entry-level work in the informal economy. Additionally, the escalation in violence toward refugee businesspersons—especially Somalis—made it increasingly difficult to earn a living.

In December, the Constitutional Court ruled that refugees had the right to work in the private security industry on a case-by-case basis, a field where many refugees found work. The Court found that Section 23 of the Private Security Industry Regulatory Act allowed for an exemption to the citizenship requirement. Despite the ruling, the Government continued to reject refugees’ attempts to apply for licenses for the field.

Although refugees qualified for worker’s compensation under South Africa’s immigration law, many refugees had trouble obtaining it. The Government issued these funds by direct deposit to bank accounts, but many refugees, lacking documentation and therefore bank accounts, could not obtain their compensation. First National Bank allowed refugees to open bank accounts for the first time in 2006.

**Public Relief and Education**

Refugees had the right to the same level of basic medical services and education as South African nationals under the Refugees Act. Refugees who had not obtained identification booklets, however, often had trouble enrolling their children in schools.

Refugees generally did not qualify for public relief because the law restricted these services to citizens and permanent residents, but a series of lawsuits slowly expanded refugees’ rights. These included relief funds for Somali refugees after xenophobic attacks destroyed their businesses. UNHCR made efforts to renew the Refugee Relief Fund, which should benefit refugees and potentially asylum seekers.

After the High Court ruled that South Africa’s denial of relief programs to disabled permanent residents was unconstitutional, the NGO Lawyers for Human Rights filed a case to extend these rights to refugees with disabilities. As part of the settlement of this case, the Government drafted a plan that would extend benefits to refugees.

Officially, the Government guaranteed free anti-retroviral therapy for all refugees with HIV/AIDS. However, this treatment was difficult to access for many because few health clinics provided it.

The Government did not restrict humanitarian agencies’ work with refugees and included refugees in the current UN Development Assistance Framework it developed with the help of the UN country team.

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**Refoulement/Physical Protection**

In May, the National Intelligence and Security Services deported four Ethiopian asylum seekers who were members of a political opposition group and who risked prosecution and the death penalty in Ethiopia for treason, before the Office of the UN High Commissioner for Refugees (UNHCR) or the Sudan Commissioner for Refugees (COR) could evaluate their claims. Between mid-May and early-September alone, the Government deported 18 asylum seekers and 6 refugees despite UNHCR’s protests. Local authorities in Southern Sudan and Darfur, however, generally respected the principle of nonrefoulement.

In March 2007, the population in Um Shalaya refugee camp in West Darfur grew to over 4,000 after 550
Chadian refugees requested transfer to the interior to escape insecurity near the border; about 16,000 Chadian refugees lived on the Chad-West Darfur border in 2006. UNHCR halted repatriation of Eritrean refugees based on the deterioration of conditions in that country, but domestic insurgency also wracked eastern Sudan where the Government located most of the Eritrean camps. Police in Khartoum North regularly raided the homes of Ethiopian refugees, beat them, and used tear gas against them.

According to UNHCR, arbitrary refugee status determinations, limited geographical coverage, and inadequate Government registration and documentation caused "severe protection challenges" requiring its constant intervention. Sudan had no standard procedure for adjudication. COR employed over 750 workers and depended entirely on UNHCR for its budget. COR's interviews in Wad Sharife were substandard and yet COR regularly accumulated a backlog, generally due to poor work attendance, low interview rates, and its occasional suspensions of the process altogether. COR did not maintain files but delegated them to UNHCR. The Sudanese Red Crescent registered applicants and provided interpreters. In Khartoum COR screened applicants without interpreters, prescreening information, or counseling, and often only after UNHCR intervened. National Security (NS) officials took final decisions on asylum applications, but in Khartoum, neither agency notified those rejected in writing, making appeal difficult.

Sudan tolerated newly arriving Chadians in Darfur and recognized them as prima facie refugees upon transfer to UNHCR-assisted refugee camps. Southern Sudan also tolerated refugees, even though no refugee status determinations occurred, and it was unclear whether COR or the South Sudan Relief and Rehabilitation Commission was responsible for performing them.

Sudan was party to the 1951 Convention relating to the Status of Refugees (1951 Convention), its 1967 Protocol, and the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa (African Refugee Convention), but retained a reservation to the 1951 Convention's right to freedom of movement. The 1974 Regulation of Asylum Act (Asylum Act) established COR, defined refugee generally following the 1951 and African Refugee Conventions, but did not prohibit refoulement. It gave the Minister of Interior or his delegates the right to grant asylum for renewable periods of five years. If the Minister failed to decide on applications within one month, the Asylum Act deemed them granted, at least for a renewable period of three months. The Asylum Act had no provisions for appeal.

In February 2006, the Democratic Republic of Congo, UNHCR, and Sudan signed a tripartite agreement for repatriation of Congolese and Sudanese refugees, beginning with 6,800 Congolese refugees—most of whom have been in exile since the late 1960s. UNHCR facilitated the voluntary repatriation of some 850 Congolese refugees from Southern Sudan, part of the population of about 1,500 refugees who had lived in Juba for decades.

The 1998 Constitution provided that "everyone who has lived in Sudan during their youth or who has been resident in Sudan for several years has the right to Sudanese nationality in accordance with law," but Sudan did not allow refugees to become permanent residents or naturalize, regardless of how long they had lived in the country.

**Detention/Access to Courts** In November, Sudanese authorities conducted house-to-house searches for and arrests of undocumented foreigners in Greater Khartoum State, including Khartoum (Centre), Khartoum North, and Omdurman cities. UNHCR identified 392 of them—including 221 Ethiopians and 165 Eritreans—as persons of concern, most with refugee documents, and obtained the release of 353. The NS and Military Intelligence services also arrested refugees and asylum seekers arbitrarily on suspicion of espionage activities or to force their cooperation. In February 2007, police arrested Ethiopian asylum seekers seeking protection at the UNHCR office in Khartoum with plans to deport them, including a pregnant mother with two small children.

Immigration and judicial authorities granted UNHCR access to Omdurman prison and allowed it individual access almost all of the 1,041 foreign detainees it found there. UNHCR also monitored the district courts and Omdurman Prison to assess the status of foreign nationals undergoing trial or already sentenced. UNHCR lawyers secured the release of 66 persons of concern in hearings before the courts of Greater Khartoum State and 59 persons of concern from Omdurman Prison. UNHCR did not have access to the detention facilities of the NS service.

Asylum seekers generally did not receive identity documents. Prima facie refugees in Southern Sudan or Darfur did not receive them either. When COR did issue refugees cards, they were valid only for a year or less. COR charged fees for issuing or renewing refugee documents ranging from about $0.80 to $12 each.

The 1998 Constitution provided that "all persons" were equal before the law, but only Sudanese were "equal in the rights and duties of public life without discrimination based on race, sex or religion." The Constitution also extended to all its protections against arbitrary deprivation of liberty, due process provisions, and rights to effective remedies. The Asylum Act allowed authorities to detain refugees "if it is found necessary." It also required COR to issue identity renewable cards to all refugees valid "for the period during which the refugee is granted permission to stay," i.e., for five years or more.

**Freedom of Movement and Residence** Authorities generally confined about 110,000 Ethiopian and
Eritrean refugees to 12 camps in poor conditions in arid eastern Sudan, some for 40 years. In November, authorities sentenced seven refugees to prison terms of up to six months for leaving the camps. For arbitrary fees, NS officials might grant travel permits for those refugees who required special medical treatment, had close family members, or had registered at a university in Khartoum.

New arrivals in eastern Sudan could not leave the Wad Sharife area until their refugee status determinations were complete. The Government required refugees that left the camps to return to their original camp in order to renew their IDs, further inhibiting movement. About four fifths of the refugees that arrived in 2006—many of them young, educated male Eritreans—left eastern Sudan without permits, probably for Khartoum. With this influx, officials in the capital increasingly tolerated refugees with identity cards from Kassala state in eastern Sudan. The vast majority of the 165 Eritreans UNHCR found in detention in November, however, held COR refugee identity documents from Kilo 26 refugee camp in Kassala state. Prima facie refugees in Southern Sudan and Darfur could move about in the region, but risked arrest if they left those areas.

UNHCR, through COR, issued 70 international travel documents to refugees.

Sudan maintained a general reservation to the 1951 Convention’s right to freedom of movement and the Constitution reserved to citizens its right to freedom of movement. The Asylum Act provided for up to a year in prison for any refugee who left “any place of residence specified for him.” The Asylum Act also allowed the Minister of Interior to provide refugees with passports and, under exceptional circumstances, allowed the Minister of Foreign Affairs to issue them diplomatic ones.

Right to Earn a Livelihood

Although provincial governments allowed refugees to farm and work locally, security officials often prevented employers from hiring Ethiopian refugees. Refugees had informal businesses and service jobs, but often at positions below their qualifications. The Government barred refugees from work in state enterprises, reportedly because they lacked Sudanese military service books. The Department of Labour’s process for obtaining permits was very bureaucratic and expensive.

The Government restricted lawyers from practicing law, and doctors and teachers needed to obtain licenses from the Ministries of Health and Education, respectively, before practicing. Refugee teachers in camp schools in eastern Sudan could only serve officially as “helpers.”

The Constitution was silent on the right to work, but reserved to citizens its right to join unions. The Asylum Act expressly forbade refugees from working in security or defense-related industries and required permission from the Department of Labour with notice to the Ministry of Interior to work in any other sector.

COR allowed some 1,300 families in Um Gargour refugee camp and some 500 families in Abuda refugee camp to farm state-owned land but not to own any. Local authorities in Jonglei state in Southern Sudan also allowed refugees to farm. Documented refugees could own movable property and open bank accounts, but if they needed property to run a business, they had to register it under the names of Sudanese nationals.

The Constitution extended to “everyone” its protection of property rights, but the Asylum Act expressly provided that “no refugee shall own lands or immovables in the Sudan.” The Asylum Act also required COR to register the movable property of each refugee “so as to permit him to take them away with him on his return,” but there were no reports that it did so.

Public Relief and Education

Refugees in the 12 camps in eastern Sudan were dependent on humanitarian assistance that had diminished over the years. According to UNHCR, camp conditions were “below the acceptable level of standard indicators in such key sectors as education, water and sanitation.” Only one third of refugee households had latrines, and food aid did not reach 30 percent of the population. Infant and maternal mortality rates were high due to malaria, respiratory disease, diarrhea, and malnutrition.

Refugees had access to local health services. Hospitals, however, would not admit patients unless they had sponsors to provide them with food and other necessities, which was an obstacle for some refugees. Through nongovernmental organization (NGO) partners, UNHCR managed clinics in all refugee camps in eastern Sudan and allowed local Sudanese to receive treatment there free of charge. Refugees benefited from Government medical referrals and the Islamic welfare system (zakat) run by the Government.

Refugees in urban areas had access to public education on par with nationals. However, because public schools followed an Islamist curriculum and used Arabic as the language of instruction, refugees of a Christian background sometimes sent their children to private school. UNHCR funded COR to run primary schools in the camps in the east. The camps in eastern Sudan did not have secondary schools.

Sudan restricted humanitarian groups’ access to the Eritrean and Ethiopian refugees in eastern Sudan. The escalating violence in Darfur prevented aid workers from reaching Chadian refugees, with the risks highlighted by the murders of eight humanitarian workers in July. Soon
after the international NGO Medair moved 3,000 Chadian refugees to the Um Shalaya camp, rebel groups destroyed two of their vehicles. In the first half of the year, due to activity of the Ugandan rebel group, the Lord's Resistance Army, the UN declared most areas south and east of Juba to be at security phase IV and allowed emergency operations only. The Cessation of Hostilities Agreement in August improved the situation until September when militia ambushed civilian vehicles just outside of Juba on the Nimule, Torit, and Mangalla roads. In November, fighting between the Sudan People's Liberation Army and the military in Malakal and many other local conflicts also limited humanitarian access.

By the end of the year, Syria hosted some 800,000 Iraqi refugees. There were about 452,000 Palestinian refugees in Syria, of whom 442,000 registered with the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). UNHCR also recognized 3,300 refugees from Somalia, Sudan, Iran, and Afghanistan as well as from some other African countries, along with 5,000 asylum seekers.

The 1973 Constitution prohibited the extradition of "political refugees" because of "their political principles or their defense of freedom," but Syria did not have a procedure for granting asylum. UNHCR registered about 39,000 Iraqis in Syria under its temporary protection regime and performed refugee status determinations for those it deemed most urgently in need of resettlement. It granted individual recognition to 22 Iraqis during 2006, and 63 left the country for resettlement. There were serious backlogs in refugee hearings in early 2007. More than 80 percent surveyed in 2005 said they would apply for refugee status if UNHCR were granting it.

Arab nationals, including refugees and asylum seekers, could enter Syria freely and stay for three months, after which time they had to request a residence permit from the Syrian Department of Immigration and Passports. Many simply left the country and reentered regularly, but this was difficult for poorer Iraqis and those with the greatest fear of return, and many had to live clandestinely. In 2005, the Ministry of Interior informed immigration offices that they could deny visas to nonresident men aged 18 to 30 for a variety of reasons, including for traveling alone or suspicious travel abroad.

In 2004 and 2005, the Government introduced immigration regulations that stipulated that Syria would not permit aliens that it expelled to return without permission from the Minister of Interior.

A 1956 law provided that "Palestinians residing in the Syrian Arab Republic territories are considered as Syrians by origin in Syria, in all matters pertaining to the laws and regulations," but it did not include rights to naturalize or to vote. In April, Syria agreed to accept 181 Palestinian refugees from Iraq who had been living in tents on the Iraq-Jordan border for about a month after Jordan refused their entry.

Syria deprived some 300,000 stateless Kurds of citizenship, passports, and birth certificates, thus disqualifying them from property or business ownership, voting rights,
and public sector employment. In addition, they could not travel outside of Syria, and those who left could not reenter. Syria did not require military service on their part.

**Detention/Access to Courts**

Syria reportedly detained some 50 Iraqis who fled Lebanon during the Israel-Hezbollah conflict and held them until they agreed to deportation to Iraq. It also held eight Ahwazi Arabs before deporting five of them to Iran and releasing three. In March 2007, it arrested six more Ahwazi Arabs and deported two.

Prisons in Syria were often severely overcrowded, and authorities often denied inmates sufficient food. Syria did not allow independent monitors to investigate conditions, but it occasionally allowed foreign diplomats to visit detention facilities. Detainees had no legal recourse for false arrest.

Police conducted random inspections for residence permits, exposing refugees without them to extortion in lieu of deportation. Residence permits were only available from the Department of Immigration and Passports, which required proof of employment and a fixed address. Those of most Iraqis were expired.

The 1973 Constitution limited to citizens the principal of equality before the law, but extended to all its due process protections in criminal matters.

**Freedom of Movement and Residence**

Syria confined about 300 Palestinians who fled Iraq in El-Hol refugee camp, but otherwise permitted Palestinian and other refugees to move freely throughout Syria and to choose where they wished to live. Most resided in and around Damascus. A little over a quarter, some 119,000, lived in 13 camps established for Palestinian refugees.

A 1963 law entitled Palestinian refugees to Syrian travel documents if they had registered with the General Administration for Palestinian Arab Refugees and held Syrian provisional identity cards. The documents were valid for six years, renewable at Syrian consular offices abroad, and provided for return to Syria without a visa. Additionally, Palestinians could travel between Syria and Lebanon using state-issued identity cards, and were also entitled to Arab League travel documents.

The 1973 Constitution limited to citizens its rights to freedom of movement.

**Right to Earn a Livelihood**

Generally, Iraqis could not work legally in Syria because they lacked work permits. The process for acquiring work permits was extremely difficult, and the Government rarely granted them to refugees. Non-Palestinian refugees were generally dependent on low-paying jobs in the informal sector without legal protection. Unemployment rates among Iraqis were over 80 percent for women and over 50 percent for men. Iraqi girls as young as 12 engaged in prostitution, and gangs and even family members trafficked Iraqi women and girls.

Syria, however, permitted Palestinian refugees who had lived in the country for ten years to work with rights nearly on par with Syrians, but a 1956 law barred them from jobs with the Government.

A 1959 law required non-Arab foreigners to obtain work permits from the Ministry of Social Affairs and Labour and residence permits in order to work. With permits, they received the same insurance, vacation, and workers compensation as nationals, but were reluctant to assert claims because authorities could revoke their permits at any time. A 2001 law allowed Syrians legally to employ foreign domestic workers with a streamlined process. This was the only option for many asylum seekers to work and have residence permits, albeit with few labor protections. They could not switch employers without the Ministry of Interior's prior permission.

A 1952 decree allowed registered Palestinians to hold title to one house or one plot of land, but they could own more in unregulated residential and rural areas. Syria did not allow foreigners to own any arable land. In cases where these limitations interfered with Palestinians' running businesses, Syria allowed citizens to purchase property with control by Palestinian refugees through binding agreements.

The 1973 Constitution limited to citizens its guarantee of the right to work, but not its property protections. It limited to "the popular sectors" the right to organize trade unions.

**Public Relief and Education**

UNHCR was able to help only a few of the neediest Iraqi refugees. This included providing housing for single women and income-generating activities for female-headed households.

Palestinian refugees generally used UNRWA health services, which made referrals to Syrian hospitals unnecessarily. UNHCR and nongovernmental organizations (NGOs) provided only the neediest Iraqi refugees with free or subsidized medical services, and nearly three quarters of Iraqis had to pay for their own. Since January 2005, Syria restricted the public health system to emergency services and childhood vaccinations.

Iraqi refugee children could attend Syrian public schools if their parents had passports, but parents without current residence permits feared to enroll their children as it might heighten their visibility to the authorities. Most schools were already at capacity anyway. School fees and
the need to obtain proper Iraqi documentation led to high dropout rates, and Iraqi refugee families often expected their children to work long hours to earn money. As many as 30 percent of Iraqi children did not attend school. Primary education was mandatory for Palestinian children, who could enter UNRWA elementary schools as well as Syrian elementary schools.

The 1973 Constitution provided for free primary education as a right and did not limit it to citizens. It limited to citizens, however, its provisions for social insurance and health services.

Syria strictly controlled NGOs—especially those aiding the stateless Kurds or focusing on human rights violations.

Tanzania

| Refugees and Asylum Seekers | 465,700 |
| Burundi                     | 353,000 |
| Congo-Kinshasa              | 128,000 |
| Somalia                     | 2,100   |
| New Asylum Seekers          | 1,400   |
| Departures                  | 87,000  |
| 1951 Convention: Yes        |        |
| 1967 Protocol: Yes          |        |
| Reservations: Art. IV       |        |
| UNHCR Executive Committee:  |        |
| African Refugee Convention: |        |
| Population: 37.9 million    |        |
| GDP: $12.8 billion          |        |
| GDP per capita: $337        |        |

Refoulement/Physical Protection
Tanzania forcibly returned 14 Burundian refugees over the protests of the Office of the UN High Commissioner for Refugees (UNHCR), including eight it reportedly arrested in April with illegal firearms. The Government deported 15,000 Rwandans and 4,200 Burundians without allowing UNHCR to screen them for refugees and asylum seekers. Officials forced Burundians, sometimes by beating them, to leave behind their Tanzanian spouses and families and their livestock and other property. Many of the Burundians had lived in Tanzania since the 1970s, and some were refugees whom authorities forced to leave the camps after they lost their ration cards. Some of the Rwandans had lived in Tanzania for 40 years and reported that officials had raped, assaulted, and robbed them to force them to repatriate. In May, officials confined some 7,000 Burundian entrants to way stations and berated them, one official reportedly brandishing a pistol, until they agreed to return.

There were numerous incidents of violence against refugees during the year, though fewer than in the past. Kasulu and Ngara districts reported seven murders and more than 70 rapes and attempted rapes of refugees. Banditry was common in Kibondo district.

A World Vision International study found that 69 percent of the children in Lugufu I and II camps had experienced some form of sexual abuse. Of those reporting abuse, 17 percent had been raped, 10 percent had been compelled to exchange sex for basic needs, and more than a quarter had witnessed sexual assaults. Nearly half of the victims identified their abusers as neighbors and community members, a quarter as family members, seven percent as military personnel, five percent as teachers, two percent each as humanitarian and medical workers, and seven percent as persons unknown to them.

Tanzania was party to the 1951 Convention relating to the Status of Refugees, its 1967 Protocol, and the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa but maintained a reservation on the Protocol’s dispute resolution procedure. The Government maintained two refugee procedures, one for refugees from the Democratic Republic of Congo (Congo-Kinshasa) and Burundi, and one for others. The Government said it granted Burundians and Congolese prima facie status, but maintained District Ad Hoc Eligibility Committees (Ad Hoc Committees) in major refugee-hosting areas to screen them. In Kibondo and Ngara districts, the Ad Hoc Committees screened all new arrivals, but in Kigoma and Kasulu they only interviewed asylum seekers whose claims prescreening officials found to be doubtful.

Tanzania’s National Eligibility Committee (NEC) conducted status determinations for asylum seekers from countries other than Congo-Kinshasa and Burundi. All asylum seekers had to present themselves to the authorities within seven days of arrival for registration. NEC made recommendations to the Minister of Home Affairs, who made final decisions. The only avenue for appeal, in both the NEC and the Ad Hoc Committee processes, was a petition to the Minister. UNHCR observed both NEC and Ad Hoc processes.

About 42,800 Burundian refugees repatriated during the year, a significant decrease from the previous year’s total of 62,000 returns. UNHCR began providing the means for Burundians to repatriate in 2002 but, in June, the Tripartite Commission of Tanzania, Burundi, and UNHCR moved to from “facilitation” to “promotion” of return.

About 23,700 Congolese refugees returned in 2006. Citing security concerns, UNHCR suspended repatriations ahead of the first and second rounds of the Congolese presidential election in July and October.
Detention/Access to Courts  Police arrested about 1,000 refugees and asylum seekers for leaving the vicinity of the camps. At the end of 2006, Tanzania held almost 860 refugees in jails or prisons. Refugee imprisonment in Kigoma dropped from 69 to 47 and in Kasulu from 755 to 433, due to laxer enforcement of the movement restrictions. However, authorities increasingly prosecuted refugees for minor infractions under the Refugees Act, which provided penalties of three days detention and/or community service, rather than under the immigration law, which called for up to two years in prison followed by deportation.

According to the U.S. Department of State, prison conditions were “harsh and life threatening.” Diseases, especially malaria, tuberculosis, HIV/AIDS, and cholera, were common and often fatal. UNHCR had free access to refugee detainees in all prisons, monitored the status of refugee detainees, and provided them with personal items and medical services.

The 1977 Constitution (amended 1985) guaranteed the equality of all residents before the law and prohibited discrimination based on nationality. The location of the High Court and subordinate courts, limited to towns and cities, curtailed refugees’ access. Refugees accessed mainly primary and magistrate courts located in rural areas near the refugee camps. The limited availability of interpreters also impeded refugee access to courts.

Tanzania allowed legal representation, but the Government did not provide it. In the last quarter of the year, advocates from the National Organization for Legal Assistance (NOLA) provided legal assistance to refugees under UNHCR’s Strengthening Protection Capacity Project (SPCP).

The Government of Tanzania did not issue identity cards to refugees.

Freedom of Movement and Residence  The Refugee Act required asylum seekers and refugees to live in designated refugee camps or settlements. The Government vigorously enforced restrictions on unauthorized movement, and officials threatened those who engaged in it. Authorities issued permits to leave the camps for a maximum of 14 days, after which refugees applied to authorities for extensions. The Government apprehended and prosecuted about 1,000 refugees and asylum seekers for presence outside of designated areas without a permit. Refugees paid fines of about $39 or spent up to six months in prison for the infraction.

The Government allowed a few refugees to live outside of the camps for educational, medical, or security reasons. In the western region the Government allowed refugees to gather firewood, within about 2.5 miles (4 km) of the camps, but refugees often had to travel more than five miles outside of the camp as closer supplies were exhausted. These refugees, usually women and children, often suffered theft, physical abuse, and rape. During the year, however, such incidents decreased—only one reported rape between October and December—as they began traveling in groups. Refugees in camps near Kibondo could travel to the town with help from NGOs, but many were afraid to do so.

For about $16, refugees could apply for international travel documents to enable travel abroad and return with a visa.

The Constitution reserved to citizens its right to freedom of movement.

Right to Earn a Livelihood  The Refugees Act forbade refugees from working without permits and provided for fines up to $820 and six months in prison for violations, and the 1999 National Employment Promotion Services Act (Employment Service Act) forbade foreigners from working and handed out fines of up to $164 and three years imprisonment for violations. The Refugee Department of the Ministry of Home Affairs and the Ministry of Labor shared responsibility for the issuance, regulation, and renewal of work permits. The procedure for the issuance of work permits was unclear, and there were no reports of refugees receiving them. Despite the potential loss of freedom and fines, some refugees worked in local villages. The Tanganyika Christian Refugee Service ran income-generating projects for refugees in the camps. The Government and UNHCR encouraged it to suspend the projects to motivate refugees to repatriate, but it continued.

The Employment Service Act allowed self-employment and work for nonprofit or religious organizations but also permitted the Government to ban foreigners from specific fields and required employers of foreigners to create training programs to train Tanzanians for the jobs.

The Constitution extended to all its protection of property rights, and the law did not preclude refugees from owning land but required that the president grant permission to buy land. Refugees could own movable property, business, and transfer capital. The Refugees Act required refugees to turn over all personal property to the Government for fair compensation at the time of repatriation.

Public Relief and Education  The amount of food available to refugees through aid agencies fluctuated throughout the year, with refugees receiving their full rations only in three of the bi-weekly allotments in February and early March. The World Food Programme (WFP) provided food to refugees but reduced refugee rations to about 1,400 calories per person per day, or 69 percent of the UN-recommended daily level of
beans, corn meal, corn-soya blend, salt, and oil.

UNHCR and its implementing partners provided basic assistance, clothing, and medical services to all refugees in camps. Camp-based hospitals and clinics served nationals from surrounding communities. During the year, UNHCR signed a Memorandum of Understanding with the Tanzanian Ministry of Health to introduce anti-retroviral treatment to refugees on par with nationals.

The Government generally allowed humanitarian agencies access to refugees but required permits for foreigners to travel to the camps.

The Refugee Act guaranteed refugees education on par with Tanzanian nationals “in accordance with the National Education Act of 1978.” The 2003 National Refugee Policy (NRP), however, provided that schools should teach refugee children “in accordance with the curricula used in their countries of origin.” The Government followed the latter, with UNHCR, UNICEF, and international donors funding it. Average enrollment of children in camps was 90 to 100 percent.

The NRP also noted, “refugees are human resources which could be utilized for the improvement of the economy and the better of life and living standards.” The National Strategy for Growth and the Reduction of Poverty, which the Vice President’s office prepared for international donors in 2005, only mentioned refugees as “external shocks” and “environmental disasters” to manage along with “epidemics, pest infestation, droughts, floods, major transport and industrial accidents....and fires.” It did not include them in any development programs.

Refoulement/Physical Protection

The Royal Thai Government (RTG) deported thousands of nationals of neighboring states for illegal entry, informally dropping them off at unofficial crossing points. This included as many as 10,000 Myanmarese per month and about 100 of them per year were camp-based refugees. Often officers of the Democratic Karen Buddhist Army (DKBA), a splinter group allied with the Myanmarese regime, or rebel groups received them and extorted bribes for their release. The RTG also deported thousands per year in more formal proceedings where, pursuant to a Memorandum of Understanding with the Myanmarese Government, it gave the Myanmarese authorities lists of the deportees’ names in advance. The Office of the UN High Commissioner for Refugees (UNHCR) reviewed the lists and, in many instances, was able to prevent the refoulement of those among them it could identify as having a risk of persecution. UNHCR was not, however, able to intervene in cases of camp-based refugees caught outside the camps. Deportations from Bangkok through the border town of Mae Sot typically occurred at night, further obstructing the ability of UNHCR to monitor them.

In November, Thai officials turned 53 ethnic Hmong asylum seekers over to Laotian authorities. No human rights organizations had access to them in Laos and their whereabouts remained unknown at year’s end but Laotian authorities said they would put them in “re-education” camps known for torture and ill-treatment. Also in November, police arrested 150 Hmong, including 77 children and 8 infants, after they escaped from Ban Huay Nam Kho center in Phetchabun province. Authorities transferred them to the Lao border by mid-December and notified Laotian authorities of their identities. UNHCR confirmed at least 100 as refugees who had fled persecution in Laos because of connections with anti-Communist resistance during the Vietnam War. Authorities planned to deport the group, including one infant, in January 2007; however, when the men barricaded themselves in Nong Khai detention center and threatened a mass suicide, Thailand cancelled the deportation.

In March 2007, the RTG deported two groups of 67 and 56 Myanmarese Moslems known as Rohingya from Mae Sot to DKBA-held territory.

There was a steady increase in reported protection incidents in and around the nine camps on the Thai-Myanmarese border over the past three years, including rape, child soldiering and recruitment, domestic violence, and murders. Refugees, however, were reluctant to report many incidents, wanting to handle their own affairs and fearing that reporting them would lead to tighter restrictions. Thai camp authorities also failed to report many incidents to UNHCR or Thai police. Most violence occurred in conflicts among refugees and over half of the reported murders occurred inside the
Thirty percent of physical assaults on camp-based refugees involved Thai security guards.

In April, Malaysia deported 30 Myanmarese Chin refugees to the Thai border, reportedly turning them over to traffickers. Over the past two years, at least three gangs, known as nakhon, working in collaboration with Malaysian and Thai authorities brokered migrants' release and deportation from Malaysian detention centers and smuggled them back into Malaysia for about $381. If the migrants could not pay, the gangs reportedly beat them, threatened them, or sold them to Thai fishing boat owners or brothels.

Thailand was not party to the 1951 Convention relating to the Status of Refugees and had no refugee law. Neither the 1997 Constitution—repealed by the September 2006 coup—nor the interim Constitution the coup leaders promulgated in October contained provisions for asylum. The 1997 Constitution's chapter on fundamental rights was entitled "Rights and Liberties of the Thai People," but most of the provisions of that chapter applied to persons generally with exceptions referring explicitly to nationals.

Refugees and asylum seekers had no legal status distinct from other foreigners and, under the 1979 Immigration Law, the presence of most of them was illegal. The Minister of the Interior, however, under special circumstances and with Cabinet consent, could exempt aliens from the Act. On this basis, and the RTG's consideration that the refugees were "persons fleeing fighting," they could remain in Thailand as long as they stayed in the camps. The RTG and UNHCR jointly conducted refugee registration, but there was a major backlog of cases due to the four-year hiatus (from 2001 to 2005) of the Provincial Admissions Boards (PABs), which determined refugees' camp eligibility. In some camps, border security pre-screened Myanmarese asylum seekers upon arrival and transferred them to a Reception Center, and later to a Holding Center to await interviews. The PAB determined admissibility to the camps, and four-person teams interviewed refugees and forwarded their assessment to UNHCR. Refugees received temporary "displaced person" status if they were fleeing fighting or persecution. Rejected applicants could file appeals with UNHCR within seven days or await return to Myanmar.

Thailand had no official registration process for non-Myanmarese refugees. UNHCR conducted refugee status determination in Bangkok for non-Myanmar nationals and issued identity documents, but authorities did not always respect such documents.

In 2006, Thailand hosted about 200,000 ethnic Shan from Myanmar who fled forced relocation and ethnic persecution but whom the Government did not recognize. About 150,000 refugees from Myanmar lived in camps, mostly ethnic Karen and Karenni, and about 50,000 other Myanmarese lived outside the camps, including other ethnic minorities and some political dissidents. Some 7,000 Lao Hmong lived in makeshift camps in Phetchabun province since 2005. UNHCR granted refugee status under its man-

date to about 500 non-Myanmarese applicants in 2006, including more than 200 Laotians, and more than 1,100 had cases pending at the end of the year. About 400 North Koreans also entered the country.

**Detention/Access to Courts** Thai police routinely arrested refugees living outside the camps for illegal residence, and detained and transferred them to the Immigration Detention Center (IDC). Refugees from border states could decide between voluntary deportation and indefinite detention. Camp-based refugees who sought employment outside the camp also risked arrest, usually while in transport to work sites. Police often demanded bribes for their release.

In August, police raided a house outside of Bangkok and detained 170 North Korean refugees, all of whom UNHCR listed as persons of concern. Thai courts fined them about $160 each, but they could not pay and instead chose a 30-day jail sentence. Once released, all 175 sought refuge in South Korea. Police reinstated roundups of North Korean asylum seekers in October.

In November, authorities arrested over 155 Lao Hmong. Although they did not deport them as planned, they remained in detention as of May 2007.

UNHCR could access asylum seekers detained in the Bangkok airport, but could not visit some refugee groups in other areas, including ethnic Shan and Lao Hmong refugees. Some non-governmental organizations (NGOs), including the International Committee of the Red Cross, could access and provide aid to these groups. Prisoners and observers continued to report overcrowded conditions, scarce medical services, and physical abuse from Thai guards. Refugees detained in Bangkok from non-border states had access to a 24-hour hotline to request UNHCR intervention, which generally succeeded in procuring release for refugees whom authorities had not yet transferred to the IDC. Authorities in the IDC set quotas on how many refugees to release on bail at a given time, but bail depended on the refugees' chances of resettlement. The IDC housed detained refugees alongside foreigners exiting the Thai prison system. UNHCR and a Bangkong Refugee Center affiliate jointly monitored the prisons.

In the refugee camps, ethnic Karen and Karenni rebel groups influenced traditional justice systems through mostly male camp committees, few of whom had legal training. These committees operated independently of Thai or international law and often marginalized other ethnic or political groups. They could impose penalties including forced labor, fines, expropriation, detention, and expulsion. In extreme cases, rebel groups took victims back over the border for execution. Sexual and gender-based violence, however, often went unpunished or with small fines, and, in
at least one 2005 case, the traditional authorities proposed that the survivor marry her assailant. In other cases, committees charged rape survivors as accomplices to adultery and punished them equally with the perpetrators. Thai authorities made no arrests in eighty percent of refugee murder cases from 2003 to 2006 due to lack of evidence, and prosecuted even fewer of these cases.

In late 2006, UNHCR implemented an Administration of Justice program to have Thai law apply to serious crimes, and the first of seven planned Legal Aid Centers was set to open some time in 2007. In January 2007, the Thai Justice Ministry announced plans to issue Thai Law handbooks in Thai to refugees to deter serious criminal activity, particularly rape and murder.

As of May 2007, authorities had issued some 85,000 identity cards to camp-based refugees.

Freedom of Movement and Residence
Refugees and asylum seekers could not freely move in Thailand, and needed written prior approval to enter or leave camps. Thai police frequently arrested and deported those caught outside camps. Many participants in the restrictive migrant labor program (below) were refugees and had greater mobility, although still limited, than those in the camps.

Mae Hong Son governor Direk Konkleeb threatened to send ethnic Padaung refugees from Myanmar to the camps or have them deported unless they agreed to consolidate to a convenient location for tourists and display their elongated necks in brass coils. Their third option was deportation.

Refugees were not eligible to receive international travel documents except for resettlement to a third country.

Right to Earn a Livelihood
Refugees and asylum seekers could not work legally but as many as 40 percent of those in the camps sought illegal employment outside of the camps. For example, during harvest season, many camp residents in Mae Hong Son worked illegally in nearby garlic fields.

In March, the Ministry of Labor (MOL) reported a half-million worker labor shortage, and, in May, the Government allowed some 740,000 previously registered migrants from Cambodia, Laos, and Myanmar to renew their work permits for one year. The permits were for specific employers in limited, generally low-wage, sectors in a restricted set of locations not including the Bangkok area. Participants could not register as refugees and the RTG reported the names of all who participated to their Governments. Fees for the permit and the medical exam were 3,700 Baht (about $113) or about a month’s wages and the process was cumbersome, requiring a minimum of five trips to government offices. Applicants or their employers had to go to the MOI’s district office to register, back to the district office for photos and fingerprints, to the district hospital for the medical examination, to the provincial labor office to apply for the work permit, and back to the provincial office to pick up the permit. More trips could be necessary for information and forms. The MOI issued receipts for permit applications but employers generally kept the originals. To change employers, workers had to go through the process again with the new sponsor but the former employer could block this by refusing to return the original MOI registration. Only workers could enroll in the national health insurance system, not family members.

Even registered migrant workers could not form or lead labor unions, but could join unions formed and led by Thais. Local immigration officials, in apparent collusion with factory owners, deported even legally registered migrant workers who tried to strike.

Thailand also did not allow refugees to obtain business licenses or to hold title to or transfer business premises, farmland, homes, or other capital assets.

Public Relief and Education
The RTG allowed NGOs to provide medical and other services to refugees. Registered refugees in Bangkok received free basic medical services at the Bangkok Refugee Center Clinic, which also referred refugees to government hospitals and facilities. In such cases, the RTG reimbursed refugees for medical expenses and safeguarded them from arrest for their illegal status.

In October, the RTG established a Thai-language education program funded by UNHCR. The project operated in three majority-Karen refugee camps to help refugees communicate with physicians and staff. The program was popular but could only provide about four teachers for 500 students.

Aid agencies struggled to replace staff that left for resettlement to third countries as the RTG prevented them from taking refugees outside for training. Thai nationals charged eight times the pay refugees had to accept to work in the camps.

The RTG allowed UNHCR to monitor conditions in nine camps along the border but not to maintain a permanent presence in them. Thailand limited NGO access to camps to those MOI approved, and journalists not registered with the MOI could not visit camps. Neither Thailand nor international donors included refugees in development programs.
Uganda

Refugees and Asylum Seekers 277,800
Sudan 215,700
Congo-Kinshasa 28,800
Rwanda 24,900
Somalia 4,800
Burundi 2,600

New Asylum Seekers 17,800
Departures 22,300

1951 Convention: Yes
Reservations: Arts. 7, 8, 9, 13, 15, 16, 17, 25, and 32
1967 Protocol: Yes
UNHCR Executive Committee: Yes
African Refugee Convention: Yes

Population: 27.7 million
GDP: $9.44 billion
GDP per capita: $341

Refoulement/Physical Protection
Uganda expelled eight refugees and asylum seekers who were from the Democratic Republic of Congo (Congo-Kinshasa), accusing them of subversive activities against their home countries in violation of the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa (African Refugee Convention) and giving them 48-hours to leave the country. It did not return them to Congo-Kinshasa. In five other cases, it threatened refugees with deportation, but a Ugandan nongovernmental organization (NGO) intervened on the refugees’ behalf and no deportations occurred.

Uganda denied refugee status to about 8,000 Rwandan and Burundian refugees in southern Uganda, and ordered them to depart the country. This population, originally from Rwanda and Burundi, originally fled in 1972 and since then sought refuge in Congo-Kinshasa, Tanzania, Uganda, Burundi, and Rwanda. An estimated five among them died per day because of overcrowding and lack of food. Agents from the neighboring states from which the refugees fled, and refugees reported murders, kidnappings, and disappearances.

Camp commandants flogged members of 11 refugee families in Kyangwali refugee camp and reportedly flogged refugees in Kyaka II and Nakivale settlements as well.

Uganda was party to the 1951 Convention relating to the Status of Refugees (1951 Convention), its 1967 Protocol, and the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa (African Refugee Convention). It maintained, however, reservations to the 1951 Convention’s rights to exemption from reciprocity requirements and exceptional measures, property, association, access to courts, work, and administrative assistance; its allowance of provisional measures; and its restrictions on expulsion (not including refoulement). The 1960 Control of Alien Refugees Act (CARA), which governed the treatment of refugees throughout the year, did not include a refugee definition, except to exclude anyone the minister in charge of refugees declared not to be one, and defined no process for determining refugee status. It did allow refugees to receive permits to remain, however, if their return would result in their trial or punishment for “offences of a political character” or physical attack.

In March, the legislature passed, and in May the President signed, the Refugees Act 2006, which would go into effect in May 2007 and repeal CARA. It would prohibit refoulement and its refugee definition included those of the 1951 Convention and the African Refugee Convention, persons fleeing persecution for not conforming to “gender discriminating practices,” and members of groups the minister in charge of refugees declared to meet those criteria. In situations of mass influx, the minister could also allow groups of asylum seekers to remain in the country up to two years with the same rights the Act gave refugees without undergoing status determinations.

Although the 1995 Constitution guaranteed the right to judicial review of administrative decisions, the courts interpreted this to require a statutory provision allowing appeals, meaning asylum seekers could not appeal rejections to the courts. The Refugee Eligibility Committee did not allow asylum seekers to represent themselves in person, deciding based on interviews conducted by police and UNHCR representatives.

Uganda granted prima facie refugee status to asylum seekers from Sudan and eastern Congo-Kinshasa, but held individual status determinations for others.

The Government began repatriation of Sudanese refugees in accordance with the tripartite agreement between Uganda, Sudan, and UNHCR. An outbreak of meningitis suspended the voluntary repatriation temporarily, but it resumed following an immunization program. More than 5,900 Sudanese returned to southern Sudan with assistance, and another 16,400 repatriated on their own.

Detention/Access to Courts
A March survey of five districts in northwestern Uganda conducted by the Refugee Law Project (RLP) at Makerere University found nearly 50 refugees and asylum seekers in prisons either serving sentences or awaiting trial for unlawful entry or presence. It took as long as two years to complete some of their trials. Detention for illegal entry and presence was rarer in areas
where RLP had trained local authorities in refugee law; in Kampala, for instance, authorities charged only one refugee with unlawful entry and presence during the year.

At least twice during the year, Uganda rounded up asylum seekers in Kampala who were awaiting adjudication of their claims, detaining perhaps 40. As they had no means of support while their claims were processed, many lived on the streets and authorities charged them with being idle and disorderly. In the past, Uganda detained asylum seekers picked up in such sweeps for up to five months, but it released those detained in 2006 within two weeks.

Uganda also detained at least seven asylum seekers it suspected of being combatants from Rwanda, Burundi, and Congo-Kinshasa. UNHCR had full access to detained refugees and asylum seekers. In previous years, Uganda had granted access only to those detained outside Kampala. It also allowed detainees access to lawyers.

Uganda only issued identity cards to refugees in urban areas, but authorities generally recognized the ration cards camp-based refugees received from UNHCR as valid for identification. During 2006, it began to issue identity cards to all refugees over the age of 18.

The Government located refugee settlements as far as 60 miles (100 km) from courts, and refugees required permission to leave them. There were only four police officers in Kyangwali camp, with a refugee population of 19,000, and many crimes went unreported. In the settlements, commandants often delegated dispute settlement to Refugee Welfare Committees (RWCs). Since commandants reported to the central government rather than to local authorities, the RWCs were independent of local control, and exercised wider powers than the Local Council Courts (LCCs), extending to cases of assault, theft, adultery, and witchcraft. RWCs also imposed fines and awarded damages beyond the authority of LCCs. Although commandants did not always authorize them to do so, RWCs detained refugees for up to 48 hours while they took statements and, in some cases, for months. Most settlements had some facility for detention, in some cases just outside the settlement.

In its reservations to the 1951 Convention, Uganda reserved the right not to provide refugees with more legal assistance than it gave foreigners generally. It also reserved the right not to help refugees with their documentation unless UNHCR asked it to and reimbursed it. CARA permitted the minister or the director, "by writing under his hand," to detain refugees as "unconvicted prisoner[s]" if it appeared likely to them that they had committed an offence in another country which, if committed in Uganda, would be punishable with imprisonment.

Under CARA, the director or settlement commandants could confine refugees in settlement lockups for up to 30 days or fine them up to 200 shillings (12 cents) for "disciplinary offences," including leaving the settlement without permission, disobeying any order or direction of the director or of settlement commandants, or conducting themselves "in a manner prejudicial to good order and discipline."

Refugees sentenced to more than 14 days confinement or to fines greater than 100 shillings for disciplinary offences could appeal to the director but no further. Settlement commandants or authorized officers could arrest refugees without a warrant if they had reasonable grounds for suspecting them of disciplinary offences and could detain them pending proceedings. CARA authorized settlement commandants or anyone under their authority to use "firearms, as may be necessary to compel any refugee to comply with any order or direction, whether oral or in writing, given pursuant to the provisions of this Act." It also provided that no act or omission by anyone performing a duty under the Act could subject him "to any liability, action, claim or demand whatever."

CARA required all refugees to have permits attesting to their status and authorized officers to deny permits for any reason except where the refugees' return put them at risk of physical attack or punishment for a political offense. Refugees without the permits were liable for up to three month's imprisonment. The Refugees Act would provide that recognized refugees "shall...be issued with an identity card in a prescribed form stating the refugee status of the holder for purposes of identification and protection."

**Freedom of Movement and Residence** Uganda required most refugees and asylum seekers to live in designated settlements and limited material aid to camp residents. To leave, refugees required permits from camp commandants specifying the destination, purpose, and number of days of travel and the date of return. Camp commandants varied in how liberal they were in granting permits but the Directorate of Refugees could extend the number of days of travel if the refugee could not travel within the time specified. In Rhino refugee settlement, refugees had to travel 14 miles (8 km) to request a permit. The Directorate of Refugees allowed about 5,000 refugees to live outside the settlements but could exercise this discretion stringently based on physical or legal protection, health, or other compelling reasons, and the refugees had to sign a statement pledging never to seek state or UN assistance. Around 20,000 unregistered refugees, however, mostly Congolese and Sudanese, lived in and near Kampala.

With the approval of the Directorate of Refugees, authorities reportedly forcibly transferred from Kyangwali to Nakivale 11 families of refugee leaders who attempted to challenge administrative actions by the camp commandants.

Refugees in urban areas received identity documents that allowed them to move freely, but refugees in the settlements only received food ration cards that were not valid for travel. Only heads of households received the card, which
left many refugees with no form of identification at all.

Recognized refugees had to apply for international travel documents through UNHCR and the Government, which for most of 2006, approved only if refugees could prove international travel was necessary and imminent. The Government also charged a fee for them equal to the fees for Ugandan passports. Under a new UNHCR protection officer in late 2006, however, every refugee who applied for one received one.

CARA permitted the Director of Refugee Affairs to establish refugee settlements and appoint commandants in charge of them and authorized the minister in charge of refugees, "by order in writing," to require refugees to live in them and to use "such supplementary or incidental provisions" as the minister "may deem necessary or expedient" to control refugees' movements. It also empowered regional police commanders with discretionary authority to issue the permits necessary for refugees to remain in the country on condition refugees lived where they specified. Refugees who violated these provisions were subject to three months imprisonment. CARA forbade refugees from leaving the country without informing the authorities or from going anywhere "other than the territory in which he resided prior to entering" without the permission of the director or the Principal Immigration Officer, subject to imprisonment for three months.

**Right to Earn a Livelihood**

Refugees required permits to work legally. The encampment policy prevented many professionals from seeking employment in their field.

Within the refugee settlements, the Government allowed refugees to farm, but the plots were too small for commercial farming. Uganda did not allow foreigners, including refugees, to own land without express permission of the Minister of Land and Environment, but did allow them to lease land for up to 49 years.

The 11 refugee families transferred from Kyangwali to Nakivale settlements forfeited their crops in the field, their harvests in their stores, and business establishments.

In its reservations to the 1951 Convention, Uganda reserved the right to abridge refugees' property rights "without recourse to courts of law or arbitral tribunals, national or international," if it deemed it in the public interest. It also reserved the right to deny them freedom of association and rights to work if it might grant nationals of states with special treaties, such as those of the East African Community. CARA provided that "Arrangements may be made for offering employment to refugees" but required that employers pay "the appropriate rate of wages prevailing in Uganda for the performance of similar work" and expressly provided "it shall not be obligatory to pay a refugee for any employment in connection with the administration, internal arrangement or maintenance of refugee settlements."

CARA permitted the Director of Refugees, administrative officers or settlement commandants to seize any vehicle that refugees used to enter the country and to authorize its use moving refugees or stores or equipment for their use. It barred refugees from bringing any action "either for the taking or use [of their vehicles] or for any damage done thereto or for any loss occasioned thereby."

**Public Relief and Education**

Uganda did not prevent humanitarian organizations from operating within refugee settlements but denied services to refugees living outside them. Sanitation, water supplies, health services, and education in the settlements were not up to international standards, but refugees generally had services par with nationals in their areas. Ugandans could attend schools in refugee settlements, and benefited from health services in them as well.

Uganda provided free primary education to refugee children, but required refugees to pay for secondary or tertiary education. During 2006, UNHCR ceased financial support for secondary education.

The Government promoted a Self-Reliance Strategy that would phase out food distribution. In some areas where the land was especially fertile, refugees farming in the settlements were able to achieve considerable self-sufficiency.

The 2005 Poverty Eradication Action Plan (2004/5-2007/8) the Ministry of Finance, Planning and Economic Development prepared for international donors dealt with refugees as a disaster to manage, but highlighted Uganda's moves toward self-reliance for refugees and allowed that refugees could "become an asset to the country." The Plan noted, however, "Being an emergency issue, expenditure on refugees is not treated as part of the [Medium Term Expenditure Framework]." The latter included the goal of increasing growth to seven percent by removing bureaucratic barriers to investment; improving transportation infrastructure and utilities; modernization and commercialization of agriculture; improving rural access to finance and strengthening small and medium-sized businesses; and enhanced environmental sustainability.
Refoulement/Physical Protection The U.S. Coast Guard returned nearly 800 Haitians and 2,300 Cubans it intercepted at sea as they tried to reach Florida. The United States maintained a policy of interdicting Cubans and Haitians on the high seas and returning them to their countries of nationality unless it determined any were refugees. Authorities advised Cubans, but not Haitians, of their right to seek asylum. The only way for Haitians to claim asylum was to shout out their fear of return to Haiti, and even this did not always work. The Coast Guard interdicted nearly 6,100 foreign nationals at sea.

In April 2007, the United States announced plans to accept 200 asylum seekers per year from Australia's offshore detention centers and to send 200 Cubans and Haitians from Guantanamo to Australia yearly.

The United States was not party to the 1951 Convention relating to the Status of Refugees but was to its 1967 Protocol. The Immigration and Nationality Act (INA) prohibited refoulement and established procedures for admitting refugees and granting asylum. The amendments to the INA in the 2001 Patriot Act and the 2005 Real ID Act prevented the admission of many refugees, barred those who gave "material support" in any form, including money, shelter, food, water, or clothing to any organization the law deemed terrorist, even under duress, from resettlement or asylum. According to the amendments, any "group of two or more individuals, whether organized or not, which engages in, or has a subgroup that engages in" terrorist activity qualified as a terrorist organization. The law did not limit its definition of "terrorist activity" to targeting civilians for political violence but included any unlawful act using any "weapon or dangerous device (other than for mere personal monetary gain) ... to cause substantial damage to property."

This definition barred even supporters of pro-democracy rebel groups, such as the Karen National Union of Myanmar and the Hmong of Laos and Montagnards of Vietnam who fought alongside U.S. forces in the 1960s and 1970s. In January 2007, the Secretary of State and the Secretary of Homeland Security exercised their discretion to exempt persons who were not public safety or national security risks to the United States by issuing waivers for supporters of several Myanmarese groups, the Cuban Alzados, and the Tibetan Mustangs. Homeland Security Secretary Michael Chertoff also pledged to seek further discretionary exemption authority from Congress. The Department of Homeland Security also announced a duress exception for those compelled to aid groups that met the broadest definition of terrorist, but not for similar victims of designated groups such as Hezbollah or the Revolutionary Armed Forces of Colombia.

The material support provision also blocked more than 4,000 refugee and asylee applications for permanent residence, at least 550 refugee and asylee petitions for reunification with spouses and minor children, and 600 asylum applications. The Government processed four asylum seekers and five refugees under the duress exception, and thousands of refugees, mostly from Myanmar, received the benefit of the waivers authorized by the Secretary of State and Secretary of Homeland Security.

Under the INA, applicants were ineligible for asylum and refugees were deportable if they committed "aggravated felonies," including any act of theft or violence punishable by a year or more in prison, whether or not a court actually sentenced them to such punishment. They could apply for withholding of removal if persecution upon return was more likely than not, but were ineligible for this if a court had sentenced them to five years imprisonment or more; in such cases, their only avenue for relief was an application under the Convention Against Torture.

Asylum seekers making claims to avoid deportation made their cases in front of immigration judges. They had the right to appeal to the Board of Immigration Appeals.
(BIA) and subsequently to federal courts, and to the assistance of counsel at their own expense.

A study of the decisions by immigration judges from 1994 to 2005, conducted by the Transactional Records Access Clearinghouse (TRAC) at Syracuse University and released in 2006, found that the median rejection rate was 65 percent, but that eight judges denied asylum to 90 percent of applicants, and two granted asylum to 90 percent. The study also reported that judges denied the claims of 93 percent of asylum seekers without attorneys, and 64 percent of the claims of those who had attorneys.

The United States accepted more than 41,000 refugees for resettlement, and granted asylum to more than 23,000. More than 83,000 asylum seekers had claims pending at the end of the year.

**Detention/Access to Courts** The United States held between 2,000 and 3,000 asylum seekers in detention on any given day during the year. Immigration officials detained them at ports of entry for not having valid documents, and detained some with proper documents if they intended to seek protection immediately. Some asylum seekers voluntarily chose to return to countries where they might be in danger in order to avoid detention.

Detainees sometimes suffered from a lack of responsive medical services. Two facilities failed to issue handbooks informing detainees of their rights, and materials were not available in Spanish and other common languages. Even family centers held families with young children as long as two years, separated children as young as six from their mothers at night, restricted meal times, and limited access to the outdoors.

In a small number of cases, authorities used alternatives to detention such as electronic tracking devices that allowed asylum seekers to live in communities under supervision.

Refugees, asylees, and asylum seekers received documents attesting to their legal status in the country.

**Freedom of Movement and Residence** Refugees and non-detained asylum seekers could travel freely within the United States. They had to notify the U.S. Citizenship and Immigration Services (USCIS) of any changes of address but USCIS’ poor recordkeeping caused asylum seekers to miss notification of court appearances and case decisions. The Government required rejected asylum seekers to report regularly to immigration officials if they could not yet deport them.

Refugees and asylees could apply for international travel documents. However, backlogs in processing made it difficult for refugees and asylum seekers to travel for work or to sudden events like funerals.

**Right to Earn a Livelihood**

Refugees and asylees could work legally, but the Government ceased issuing refugees admitted for resettlement work permits upon arrival. Instead, they received them by mail, and sometimes had to wait more than the official limit of 30 days to receive them.

Asylees obtained work permits automatically when the Government granted their cases, but asylum seekers had to wait 180 days after filing an application before they were eligible.

USCIS changed the policy on work permits for asylees, extending their validity from one to two years. Refugees and asylees could open bank accounts and own property.

**Public Relief and Education**

Refugees had access to education on par with nationals. Undocumented asylum seekers had virtually no access to public assistance, however, apart from public education and emergency medical services.

The United States aided refugees for eight months after arrival or grant of asylum, and they were eligible for public assistance for up to five years. The 1996 Personal Responsibility and Work Opportunity Reconciliation Act limited the eligibility for Social Security Income to seven years for non-naturalized refugees, asylees, and Cuban or Haitian entrants if they entered after 1996. Around 6,600 refugees lost benefits in 2006, bringing the total to nearly 12,000.

Language barriers prevented many elderly refugees from passing naturalization exams, and the 1951 Convention did not require naturalization for public relief in any event. The law precluded relief agencies from providing services to undocumented immigrants.

**Venezuela**

- **Refugees and Asylum Seekers**: 288,500
- **Colombia**: 288,500
- **New Asylum Seekers**: 2,400
- **Departures**: 25

1951 Convention: No
1967 Protocol: Yes
Reservations: Art. 110
UNHCR Executive Committee: Yes

Population: 27 million
GDP: $182 billion
GDP per capita: $6,750
A 2003 Presidential Decree implemented the 2001 Law on the Constitution also expressly recognized and guaranteed the right of asylum and refuge and required the National Asylum Commission for Refugees (NRC) to decide asylum cases but the process generally took over a year. The technical secretariat in Zulia carried out missions to register, interview, and deliver documents to asylum applicants in remote border communities.

In July, a Venezuelan soldier tortured and killed a seven-member refugee family in the border village of La Victoria, in Alto Apure state, and burned their bodies. In October, Colombian leftist irregulars publicly executed one and forcibly displaced some 100 others (32 families), including refugees and nationals, from the Santa Ines Village of Apure, on the western border with Colombia. About one week later, 25 asylum seekers in Zulia and four asylum-seeking families in Apure fled to Caracas due to death threats by armed groups in the border area; one asylum seeker was reportedly shot upon arrival in Caracas.

During the year, the NRC began providing failed asylum seekers with specific reasons for denying status. Denied applicants could appeal to the NRC within 15 working days of notification, and the latter had 90 days to rule on them. In 2006, the NRC received 28 appeals. If the appeals failed, applicants could seek judicial review by the Supreme Tribunal of Justice.

The NRC received about 1,550 asylum cases in 2006 covering about 3,700 individuals, 97 percent of them Colombian. It decided some 190 cases, (about 460 applicants) and granted refugee status to about 240 individuals, with about 7,750 waiting for decisions at year's end.

According to the Refugee Law, the NRC had 90 days to decide asylum cases but the process generally took over a year. The technical secretariat in Zulia carried out missions to register, interview, and deliver documents to asylum applicants in remote border communities.

Venezuela recognized some 8,500 refugees and asylum seekers at year's end, but UNHCR and others estimated some 200,000 other Colombians to be of concern. Most did not register, as they were not aware of their rights and because of intimidation by armed irregular groups in the border areas who often persecuted asylum seekers they accused of supporting rival armed groups. Three asylum seekers in Machiques (Zulia state) complained that right-wing demobilized Colombian paramilitary groups, with the aid of members of the Venezuelan armed forces, persecuted asylum applicants they labeled as guerrilla suspects. Many asylum seekers in remote border communities did not go to the technical secretariats to apply for asylum either for lack of means, fear of security checkpoints along the road, and risk of detention, extortion, or deportation due to their illegal presence.

Between 300,000 and 600,000 Colombians benefited from the regularization program, Misión Identidad, in urban centers, but most refugees and asylum seekers were in rural areas, and many lack documentation the program required such as proofs of clean criminal records and prolonged residence. Sweden resettled 15 Colombians and Canada 10. There were no registered cases of voluntary repatriations.

**Detention/Access to Courts** There were no reports of detention of refugees or asylum seekers for illegal entry, presence, or for exercising their rights, but human rights organizations aiding refugees reported cases of arbitrary detention of the undocumented at police checkpoints for up to three hours in the sun.

The Ministry of Interior and Justice issued one-year renewable transit visas and Venezuelan identity cards to recognized refugees at no cost. Although the Refugee Law required the NRC to issue asylum cards upon application, UNHCR estimated that only 40 percent of applicants had received them. UNHCR issued provisional certificates on
behalf of undocumented asylum seekers, but authorities often did not recognize their validity, sometimes retaining or destroying them. Members of the National Guard, the branch of the military responsible for monitoring borders and enforcing the law in remote areas, systematically extorted asylum seekers without documentation, including sexually harassing women and children.

The Constitution and the 2004 Law of the Protection of Constitutional Rights and Guarantees granted all individuals access to the judicial system, but there was a shortage of public defenders and trial delays were common. UNHCR, Caritas Venezuela, Jesuit Refugee Service (JRS), and Andres Bello University in Caracas offered legal counseling to refugees and asylum seekers on an ad hoc basis.

Freedom of Movement and Residence
There were no camps, and refugees and asylum seekers enjoyed freedom of movement and choice of residence, but the Government required asylum seekers to renew their provisional documentation every month through the same local migration office.

Undocumented asylum seekers in the border area refrained from traveling to other provinces in order to avoid detention and extortion at army and police checkpoints.

The Constitution extended to all its rights to freedom of movement, choice of residence, exit and reentry to the national territory, and movement of goods within, into, or out of the country.

Right to Earn a Livelihood
Venezuela allowed recognized refugees to work, to run businesses, and to practice professions, and gave them protection under its labor laws. According to the Refugee Law, refugee cards were valid for work without additional permits. The law did not permit asylum seekers to work, and the majority worked illegally in the informal sector.

An estimated 25,000 unregistered Colombian ethnic Wayuu worked illegally in cattle farms in Machiques State. According to local human rights organizations, employers often forced them to work long hours in precarious conditions, and threatened to report them to immigration authorities if they complained.

Refugees and foreign residents required Venezuelan identity cards to get drivers licenses, open bank accounts, and own and transfer properties. Asylum seekers were not eligible for such cards.

The Constitution extended to “all persons” its right to work and labor protections and to “every person” its rights to property.

Public Relief and Education Refugees
Refugees and asylum seekers enjoyed public assistance and health services on par with citizens. Those in the country with temporary protection status could obtain humanitarian assistance from the National Civil Protection Office.

All minors could attend public schools regardless of their legal status. The Refugee Law stated that refugee documentation was sufficient for refugee children to attend school. Undocumented refugees and asylum seekers could attend public schools but did not receive transcripts or diplomas.

The Government cooperated with UNHCR and other humanitarian agencies assisting refugees. In July, flooding in the village of Guasdualito (Alto Apure State) affected nearly 12,000 people, including 80 refugee families. UNHCR, together with the Civil Protection, Caritas Venezuela, and JRS, provided food and medicine and helped repair damaged houses. UNHCR and JRS provided limited health services to refugees and asylum seekers and funded mobile health clinics in rural communities that served refugees and nationals alike.

Refugees and asylum seekers benefited from special health, education, and school feeding programs sponsored by the Government. UNHCR, Caritas Venezuela, JRS, and the Financing Cooperative for Micro, Small and Medium Enterprise implemented a program of small loans for income-generating projects for refugees and asylum seekers living in border communities in Tachira, Zulia, and Apure. According to UNHCR, “the purpose of the loans varies from buying a sewing machine, to setting up a small shop or buying seeds and tools for a farm.”

The Constitution extended to all its right to free health services and free and continuous education up to the university level.

<table>
<thead>
<tr>
<th>Refugees and Asylum Seekers</th>
<th>22,000</th>
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<tbody>
<tr>
<td>Cambodia</td>
<td>22,000</td>
</tr>
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</table>

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

Population: 84.2 million
GDP: $61 billion
GDP per capita: $724
Refoulement/Physical Protection

There were no reports of forced return of refugees during the year.

In response to North Korean asylum seekers entering foreign diplomatic missions in Hanoi in 2005, the Government called on diplomatic missions and international organizations to hand over third country intruders. No one attempted such entries in 2006.

Vietnam was not party to the 1951 Convention relating to the Status of Refugees or either of the conventions on statelessness and had no refugee law, nor did the Office of the UN High Commissioner for Refugees (UNHCR) process asylum cases under its mandate in 2006. The 1992 Constitution provided that the Government "shall consider granting asylum to foreigners struggling for freedom, national independence, socialism, democracy, and peace, or are harmed because of their scientific work." There were no reports, however, of anyone applying for or receiving asylum under this provision. The Constitution reserved to citizens its protections of "inviolability of the person" and "life, health, honour and dignity" and its prohibition of "all forms of harassment and coercion [and] torture."

Vietnam hosted two groups of Cambodian refugees. About 9,500 Cambodians of Chinese ethnicity remained in Vietnam since their arrival in 1975. UNHCR considered them stateless as the Cambodian government no longer recognized them as its citizens and most had lost any documentation proving their nationality. The 1998 Law on Vietnamese Nationality provided that the State "creates conditions for all children born on the Vietnamese territory to have nationality and for stateless persons permanently residing in Vietnam to be granted the Vietnamese nationality under the provisions of this Law" but, as the Government did not consider the refugees stateless, none could avail themselves of this law. About 2,400 have lived in four camps set up in Binh Duong and Binh Phuoc Provinces and Ho Chi Minh City since the 1980s. The rest lived mostly in and around Ho Chi Minh City.

A separate group of about 13,000 Cambodians was the remainder of about 35,000 ethnic Vietnamese fishing people from Tongsleap Lake who fled the Khmer Rouge in Cambodia, most of whom returned after the elections in 1993. They lived in local communities in the Mekong River delta provinces of Vietnam, unable to naturalize for lack of documentation. UNHCR had not had contact with them since 1997.

Detention/Access to Courts

Authorities did not detain any refugees or asylum seekers for illegal entry or presence or for exercising their rights during the year.

The Government did not issue refugees identity documents as it did nationals but some local authorities did issue them registration books including all family members. Many born in the camps held only temporary, informal birth certificates that the Government issued years ago and could not get formal certificates because the latter required marriage certificates, which the Government denied them. The Cambodian Government rejected them as nationals and refused to certify their Cambodian origin and marital status, preventing them from legally marrying in Vietnam.

The Constitution extended to all its due process rights and protections against arbitrary detention.

Freedom of Movement and Residence

The Government generally required travelers to carry People's Identity Cards, which were available only to citizens. Local authorities, however, issued refugees travel permits valid for six months to travel to other provinces or to Ho Chi Minh City. These permits were free of charge, and allowed the refugees to travel throughout the country.

The Government did not issue them international travel documents but local authorities could facilitate travel for resettlement.

Right to Earn a Livelihood

Refugees did not have the right to work legally in Vietnam. It was difficult for refugees to work for companies or the Government because they lacked legal status and identity documents. They worked for fellow ethnic Chinese in Ho Chi Minh City, however, or in the areas surrounding the camps without work permits. This consigned them to low paying jobs without the protection of labor legislation or insurance.

They did not have the legal right to acquire, hold title to, and transfer property, nor could they open bank accounts. Even to own motorcycles—an essential means of transportation—they had to register their titles in the names of citizens. The Government incorporated Thu Duc, including one of the refugee settlement areas, as part of Ho Chi Minh City and planned to relocate the residents for development. The stateless, however, had no legal right to compensation that their Vietnamese neighbors might receive.

Public Relief and Education

Refugees had access to primary and secondary education on par with that of nationals. They received standard health services but less public relief, rationing, and assistance than nationals, depending upon the goodwill of provincial authorities rather than law.
In 2005 and 2006, UNHCR allocated more than $180,000 to implement micro-projects in the camp areas, including construction of a dispensary, a kindergarten, and access roads, carried out through the Ministry of Labour, Invalids and Social Affairs (MOLISA).

There were no restrictions on humanitarian aid to refugees either in or out of the camps but the Government did not mention them in the 2003 Comprehensive poverty reduction and growth strategy or the two subsequent annual reports it prepared for international donors or other development plans or requests for development aid.

### Yemen

<table>
<thead>
<tr>
<th>Refugees and Asylum Seekers</th>
<th>96,700</th>
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<tbody>
<tr>
<td>Somalia</td>
<td>91,600</td>
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<tr>
<td>Ethiopia</td>
<td>2,100</td>
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<tr>
<td>New Asylum Seekers</td>
<td>23,000</td>
</tr>
<tr>
<td>Departures</td>
<td>700</td>
</tr>
<tr>
<td>1951 Convention: Yes</td>
<td></td>
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<tr>
<td>1967 Protocol: Yes</td>
<td></td>
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<tr>
<td>Reservations: None</td>
<td></td>
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<tr>
<td>UNHCR Executive Committee: Yes</td>
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<tr>
<td>Population: 20.7 million</td>
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<tr>
<td>GDP: $18.7 billion</td>
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<td>GDP per capita: $866</td>
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**Refoulement/Physical Protection** In December, Yemen deported 122 Ethiopians without allowing the Office of the UN High Commissioner for Refugees (UNHCR) access to determine if any of them were refugees. Officials notified the Ethiopian embassy in advance to verify their nationality. Despite numerous appeals by UNHCR, the Government said it would detain and deport all non-Somalis. There were accounts of Yemeni authorities deporting Iraqi and Sudanese asylum seekers. Reportedly, the Government deported seven HIV-positive refugees to Somalia and denied some Iraqis readmission, cutting them off from their families.

Yemen granted Somali *prima facie* refugee status upon registration, and extended the same status to a select group of Ethiopians—including ethnic Oromo and former naval personnel who defected in 1991. Others could apply to UNHCR for refugee status determinations. Yemen hosted nearly 100,000 refugees. Through November, about 23,000 Somalis came by boat, nearly half of them in September through November.

**American, German, and Italian ships joined the Yemeni coast guard in tracking smugglers.** In early December, Yemeni security forces fired upon a boatload of 120 Somalis and Ethiopians unloading near Belhaf after a two-day journey from Puntland, Somalia, killing one passenger and one smuggler. The smugglers left, dropped the remaining 60 or so passengers off near Jila'a. Some of the Somali refugees said another four were missing. In late December, Yemeni officials shot at boats after they had dropped off their passengers. At least 17 refugees drowned when an accompanied boat capsized and about 140 were missing. The coast guard fired on boats from Somalia twice in April 2007. Fleeing smugglers pushed 34 to their deaths in the first incident and 130 died in the second when their boat capsized.

During 2006 at least 355 asylum seekers, mostly from Somalia and Ethiopia, died trying to get from Somalia to Yemen by boat. Smugglers forced some off the boats as they approached the shore, fearing detection by Yemeni authorities. Many of the asylum seekers could not swim, or could not make it to shore.

Refugees complained of abuses by security forces at Kharaz refugee camp and UNHCR reported these cases to the Government, but it took no action. Three married refugee women arrested in demonstrations in 2005 reported that guards raped them in prison.

Although Yemen was party to the 1951 Convention relating to the Status of Refugees (1951 Convention) and its 1967 Protocol without reservation, and its Constitution prohibited the extradition of "political refugees" and granted the President authority to grant "political asylum," it had no domestic asylum or refugee law. UNHCR granted refugee status to more than 700 non-Somali refugees out of more than 1,600 applicants and refused about 300 but allowed appeals.

The Government signed a Memorandum of Understanding with the UNHCR in 1992, establishing the agency's presence in the country. In 2000, Yemen established the inter-ministerial National Committee for Refugee Affairs but it had no power to grant asylum or to protect refugees. Refugees were governed as foreigners by the 1991 Law on the Entry and Residence of Aliens (Entry and Residence Law), which generally made no exceptions for refugees although it did exempt from its residence requirements "Those exempted by virtue of international conventions which the Republic is party to, within in terms of such conventions."

**Detention/Access to Courts** The Government arrested and detained at least 16,800 Africans for illegal entry, including more than 14,100 Somalis and 2,500 Ethiopians by the end of October. Yemeni police routinely...
arrested undocumented refugees and asylum seekers often, without charges. Authorities held refugees detained for illegal entry or stay at the immigration prison but reportedly held other refugees at the political security department.

In October, authorities arrested an Eritrean refugee in the airport, detained him in a nearby prison for two weeks, and then returned him for holding in the airport and threatened to deport him to Eritrea. After Amnesty International and others appealed to Yemen not to deport him, the Government released him and allowed him to resettle in Norway in November.

Yemen granted human rights monitors access to detention facilities and detainees.

In mid-January, authorities released 30 refugees they had detained after a December 2005 protest outside UNHCR’s office, but only after the protesters signed a statement agreeing not to hold any more demonstrations. Some had injuries from the disturbance but did not receive treatment. The Government held eight other refugees for refusing to sign the statement until February.

The Government issued identity cards jointly signed by UNHCR to many Somali and to 650 Ethiopian \textit{prima facie} refugees in Kharaz camp. Authorities usually respected these cards. UNHCR provided certificates to other refugees, which authorities respected less. The Ministry of Interior issued refugees identification cards valid for two years. However, many refugees reported long waits to obtain them.

Recognized refugees had access to the judicial system and courts. Courts stopped the deportation of Ethiopian asylum seekers, releasing after around a year in detention. Other cases included sentencing or fining Yemeni citizens for not paying refugee employees. UNHCR funded community centers that offered legal counseling to refugees and helped an Eritrean refugee sue a previous employer for non-payment. The court ruled in favor of the refugee and ordered the Yemeni to pay the refugee compensation.

The Constitution reserved to citizens its guarantee of personal freedom, but granted all persons protection from arrest without cause, the right to hear charges against them before a judge within 24 hours of arrest, and the right to inform others of their detention.

The Constitution limited to citizens its right of recourse to the courts.
Freedom of Movement and Residence  Security officials at government checkpoints often required refugees and immigrants traveling within the country to show resident status or refugee identification cards and reportedly refused passage to those who lacked them or even to Sudanese who had refugee cards. Armed tribesmen occasionally installed independent roadblocks or joined security officials at checkpoints. The Entry and Residence Law required all foreigners to register their presence with police or immigration authorities within one month of arrival and required anyone hosting foreigners to report their names and addresses to the Aliens Registration Office or the local police station within 48 hours of their arrival and report their departure within 48 hours.

About 9,000 refugees, many women and children, lived in the Kharaz camp about 87 miles (150 km) from Aden. Most refugees self-settled in urban centers near Sana'a, Aden, or Taiz. UNHCR offered newly arrived refugees free transportation to Kharaz but only about 30 percent accepted it. In early summer, authorities at Kharaz camp took new precautions so outsiders were only able to visit the camp with a military escort, after tensions with the locals, who believed the refugees have better facilities than they do, escalated.

In 2004, the Government stopped issuing refugees travel documents to make pilgrimages to Mecca. In 2006, the Government only issued refugees one-time exit visas upon permanent departure from the country. The 1994 Republican Decree on Entry and Abode of Foreigners granted the Minister of Interior and Security the ability to grant travel documents to refugees.

Right to Earn a Livelihood  Yemen did not allow refugees to work legally although many worked informally. Entry and Residence Law required employers of foreigners, with no exception for refugees, to "obtain the prior approval of the Competent Authorities" and submit to the Aliens Registration Department or the local police station a declaration on a special form within two days of hiring and releasing foreigners.

Somali refugees obtained work permits from the Ministry of Labour and Social Affairs based on identity cards issued jointly by the Government and UNHCR. UNHCR gave other refugees documents attesting to their right to work, but this did not entitle them to work officially.

Yemen's 1991 Presidential Legislative Order to promulgate the Labour Code placed numerous restrictions on the employment of foreigners, with no exceptions for refugees, and banned employment of foreigners who entered the country for reasons other than employment. It required employers to apply in advance for permission to bring foreign workers into the country, and required certification from the Ministry of Social Affairs and Labour that there were no Yemeni workers available for the position. It also capped the employment of foreigners at 10 percent for every firm.

The Constitution reserved to citizens its right to work although its prohibition of general confiscation of property had no such limitation.

Public Relief and Education  UNHCR and its partners provided water, food, and other aid to the camp and to nearby Yemeni villages. Refugee health clinics run by UNHCR or nongovernmental organizations offered treatment and made referrals to local hospitals. UNHCR provided limited aid to the neediest refugees in urban areas. Kharaz camp offered primary education to refugee children and UNHCR subsidized the enrollment of refugee children in urban primary schools.

In August, the Somali Protesters Committee issued a declaration protesting Yemen's failure to enact a refugee law pursuant to the 1951 Convention. Specifically, it cited restrictions on movement, refugees' need to travel for medical treatment, lack of supplies for primary school, inability to attend universities, lack of job opportunities equal to those of Yemenis, and abuse on the job, particularly in domestic work. UNHCR replied that it would be easier to improve their access to services if they stayed in the camp.


Zambia

<table>
<thead>
<tr>
<th>Refugees and Asylum Seekers</th>
<th>128,508</th>
</tr>
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<tbody>
<tr>
<td>Congo-Kinshasa</td>
<td>61,000</td>
</tr>
<tr>
<td>Angola</td>
<td>42,700</td>
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<tr>
<td>Rwanda</td>
<td>4,100</td>
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<table>
<thead>
<tr>
<th>New Asylum Seekers</th>
<th>200</th>
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</thead>
<tbody>
<tr>
<td>Departures</td>
<td>27,200</td>
</tr>
</tbody>
</table>

1951 Convention: Yes
Reservations: Arts. 17, 22, 26, and 28
1967 Protocol: Yes
UNHCR Executive Committee: Yes
African Refugee Convention: Yes

Population: 11.2 million
GDP: $18.9 billion
GDP per capita: $919
Refoulement/Physical Protection  In 2006, the Government deported at least three recognized refugees to the Democratic Republic of the Congo (Congo-Kinshasa). There were also unconfirmed reports that it deported several Angolans.

Zambia was party to the 1951 Convention relating to the Status of Refugees (1951 Convention), its 1967 Protocol, and the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa, but maintained reservations on the 1951 Convention's rights to work, education, freedom of movement, and international travel documents. The 1970 Refugees Control Act (Refugees Act) did not specifically protect refugees from refoulement, though it forbade deportation in cases where the refugee would be at risk of physical attack or of punishment for an "offence of a political character." Otherwise, the Refugees Act authorized officers to deny asylum without giving any reason and deport asylum seekers if they did not apply within seven days of arrival. Zambia did not rigidly apply the seven-day rule and, if asylum seekers applied within a time authorities deemed reasonable, they did not deport them. The Refugees Act also permitted the Minister to declare groups of persons to be refugees, prima facie.

The National Eligibility Committee (NEC), including a representative from the Office of the UN High Commissioner for Refugees (UNHCR) as an observer and adviser, conducted refugee status determinations (RSDs), granting status in 30 of the 227 cases it decided. The Committee rejected 123 applications and 64 applicants never appeared for interviews. Some Somali asylum seekers had already continued on to other countries by the time of their interviews. There was no appeals procedure, but asylum seekers could request a second review by the NEC or ask the Minister of Home Affairs to review the case. Zambia did not allow refugees to have legal representation, but UNHCR monitored the RSD process and occasionally intervened on behalf of individual asylum seekers.

At least 21,900 Angolans repatriated in 2006, along with more than 4,700 Congolese. In March, UNHCR extended its repatriation program of Angolan refugees until the end of the year, and the Government and UNHCR warned refugees who did not repatriate that they would revoke their refugee status. In November, following Congo-Kinshasa's elections, Zambia and Congo-Kinshasa signed an agreement to repatriate more than 50,000 refugees. Many Angolans had lived in Zambia for more than three decades, including some who were born there, and wanted to remain. Zambia did not give any permanent residence.

Only 14 of nearly 4,100 Rwandans left, despite a 2003 tripartite agreement signed by Rwanda, Zambia, and UNHCR initiating a formal repatriation process. More than 400 refugees resettled to third countries, including nearly 350 Congolese and more than 30 Burundians. Many refugees from Somalia and Ethiopia did not complete the refugee status process, but left to seek employment in South Africa.

About 50,000 of the refugees Zambia hosted self-settled and did not hold refugee status.

Detention/Access to Courts  The Government detained about 130 refugees and asylum seekers during the year, for offenses including illegal entry, staying in an urban area without a permit, and working or studying without a permit. In January, officials in Sesheke arrested 10 refugees who had walked 85 miles from Nangweshi camp in search of work and food. In February, authorities in Nakonde detained 85 arriving Somali refugees in a school until UNHCR came to transport them to Mwange refugee camp. The Government held another group of 27 Ethiopian refugees at the local police station.

Police extorted bribes from the refugees to stay out of prison. According to the U.S. Department of State, "police frequently used excessive force when apprehending, interrogating, and detaining ... illegal immigrants, and there were reports of torture." Detained refugees and asylum seekers could not get judicial review of their detention before an independent tribunal. UNHCR visited prisons to identify detained refugees and asylum seekers and the Legal Resources Foundation (LRF), a local nongovernmental organization (NGO), provided legal aid to detainees. The Legal Aid Department of the Ministry of Justice provided counsel to refugees accused of criminal offenses. The Government did not separate refugees in pre-trial detention from the general prison population, and there was severe overcrowding and extremely poor sanitation and food.

The Immigration Department issued asylum seekers permits pending resolution of their cases. The Refugees Act required refugees to register with the Government and entitled refugees to receive identity documents, but the Government issued them only to those who registered in urban areas. Authorities normally respected identity documents. In 2005, the constitutionally independent Human Rights Commission declared that no law required people to carry identity cards.

Refugees had the right to bring actions in courts, but those without legal residence feared reporting crimes. However, refugees were more aware of their rights and increasingly sought help from NGOs.

The Constitution granted fundamental rights to all persons in the country, not limited to citizens, including the rights to life, liberty, property, protection from torture or degrading treatment, and protection of the law. It included, however, exceptions to the right to personal liberty in the cases of people who entered the country illegally and for cases in which the Government wished to ban people from traveling to certain parts of the country. The Constitution

Country Updates
extended its due process guarantees to persons generally, including those of presumption of innocence, notice of charges, assistance of counsel, examination of witnesses, interpretation of proceedings, punishment only for actions criminal at the time of commission, protection from double jeopardy and compulsory self-incrimination, and impartial tribunals.

The Refugees Act allowed officers to arrest refugees without warrants if they reasonably suspected them of even attempting to violate the Act. Violations included failure to obey or obstruction of "any lawful order of the Commissioner or a refugee officer" and carried penalties up to three months' imprisonment. The Act authorized officers and anyone acting under their authority to use "such force, including the use of firearms, as may be reasonably necessary to compel any refugee to comply with any order or direction made or given under this Act" and gave officers immunity from "any liability, action, claim or demand whatsoever" for their actions under the Act.

Freedom of Movement and Residence  
The Government required most refugees to reside in rural camps or settlements located in the western and northern regions, although about 50,000 lived illegally outside the camps. UNHCR did not monitor them or include them in its repatriation programs and immigration officers frequently detained refugees they caught without permits and occasionally extorted bribes from them.

In January and February, hundreds of refugees abandoned camps to search for food after receiving half rations due to shortages. In January, the UN gave out 176 travel passes to refugees at Nangweshi camp, but many others left without passes. Home Affairs Secretary Peter Mumba declared this "a security risk for our country because the refugees are not being monitored."

In February, as Ethiopian and Somali refugees entered the country, Nakonde District Commissioner Edwin Sinyinza warned residents that it was illegal for them to host foreigners without valid papers and told them to report suspected refugees to law enforcement agencies so they could confine them to designated areas. In June, Somali refugees left Nangweshi camp, either buying their way out or with help from the local Somali population living outside the camp, and reportedly headed for Namibia or Zimbabwe.

In October, UNHCR began transferring Angolans from Nangweshi to Mayukwayukwa camp and slated the former to close after the repatriation program ended in 2006. Refugees living at Nangweshi camp protested the move by burning their houses. In December, UNHCR gave its facilities to the Government.

Refugees could obtain gate passes to leave the camps to look for work but could not legally reside in urban areas without applying for permission from the Sub-Committee on Urban Residence. Refugees who had legal work or study permits could apply for urban residence. Refugees who experienced security problems or had health problems that were not treatable in the camp could also apply, as well as those UNHCR accepted into its resettlement program. Once a family member had obtained a permit, the family could also apply.

Urban-based refugees required the Commissioner for Refugees' permission to travel both within and outside the country. Refugees could apply for international travel documents, and about 59 received them during the year.

Zambia maintained its reservation to the 1951 Convention reserving authority to designate where refugees could live. The Refugees Act authorized the Minister to designate settlements and to require refugees to live in them and allowed officers to issue permits to leave or reside elsewhere "subject to such terms and conditions as [they] think fit." The Refugees Act required camp-based refugees to have a gate pass from the Refugee Officer to exit camps or settlements. Zambia also maintained its reservation on Article 28 of the 1951 Convention regarding issuance of international travel documents and reserved the right not to allow refugees who left the country to return.

Right to Earn a Livelihood  
Refugees had to have permits to work legally and they were almost impossible to get except for nurses, doctors, and teachers. Many refugees in urban areas worked in the informal economy. In principle, they enjoyed the same labor protections as nationals but authorities detained several of them for illegal employment.

In camps and settlements, refugees traded, worked on local farms or in villages, and did other piecemeal work more freely. Congolese refugee farmers grew maize, sweet potatoes, and cassava. In the Western Province, local leaders had long had a good relationship with Angolan refugees who came from a similar cultural background and had routinely allotted each of them 6 to 12 acres of land to farm. With 30 to 60 day travel passes, they could sell their produce as far away as Lusaka.

Refugees also engaged informally in small businesses in the urban areas but authorities arrested several for this as well. Those wishing to do business legally had to pay about $25,000 to invest in Zambia and pay about $400 for the permits. The Government denied refugees the right to hold title to and transfer property, farmlands, business premises, or capital assets, but they could rent or hire these assets.

Zambia maintained its reservation to the 1951
Convention’s right to work, reserving the right to require refugees to apply for permits and to grant them rights no more favorable than those of aliens in general. The 1967 Immigration and Deportation Act, amended in 1994 (IDA), prohibited all foreigners, including refugees, from working, doing business, or studying at institutions without appropriate permits. The Chief Immigration Officer (CIO) could only issue work permits to persons already in the country if 1) they had sufficient qualifications, education, skill, and financial resources; 2) there were not enough persons available in Zambia; 3) it would likely benefit the inhabitants generally of Zambia; and 4) the Minister directed the CIO to issue them. The permits could specify conditions on the area in which the bearers could work and the kind of work they could do, “as the Chief Immigration Officer thinks fit.” The validity of the permits could also be for as short a period as the Chief Immigration Officer thought fit, with possibility of renewal but to a maximum of five years from its issuance.

The IDA required an entry permit for any foreigner to engage in business. This required knowledge of English (or an indigenous Zambian language) and the Minister’s permission. Applicants also had to meet the requirements of a work permit or have sufficient money to maintain themselves and their presence had to benefit the inhabitants of Zambia. The Refugees Act permitted authorities to restrict refugees in urban areas because to move to an urban area and to regulate refugees’ keeping of livestock and even to force their sale or slaughter without compensation.

Public Relief and Education Appreciation of the Zambian Kwatcha against the dollar since 2005 cut aid budgets about 25 percent and cut rations to 80,000 refugees in half in January. Refugees in the Western Province were unable to grow their food because of a nation-wide drought. Malnutrition among children at Nangweshi camp rose by a third. The repatriation of Angolan refugees also created a food shortage for other refugees and the local population. The Angolans had grown beans, rice, cassava, sweet potatoes, and maize, and had established fishponds that had contributed food to the local economy. In June, refugees in Mwange camp received no soap and teachers there received no pay. UNHCR moved refugees to the Mayukwayukwa camp in October because it had better soil and irrigation; there it gave them food, shelter, and farming tools. UNHCR and its implementing partners provided rations, education, health services, and other basic assistance to refugees in the camps and settlements, and to needy refugees in urban areas.

Humanitarian agencies usually did not provide aid to refugees in urban areas because to move to an urban area legally, refugees were required to prove they could support themselves. The YMCA Refugee Project in Lusaka provided some basic food to asylum seekers awaiting status determination and transport to camps.

Zambia maintained its reservation to Article 22 of the 1951 Refugee Convention and reserved the right to deny refugee children the same rights to primary education as nationals. Refugees had primary education in camps. Authorities in Kala camp had Congolese children study in French to encourage them to repatriate. A few education grants above the primary school level were also available. The Refugees Act restricted access to the settlements but the Government granted humanitarian agencies access to aid refugees.

In 2002, the Government and UNHCR launched the Zambia Initiative Development Programme (ZIDP) to promote integration of refugees through programs that would benefit refugees and Zambians alike. According to UNHCR’s February 2006 evaluation of the program, increased maize production was one of its successes, although production suffered during a drought in 2004-05. The ZIDP only raised $15 million of the $25 million it had planned to raise. Funding shortfalls created some tensions between refugees and locals, including a case when Zambians employing refugees in a ZIDP project could not pay them. Nonetheless, the program markedly increased student enrollment and the number of teachers in the areas it covered. It also provided ambulances and motorbikes to improve medical services in rural areas.

Refugees were major participants in only one of the Local Development Cooperatives (LDCs), and at least one banned them because they did not have Zambian National Registration Cards. The by-laws governing LDCs opened membership to anyone living in the geographic area they covered, but did allow for rejection of any application for membership without granting a reason. Although the program fostered good relations between refugees and nationals, the Government was reluctant to pass legislation giving refugees more rights for fear that too many would not repatriate.

In June, the Fifth National Development Plan, 2006-2010 the Ministry of Finance and National Planning prepared for international donors identified “lack of legal entitlements for refugees” as one of the “key risks for the most vulnerable groups in society.” It pointed out that “The fact that the Government made reservations on the articles of the 1951 Convention, which guarantee refugees’ freedom of movement and access to employment, requires special attention from the point of view of social protection.” According to the Plan, the Ministry of Home Affairs would “play a key role in mainstreaming the refugee issue in the national and regional development policies [and] promote compliance and domestication of international covenants vis-à-vis the protection of refugees.” It also identified the ZIDP, as a success of the Public Safety and Order sector.
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