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NOTE ON PROCEDURES FOR THE DETERMINATION OF REFUGEE STATUS
UNDER INTERNATIONAL INSTRUMENTS

(Submitted by the High Commissioner for information)

INTRODUCTION

1. The High Commissioner first submitted a note containing a description of the procedures for determining refugee status to the Executive Committee at its twenty-eighth session. The procedures described were those existing in 18 States parties to the 1951 United Nations Convention relating to the Status of Refugees and/or the 1967 Protocol. At the same session the Executive Committee, in considering the question of determination of refugee status under the agenda item "International Protection", expressed the hope that all States parties to the international refugee instruments which had not already done so would take steps to establish procedures for the determination of refugee status in the near future. The Executive Committee also recommended certain minimum requirements for such procedures. The importance of the establishment of refugee status determination procedures was reiterated by the Executive Committee in conclusions adopted at its twenty-ninth through thirty-fourth sessions.
2. Since the twenty-eighth session of the Executive Committee there has been a steady increase in the number of States which have adopted such procedures, and the High Commissioner greatly welcomes the progress made in this regard. The present Note, which supersedes and replaces document A/AC.96/INF.152/Rev.7, contains a description of the essential features of determination procedures existing in 51 of the 106 States parties to the 1951 United Nations Refugee Convention and/or the 1967 Protocol.
3. New procedures and modifications of existing procedures are currently under consideration in several States. Once adopted, they will be included in subsequent revisions of this Note. The establishment by States of procedures for determination of refugee status is a matter of ongoing concern to the Office, which will continue to keep the Executive Committee informed of developments in this field.

ALGERIA

4. The legal basis for the determination of refugee status is:

- Decree No. 63-274 establishing the modalities of application of the Geneva Convention of 28 July 1951 relating to the Status of Refugees. (Décret No. 63-274 du 25 juillet 1963 fixant les modalités d'application de la Convention de Genève du 28 juillet 1951 relative au statut des réfugiés) (Journal Officiel du 30 juillet 1963).

5. The competent authority for determining refugee status is the "Bureau pour la Protection des Réfugiés et Apatrides", established by the above-mentioned Decree, under the Ministry of Foreign Affairs.

6. Appeals against negative decisions of the Bureau may be brought within 30 days to the "Commission de Recours", also established by the above-mentioned Decree, composed of the Ministers of Justice, Foreign Affairs, Labour and Interior, or their representatives, and the UNHCR Representative in Algeria. Decisions of the "Commission de Recours" are final.

7. In addition to being a member of the "Commission de Recours", the UNHCR Representative in Algeria is entitled to assist applicants for refugee status in presenting their cases to the "Bureau pour la Protection des Réfugiés et Apatrides".

8. The Bureau is authorized to issue certificates of refugee status to persons recognized as refugees.

ARGENTINA

9. The legal basis for the determination of refugee status is:

- Decree 464 of 1985 concerning the creation of the CEPARE (Commission for the Eligibility of Refugees), its composition and procedures;
- Resolution 528 of 1986, establishing the participation of the Human Rights Secretariat of the Ministry of the Interior at the appeals level;
- Resolution 1672 of 1985 of the National Directory of Migration, concerning access to the procedures and provisional documents for asylum-seekers.

10. The competent authority for determining refugee status is the Commission for the Eligibility of Refugees (CEPARE), composed of officials from the Ministry of the Interior and the Ministry of Foreign Affairs. UNHCR is invited to participate in the deliberations of the Commission.

11. Applicants may appeal negative decisions to the Ministry of the Interior within 10 days of the notification of the decision. Appeals may be filed directly by the applicant or by UNHCR.

12. Applicants for refugee status are granted provisional documents pending a final decision on their case. Recognized refugees are issued Identity documents similar to the ones issued to nationals.

AUSTRALIA

13. The legal basis for the determination of refugee status is:

- Migration Act 1958 - 1973.
- Cabinet decisions of 24 May 1977 and 16 March 1978.
- Rules of procedure settled by the Determination of Refugee Status Committee on 5 December 1977.

14. The competent authority for the determination of refugee status is the Minister for Immigration and Ethnic Affairs. The applicant for refugee status addresses himself in the first instance to the immigration authorities in his State of residence; he is interviewed under oath by a senior officer of the Department of Immigration and Ethnic Affairs. Copies of the transcript of the interview are made available to the Minister, to the applicant, and to the UNHCR Representative in Australia. The transcript of the interview, together with any additional relevant information, is transmitted for consideration to the Determination of Refugee Status Committee, composed of a representative each of the Department of Immigration and Ethnic Affairs (Chairman), the Prime Minister and Cabinet Department, the Department of Foreign Affairs, and the Attorney General's department. After considering the case, the Committee makes a recommendation to the Minister for Immigration and Ethnic Affairs, who takes the final decision.

15. The above-mentioned rules of procedure do not expressly give a formal right of appeal, but provide that the Minister may refer any case back to the Determination of Refugee Status Committee for reconsideration in the light of additional information.

16. The UNHCR Representative is informed of all applications for refugee status and is provided with a copy of the proceedings of the interview of the applicant by a senior immigration officer. UNHCR is invited to attend the proceedings of the Determination of Refugee Status Committee in an advisory capacity. Applicants for refugee status have the right to contact the UNHCR Representative.

17. No special identity card is issued to a recognized refugee. A Convention Travel Document is issued upon request.

AUSTRIA

18. The legal basis for the determination of refugee status is:

- Federal Law of 7 March 1968 ("Asylum Law") concerning the Right of Residence of Refugees according to the 1951 Refugee Convention, as amended by the Federal Law of 27 November 1974. (Bundesgesetz vom 7.3.1968 über die Aufenthaltsberechtigung von Flüchtlingen im Sinne der Konvention über die Rechtsstellung der Flüchtlinge (BGBl Nr. 126/1968) und Änderungsgesetz vom 27.11.1974 (BGBl Nr. 796/1974), Kurz "Asylgesetz".

19. The competent authority for determining refugee status is the Head of the Government of the "Land" ("Landeshauptmann") in which the application for refugee status is made. This competence of the "Landeshauptmann" is by law delegated to the Director of Security ("Sicherheitsdirektor") of the

respective "Land", who is a federal official responsible to the Ministry of the Interior. Applications for refugee status are filed with the security authorities of the different "Laender".

20. In May 1988 an accelerated procedure was introduced in order to decide upon the applications of certain East European nationals within the time-frame of their legal presence as tourists in Austria. UNHCR is consulted on the basis of the initial interview. The asylum-seeker can be transferred from the accelerated procedure to the regular procedure by the competent authorities dealing with the application or at the request of UNHCR.

21. Appeals against negative decisions under the regular as well as the accelerated procedure are made in the first instance to the Ministry of the Interior. The Ministry's decisions are subject to review by the Administrative Court ("Verwaltungsgerichtshof").

22. In accordance with paragraph 9 of the Asylum Law, the UNHCR Representative in Austria must be informed without delay about the filing of a request for asylum and is entitled to express his views with regard to the decision to be taken both at the first and the second instance. The UNHCR Representative has the right to contact an applicant for asylum anytime during the procedure.

23. Certificates of refugee status under Article 27 of the 1951 Convention relating to the Status of Refugees are issued by the local authorities ("Bezirkshauptmannschaft" or "Bundespolizeidirektion") to persons recognized as refugees.

BELGIUM

24. The legal basis for the determination of refugee status is:

- Law of 26 June 1953 approving the International Convention relating to the Status of Refugees and the Schedule and Annexes signed in Geneva on 28 July 1951 (Loi du 26 juin 1953 portant approbation de la Convention internationale relatif au statut des réfugiés, et des Annexes, signées à Genève, le 28 juillet 1951) (Moniteur belge du 4 octobre 1953).
- Law of 27 February 1969 approving the Protocol relating to the Status of Refugees, done at New York, 31 January 1967 (Loi du 27 février 1969 portant approbation du Protocole relatif au statut des réfugiés, fait à New York le 31 janvier 1967) (Moniteur belge du 3 mai 1969).
- Law of 14 July 1987 modifying, as regards, inter alia, refugees, the Law of 15 December 1980 on entry into the territory, residence, the right of establishment and the removal of foreigners. (Loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers). (Moniteur belge du 31 décembre 1980).
- Royal Decree of 28 January 1988 modifying the Royal Decree of 8 October 1981 on entry into the territory, residence, the right of establishment and the removal of foreigners (arrêté Royal du 28 janvier 1988 modifiant l'arrêté royal du 8 octobre 1981 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers), (Moniteur belge du 30 janvier 1988).

- Circular letter of 13 March 1989 relating to the procedure for determination of refugee status in pursuance of article 52 of the Law of 15 December 1980 on entry into the territory, residence, the right of establishment and the removal of foreigners. (circulaire du 13 mars 1989 relative à la procédure de demande du statut de réfugié prévue à l'article 52 de la loi du 15 décembre 1980 sur l'accès du territoire, le séjour, l'établissement et l'éloignement des étrangers). (Moniteur belge du 5 avril 1989)

25. The competent authority for determining refugee status is the Commissioner General for Refugees and Stateless Persons. The office of the Commissioner General is an autonomous body attached to the Ministry of Justice.

26. The Minister of Justice decides on the admissibility of claims.

27. The decision of the Commissioner General for Refugees on refugee status can be appealed to the Permanent Commission of Appeals for Refugees which is an independent administrative court.

28. The UNHCR Representative in Belgium is a member in a consultative capacity of the above-mentioned Appeals Commission. As such, he participates fully in the deliberations of the Commission.

29. Documents for refugees provided for by Article 25 of the Convention are issued by the Commissioner General for Refugees.

BENIN

30. The legal basis for the determination of refugee status is :

- Decree No. 84-303 of 30 July 1984 providing for the establishment, the composition, the terms of reference and the functioning of the National Refugee Commission (Décret No. 84-303 du 30 juillet 1984 portant création, composition, attributions et fonctionnement de la Commission Nationale chargée des réfugiés).

31. According to the above-mentioned legislation, decisions on refugee status are taken by the National Refugee Commission, upon recommendations made by the National Eligibility Committee, whose members represent the Ministry of the Interior and Security (Chairman), the Ministry of Foreign Affairs and the Ministry of Justice. They are appointed by the President of the Republic upon recommendation of the Ministries concerned.

32. There is no provision for appeal in the case of a negative decision by the Refugee Commission. The Eligibility Committee, however, has agreed to reconsider its recommendations, should the asylum-seekers come up with new elements, and to inform the Refugee Commission accordingly.

33. The UNHCR Representative may be invited to attend the meetings of the National Refugee Commission in an observer capacity.

34. Refugee identity cards are issued to persons recognized as refugees upon UNHCR advise. Travel documents are issued upon request.

BOLIVIA

35. The legal basis for the determination of refugee status is:

- Presidential Decree No. 19640 of 4 July 1983.

36. The competent authority for determining refugee status is the Ministry of Foreign Affairs.

37. A rejected applicant has thirty days in which to request reconsideration by the Ministry of its decision denying refugee status.

38. UNHCR is advised of all negative decisions and can submit its views to the Ministry of Foreign Affairs upon a request for reconsideration.

39. A person recognized as a refugee receives a residence permit and may obtain a Convention Travel Document and an identity card.

BOTSWANA

40. The legal basis for the determination of refugee status is:

- The Refugee (Recognition and Control) Act of 1967 (Government Gazette No. 8 of 1967) as amended by
- The Refugees (Recognition and Control) Act of 29 December 1970 (Government Gazette No. 22 of 1970).

41. As regards the competent authority for determining refugee status, applicants are required to appear before one of the three Refugee Advisory Committees set up in Gaborone, Francistown and Lobatse. The Committee makes an initial determination of refugee status and submits its report to the Minister of State for final decision. Cases of persons recognized as refugees are reviewed at six-monthly intervals. On the occasion of the review, the general welfare of the refugee and any change of status are examined.

42. Rejected applicants do not have a right of appeal to a higher authority, but an individual case may be reconsidered by the Advisory Committee at the request of the applicant. The UNHCR Representative in Botswana may also recommend the reopening of a case.

43. The UNHCR Representative attends the meetings of the Refugee Advisory Committee in Gaborone as an observer and meetings of the other Refugee Advisory Committees as appropriate.

44. Where a person is recognized as a refugee, the Minister of Public Service instructs the Immigration Department to issue a residence permit to him.

BURKINA FASO

45. The legal basis for the determination of refugee status is:

- ZATU (Law) No. ANV - 0028/FP/PRES of 3 August 1988;
- KITI (Decree) No. ANV - 360/SP/REX of 3 August 1988.

46. Refugee status is determined by the National Commission for Refugees, which is composed of a representative of the Ministry of Foreign Affairs and Co-operation (Chairman), the Ministry of Territorial Administration and Security (Vice-Chairman), the Ministry of Justice, the Ministry of Labour and the National Secretary-General of Committees for the Defence of the Revolution.

47. Present legislation provides for a review of a negative decision by the National Commission upon the request of the applicant himself within 60 days.

48. The UNHCR/UNDP Representative in Burkina Faso attends the meetings of the commission in an observer/advisory capacity.

49. Refugee Identity Cards and Convention Travel Documents are issued to persons recognised as refugees upon request by the National Commission and in close co-operation with the UNDP/UNHCR Office in Ouagadougou.

CANADA

50. The legal basis for the determination of refugee status is:

- The Immigration Act, 1976 (Chapter 52) (The Canada Gazette, Part III, Volume 2, No. 8), with amendments assented to on 21 July 1988.

51. The competent authority for determining refugee status is the Convention Refugee Determination Division (CRDD) of the Immigration and Refugee Board (IRB). An access-tribunal (comprised of one CRDD member and one Immigration adjudicator) at the port of entry determines, inter alia, whether an asylum-seeker has a "credible basis" for a well-founded fear of persecution. If there is such "credible basis", the asylum-seeker is referred to a hearing by a panel of two members of the CRDD which will determine whether the asylum-seeker is a refugee. In the case of a split decision by either the access tribunal or the CRDD panel, the case is ruled in favour of the asylum-seeker.

52. Unanimous negative decisions by either the access tribunal or the CRDD panel can be appealed to the Federal Court of Appeal, by leave and on matters of law only. Negative decisions of the Federal Court of Appeal can be appealed to the Supreme Court. The leave to appeal application does not suspend removal from Canada after a negative decision of the access tribunal. The leave to appeal application does suspend removal from Canada after a negative decision of the CRDD panel. The Minister of Employment and Immigration can allow asylum-seekers rejected by either the access tribunal or the CRDD panel to remain in Canada on humanitarian or compassionate grounds.

53. UNHCR has observer status at the proceedings of access tribunals and CRDD panels.

54. A person recognized as a refugee is granted the status of a permanent resident (landed immigrant), except in exceptional circumstances, and is entitled to receive a Convention Travel Document. He is also eligible for full Canadian citizenship three years after being granted permanent resident status.

CENTRAL AFRICAN REPUBLIC

55. The legal basis for the determination of refugee status is:

- Ordinance No. 83.042 of 14 June 1983 providing for the creation of a National Commission for Refugees in the Central African Republic (Ordonnance No. 83.042 portant création d'une Commission Nationale pour les Réfugiés en République centrafricaine).
- Decree No. 83.278 of 30 June 1983 governing the organization and operation of the National Commission for Refugees in the Central African Republic (Décret No. 83.278 portant organisation et fonctionnement de la Commission Nationale pour les Réfugiés en République centrafricaine).

56. The competent authority for determining refugee status is the National Commission for Refugees, which is composed of the Ministers of the Interior, Foreign Affairs, Justice, Labour and Social Security, National Defense, Public Health, and Social Affairs, and the High Commissioner for Economic and Financial Co-operation, or their representatives. The Minister of the Interior, or his representative, is Chairman of the Commission and the Minister of Foreign Affairs, or his representative, is Vice Chairman. The National Commission for Refugees has an executive secretariat directed by an executive secretary (secrétaire-général) nominated by the Minister of the Interior. Applicants for refugee status submit their requests to the National Commission for Refugees through the UNHCR Office in Bangui, the national police, or the district authorities. The decisions of the Commission are conveyed to UNHCR, which notifies the applicants.

57. Rejected applicants can appeal to the Administrative Tribunal.

58. The UNHCR representative attends the meetings of the National Commission for refugees in an observer/advisory capacity and therefore is requested to express his views on each application for refugee status.

59. Persons recognized as refugees are issued refugee identity cards and may obtain Convention Travel Documents when required.

COLOMBIA

60. The legal basis for the determination of refugee status is:

- Decree No. 2955 of 5 November 1980 regarding the issuing of visas and the control of foreigners in Colombia.
- Presidential Decree No. 2817 of 20 November 1984 establishing a procedure for the determination of refugee status and creating an Advisory Committee for the determination of refugee status ("Decreto numero 2817 de 20 noviembre 1984 por el cual se establece el procedimiento para la determinación de la condición de Refugiado, se crea una Comisión Asesora y se dictan otras disposiciones").

61. According to the above-mentioned instruments, decisions on refugee status are taken by the Minister of Foreign Affairs, or his representative, upon the recommendation given by the Advisory Committee for the determination of refugee status, a body established within the Ministry of Foreign Affairs.

62. The asylum request may be made by the interested person directly or through the UNHCR to the Ministry of Foreign Affairs. Requests made to Immigration Officers or the Police have to be transmitted to the Ministry without delay. They are examined by the above-mentioned Committee, which is composed of the Under-Secretary of Foreign Policy (Chairman), the Chief, Visas and Immigration Division, the Assistant Under-Secretary of Foreign Policy (Secretary) and a lawyer of the Legal Division. The applicant is interviewed personally by one of the members of the Committee.

63. Upon the recommendation received from the Advisory Committee, the Minister of Foreign Affairs or a person designated by him decides on the asylum request.

64. A rejected applicant may resort to the legal remedy of "reposición" which is a review requested before the same authority, i.e. the Minister, to reconsider the decision. The decree does not foresee any remedy against a second negative decision from the Minister, but, in accordance with Colombian law, the applicant may then seek a ruling from the Administrative Courts.

65. UNHCR may be asked to give its advice before the Committee. The applicant has also the right to seek UNHCR assistance at any stage of his application.

66. Upon recognition, a two-year residence visa is granted to the refugee and a Convention Travel Document is issued upon request.

67. At the same time and for the same period, he is issued with a "cédula de extranjería", which is an ID card for foreigners. Both documents are issued for two years and thereafter renewable for periods of five years. This automatically applies to family members also.

COSTA RICA

68. The legal basis for the determination of refugee status is:

- Executive Decree No. 10685-S of 26 April 1979 (Decreto ejecutivo no. 10685-S del 26 de abril de 1979).
- Executive Decree No. 13964-G of 20 September 1982 (Decreto ejecutivo no. 13964-G del 20 de septiembre de 1982).
- Executive Decree No. 14845-G of 29 August 1983 (Decreto ejecutivo no. 14845-G del 29 de agosto de 1983).
- Executive Decree No. 16749-p of 30 August 1985 creating the National Refugee Council (CONARE).
- Executive Decree No. 17076-p of July 1986 creating the General Directorate for the Protection of Refugees (DIGEPARE).
- Law 7033 of 13 August 1986 granting the right to temporary residence for refugees and asylees.

69. The competent authority for determining refugee status is the Director General of the Department of Immigration. The asylum-seeker applies first to the immigration authorities at a port of entry or in San José. The request is transmitted for consideration to the Refugee Office established for this purpose in the Department of Immigration. The lawyer in charge of the Refugee Office makes a recommendation to the Director General of the Department of Immigration, who makes the determination.

70. Where an application for refugee status is rejected by the Director General of Immigration, the applicant may submit his case for review to the same authority. In the case of a negative decision in review proceedings, an appeal can be made to the Minister of the Interior (Ministro de Gobernacion y Policia). In the event of negative decision by the Minister a further appeal may be made to the courts under the General Administrative Law of Costa Rica.

71. UNHCR may express its views on individual cases to the Refugee Office before a decision is taken by the Director General of the Department of Immigration. UNHCR is advised of all decisions concerning refugee status, and may take part and submit its opinion in the review or appeal of negative decisions.

72. A person recognized as a refugee receives a refugee identity card which serves as a residence permit.

DENMARK

73. The legal basis for the determination of refugee status is:

- The Aliens Act (No. 226) of 8 June 1983, revised by Act (No. 686) of 17 October 1986.
- Ministry of Justice Order (No. 19) of 18 January 1984.
- Ministry of Justice Order (No. 90) of 26 February 1986.

74. The competent authority for making a determination of refugee status in the first instance is the Directorate for Aliens, an agency established under the Minister of Justice with a director appointed by the Minister. A request for refugee status is normally made to the border or local police authority which must submit the matter without delay to the Directorate for Aliens for consideration. The provisions of the amended Aliens Act of 17 October 1986 regulate the situation of arrivals at the border, introducing passport and visa obligations and enabling Danish authorities to deny entry on the basis that asylum could have been claimed elsewhere. No refugee can, however, be returned to a country where he does not enjoy protection in the sense of the 1951 Convention. Appeals against denial of entry are possible, but do not have a suspensive effect.

75. There exists an accelerated procedure for applications considered to be manifestly unfounded. If the Directorate for Aliens, after having carried out an interview, finds that the case can be considered manifestly unfounded according to previous jurisprudence, the case is presented to the Danish Refugee Council which interviews the applicant and makes an independent decision. If the Danish Refugee Council agrees with the Directorate for Aliens, the rejection is final, but if the DRC does not agree, the case is sent back to the Directorate and the normal procedure takes place.

76. Appeals against negative decisions of the Directorate for Aliens may be made to a Refugee Board composed of seven members and alternates. The chairman and his alternate are judges appointed by the Minister of Justice. Other members and alternates are appointed by the Minister of Justice including one member and alternate recommended by the Minister for Social Welfare, the Minister for Foreign Affairs and the Bar Council, respectively, and two members and alternates recommended by the Danish Refugee Council. The Board decides appeals by simple majority, with a tie vote being resolved in favour of the applicant. Cases which are not considered to involve matters of principle may be decided by the chairman together with one of the board members nominated by the Danish Refugee Council, and one of the members nominated by the ministries. An appeal to the Refugee Board suspends the effect of the decision of the Directorate for Aliens, but the Board may reject an appeal which is "obviously groundless". A negative decision by the Refugee Board may be reversed by the Minister of Justice on humanitarian grounds.

77. UNHCR has a cooperation agreement with the Danish Refugee Council which in appropriate cases conveys the views of UNHCR to the Danish authorities. Once an asylum-seeker has been allowed to enter Denmark, he is informed of his right to see a representative of the Danish Refugee Council.

78. A person recognized as a refugee receives a residence permit and is entitled to obtain a Convention Travel Document.

DJIBOUTI

79. The legal basis for the determination of refugee status is:

- Ordinance No. 77053/P.R./A.E. of 9 November 1977 Concerning Refugee Status in the Territory of the Republic of Djibouti (Ordonnance No. 77053/P.R./A.E. du 9 novembre 1977 portant statut des réfugiés sur le sol de la République de Djibouti) (Journal Officiel 1977, No. 12, p. 118).
- Decree No. 77054/P.R./A.E. of 9 November 1977 Concerning the Creation of the National Refugee Eligibility Commission (Décret No. 77054/P.R./A.E. du 9 novembre 1977 portant création de la Commission Nationale d'éligibilité des réfugiés) (Journal Officiel 1977, No. 12, p. 121).

80. The competent authority for determining refugee status is the President of the Republic, who is also the Head of Government. In the first instance, an applicant for refugee status addresses himself to the National Police Department (Direction de la Police Nationale) which, after giving the applicant security clearance, transmits his application to the Secretariat of the National Refugee Eligibility Commission. The Commission, which is composed of a representative of the President of the Republic (Chairman), a representative each of the Ministries of Foreign Affairs, Justice, Interior, Public Health and a representative of the National Committee for Assistance to Refugees, examines each application and makes recommendations to the President of the Republic who takes the final decision.

81. There is no provision for an appeal in the case of a negative decision by the National Refugee Eligibility Commission. A negative decision may, however, be reviewed by the Commission upon the request of UNHCR.

82. The UNHCR Representative in Djibouti attends, in an observer advisory capacity, the meetings of the National Refugee Eligibility Commission.

83. A recognized refugee is issued a refugee identity card by the Ministry of the Interior.

FINLAND

84. The legal basis for the determination of refugee status is:

- Decrees No. 77 and 78 of 5 December 1968 approving the 1951 Convention and the 1967 Protocol relating to the Status of Refugees.
- The Aliens Act (No. 400/83) of 26 April 1983 (effective 1 March 1984), which replaces the Aliens Decree (No. 187/58) of 25 April 1958.
- Aliens Decree (No. 252) of 16 March 1984.

85. The competent authority for determining refugee status is the Ministry of the Interior, which makes its decision after consulting the Ministry of Foreign Affairs.

86. There is no provision for a judicial or administrative appeal from a negative decision on refugee status but a case may be reviewed by the Ministry if new information is provided. An alien subject to an order of expulsion can appeal to the Supreme Administrative Court. Furthermore, the authorities must inform the Counsellor for Aliens of all decisions concerning asylum, expulsion, denial of entry and decisions on detention, according to Article 38 of the Aliens Act.

87. UNHCR does not officially participate in the procedure, but may be permitted to express its views to the authorities on individual cases or related matters.

88. The Ministry of Interior provides recognized refugees with Convention Travel Documents. Refugees are also issued residence and work permits.

FRANCE

89. The legal basis for the determination of refugee status is:

- Decree No. 54-1055 of 14 October 1954 publishing the Convention relating to the Status of Refugees, of 28 July 1951, (Décret No. 54-1055 du 14 octobre 1954 portant publication de la Convention de Genève du 28 juillet 1951 sur le statut des réfugiés; Journal Officiel du 29 octobre 1954).
- Law No. 52-893 of 25 July 1952 creating a French Office for the Protection of Refugees and Stateless Persons. (Loi No. 52-893 du 25 juillet 1952 portant création d'un office français de protection des réfugiés et apatrides; Journal Officiel du 27 juillet 1952).
- Decree No. 53-377 of 2 May 1953 relating to the French Office for the Protection of Refugees and Stateless Persons (Décret No. 53-377 du 2 mai 1953 relatif à l'office français de protection des réfugiés et apatrides; Journal Officiel du 3 mai 1953).

- Law No. 70-1076 of 25 November 1970 authorizing accession by France to the Protocol relating to the Status of Refugees, signed in New York on 31 January 1967 by the President of the General Assembly and by the Secretary-General of the United Nations (Loi No. 70-1076 du 25 novembre 1970 autorisant l'adhésion de la France au protocole relatif au statut des réfugiés signé à New York le 31 janvier 1967 par le président de l'assemblée générale et par le secrétaire général des Nations Unies; Journal Officiel du 26 novembre 1970).
- Circular letter from the Prime Minister, dated 17 May 1985, relating to asylum-seekers (circulaire du Premier Ministre du 17 mai 1985 relative aux demandeurs d'asile; Journal Officiel du 23 mai 1985).

90. The competent authority for determining refugee status is the Director of the Office for the Protection of Refugees and Stateless Persons (OFPRA), an autonomous body attached to the Ministry of External Relations. The Director of OFPRA is assisted by a Board ("Conseil de l'Office"), which advises him on matters of general policy concerning the determination of refugee status. The Board is composed of a representative of the Ministry of External Relations, (Chairman), representatives of the Ministries of Justice, Interior, Finance, Labour, Social Affairs and National Solidarity, and a duly appointed representative of officially recognized non-governmental organizations concerned with refugees.

91. Appeals against decisions refusing or withdrawing refugee status may be made to a Refugee Appeals Commission ("Commission des Recours des Réfugiés") composed of a member of the Conseil d'Etat (Chairman), a representative of the Board of OFPRA, and a UNHCR representative. Decisions of the Appeals Commission may be appealed on questions of law to the Conseil d'Etat.

92. The UNHCR Representative in France is entitled to attend meetings of the Board of OFPRA and to submit observations and proposals, and as mentioned above is also a full member (with the right to vote) of the "Commission des Recours des Réfugiés".

93. The Director of OFPRA issues certificates of refugee status to persons recognized as refugees.

GABON

94. The legal basis for the determination of refugee status is:

- Ordinance No. 64/76/PR of 2 October 1976 providing for the creation of a Délégation générale aux réfugiés (Ordonnance No. 64/76/PR du 2 octobre 1976 créant une Délégation générale aux réfugiés).

95. The competent authority for determining refugee status is the Délégation générale aux réfugiés (DGR), a body composed of the representatives of nine ministries which is attached to the Office of the President of the Republic. An applicant for refugee status usually addresses himself to the UNDP/UNHCR Office which helps him in submitting his claim to the DGR. Copies of the claim are sent to CEDOC (Centre de documentation générale), a body which is in charge of migration and security affairs, and to the Ministry of Foreign Affairs. The DGR then asks CEDOC to undertake an "enquête de moralité", which will help DGR in reaching a decision.

96. There is no provision for appeal in the case of a negative decision by the Délégation générale aux réfugiés. A negative decision may, however, be reviewed by the Délégation générale aux réfugiés upon the request of UNHCR.

97. There is no specific role for UNHCR in the procedure for determining refugee status, but there does exist an informal understanding that UNHCR will be consulted with regard to all cases submitted by the High Commissioner for Refugees (Haut Commissaire aux Réfugiés) before a decision on eligibility is taken.

98. In accordance with Article 2 of the above-mentioned Ordinance, the High Commissioner for Refugees issues the refugee identity cards ("attestation définitive de réfugié") upon the granting of refugee status. In order to enable refugees to travel, Convention Travel documents are issued by CEDOC at the request of the High Commissioner for Refugees.

GERMANY (FEDERAL REPUBLIC OF)

99. The legal basis for the determination of refugee status is:

- Basic Law of the Federal Republic of Germany of 23 May 1949 (Grundgesetz für die Bundesrepublik Deutschland vom 23 Mai 1949) (Bundesgesetzblatt I, p. 1)
- Law of 1 September 1953 concerning the Convention of 28 July 1951 relating to the Status of Refugees (Gesetz vom 1 September 1953 betreffend das Abkommen vom 28 Juli 1951 über die Rechtsstellung der Flüchtlinge) (Bundesgesetzblatt II, p. 559).
- Aliens Law of 28 April 1965 (Ausländergesetz vom 28 April 1965) (Bundesgesetzblatt I, p. 353) as last amended by the Law on the Asylum Procedure of 20 December 1988 (Gesetz Zur Aenderung asyluer fahrensrechtlicher und ausländerrechtlicher Vorschriften Vom 20.12.1988 BGBl I 2562).
- Decree of 29 June 1976 for the implementation of the Aliens Law (Bundesgesetzblatt I, p. 1717) as amended by Decree of 9 October 1987 (Bundesgesetzblatt I, p. 2362) (Verordnung vom 29 Juli 1976 zur Durchführung des Ausländergesetzes).
- General Implementing Ordinance of 29 March 1977 (Gemeinsames Ministerialblatt, p. 202) (Allgemeine Verwaltungsvorschrift zur Ausführung des Ausländergesetzes) as amended by the General Implementing Ordinance of 7 July 1978 (Gemeinsames Ministerialblatt, p. 368) (Allgemeine Verwaltungsvorschrift zur Änderung der Allgemeinen Verwaltungsvorschrift zur Ausführung des Ausländergesetzes).
- Law of 25 July 1978 for the Acceleration of the Asylum Procedure (Gesetz zur Beschleunigung des Asylverfahrens vom 25 Juli 1978) (Bundesgesetzblatt I, p. 1108)
- Law of 22 July 1980 on Measures for Refugees accepted within the framework of Humanitarian Assistance Programmes (Bundesgesetzblatt I, p. 1057) (Gesetz über Massnahmen für die im Rahmen humanitärer Hilfsaktionen aufgenommenen Flüchtlinge).

- Law on the Asylum Procedure of 16 July 1982 (Gesetz über das Asylverfahren) (Bundesgesetzblatt I, p. 946), as amended by the law on the Asylum Procedure of 20 December 1988 (Gesetz zur Aenderung asylverfahrensrechtlicher und ausländerrechtlicher Vorschriften vom 20.12.1988 (BGBl I, 2362).

100. Refugee status is determined in the first instance by an adjudicating official of the Federal Agency for the Recognition of Foreign Refugees in Zirndorf, Bavaria. Case files are prepared and submitted by the Aliens Authority (Ausländerbehörde). Asylum-seekers requesting asylum at the border have to be referred to the Aliens Authority. The amendment to the Law on the Asylum Procedure (1987) referred to above provides for exceptions from the exclusive competence of the Federal Agency. The asylum request made at the border may be rejected by the border authorities if they consider that the applicant has obviously obtained "security from persecution" in another country. The aliens authorities may reject an application as irrelevant ("unbeachtlich") when security elsewhere is evident or when a second asylum request has been submitted without claiming new grounds. A rejection by the aliens authorities may be appealed within one week in a summary procedure before the local Administrative Court. A negative decision by the local Administrative Court may be appealed (Beschwerde) to the Higher Administrative Court of the region.

101. A decision of the Federal Agency may be appealed either by a rejected applicant or by the Federal Commissioner for Asylum Matters to the Administrative Court competent for the district where the applicant resides. However, when the Federal Agency rejects an asylum application as "obviously unfounded", the notification of the rejection is served together with a deportation order. This decision may also be appealed, but the appeal has no suspensive effect. A decision of the Administrative Court on an appeal from the rejection of an asylum application may be further appealed, with leave, to the Higher Administrative Court competent for a particular Land, except where an application has been rejected by the Administrative Court as "obviously unfounded." In cases involving a question of law, a further appeal may be brought to the Federal Administrative Court in Berlin.

102. UNHCR is represented at the Federal Agency by an observer who may attend the hearings before the official who decides on applications for refugee status and who may present the views of UNHCR. The UNHCR observer also receives copies of all decisions.

103. Every recognized refugee is provided with a Convention Travel Document - issued by the competent aliens police authority - which at the same time serves as a refugee identity document.

GREECE

104. The legal basis for the determination of refugee status is:

- Inter-Ministerial Decree No. 5401/1.166958, signed by the Ministers of Foreign Affairs and Public Order on 10 May 1977 (Official Gazette of 28 May 1977, Part 2, No. 500) as modified by
- Decree No. 5401/1-374659(2) of 8 November 1977 (Official Gazette of 8 November 1977, Part 2, No. 1115).

105. The competent authority for determining refugee status is the Aliens Department of the National Security Service.

106. Where an application for refugee status is rejected, an appeal can be made to the Minister of Public Order within 30 days. Before making a final decision the Minister is required to seek the opinion of a Consultative Committee composed of the Legal Counsel of the Ministry of Public Order (Chairman), Alternate Legal Counsel of the Ministry of Public Order, a representative of the Ministry of Foreign Affairs, a senior officer of the Security Service of the Ministry of Public Order and a representative of UNHCR. The applicant may attend meetings of the Committee. The Minister may also authorize a re-examination of a case if new facts are presented by the applicant.

107. In addition to participating in the meetings of the Consultative Committee, the UNHCR Representative in Greece is informed of every application for refugee status. He is also entitled to see the applicant and to receive a copy of all decisions.

108. Persons granted refugee status are issued a Permanent Residence Permit by the Aliens Department of the National Security Service.

ICELAND

109. The legal basis for the determination of refugee status is:

The Law on the Supervision of Aliens (No. 45) of 12 May 1965.

110. The competent authority for making a determination of refugee status is the Minister of Justice. Applicants for asylum apply to the border police, local police or Aliens Police. Decisions are made on asylum applications by the Ministry of Justice on the basis of an interview report of the applicant by the Aliens Police and the recommendation of the Chief of the Aliens Police.

111. There is no formal appeals procedure.

112. No specific provision is made for UNHCR participation in the procedure.

113. A Convention refugee is automatically granted a permanent residence permit upon acceptance by the Ministry of Justice. A personal identity card is also issued to each refugee. A Convention refugee is granted a Convention Travel Document upon application for one.

IRELAND

114. The legal basis for the determination of refugee status is:

- Aliens Act of 1935.
- Aliens Orders of 1946 and 1975.

115. The competent authority for the determination of refugee status is the Minister of Justice. The applicant for refugee status addresses himself either upon arrival at a port of entry to an immigration officer, or, after entry, directly to the Department of Justice, which processes all asylum applications.

116. No formal appeal procedure exists but the applicant may seek a review of the decision by the Department of Justice.

117. The UNHCR Representative may present his views and may be consulted by the Irish authorities at any stage of the procedure. In addition, in all cases where a negative decision is envisaged, the Department of Justice consults UNHCR before reaching a final decision and before taking steps to remove the applicant from Ireland.

118. A person recognized as a refugee is provided with a letter confirming his refugee status under the 1951 Convention and the 1967 Protocol. Upon application he is also issued a Convention Travel Document.

ITALY

119. The legal basis for the determination of refugee status is:

- Exchange of Notes between the Italian Ministry of Foreign Affairs and the Office of the United Nations High Commissioner for Refugees of 22 July 1952 concerning the establishment of the Joint Eligibility Commission.
- Agreement between the Italian Government and the Office of the United Nations High Commissioner for Refugees of 2 April 1952 concerning co-operation between the Italian Government and UNHCR annexed to
- Law of 15 December 1954 approving the above-mentioned Agreement (Gazzetta Ufficiale della Repubblica Italiana, No. 19, 25 Jenaeo 1955).

120. The competent authority for determining refugee status is the Joint Eligibility Commission, composed of one representative each of the Ministry of Foreign Affairs, the Ministry of the Interior, and the Office of the United Nations High Commissioner for Refugees in Italy. The representatives of the Italian Government and of UNHCR respectively have equal voting rights. The representative of the Ministry of Foreign Affairs and the UNHCR Representative alternate as Chairman with a casting vote in cases of disagreement. The Joint Eligibility Commission meets in Latina or in Rome. Applications by persons who have resided in Italy for less than six months are referred to the Joint Eligibility Commission meeting in Latina; applications by persons who have resided in Italy for a longer period are dealt with by the Commission meeting in Rome.

121. Decisions of the Joint Eligibility Commission are not subject to appeal, but a case may be reviewed on the basis of new elements. Such review is normally undertaken by the Joint Eligibility Commission meeting in Rome.

122. As Italy applies the geographical limitation with respect to its obligations under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, cases other than those resulting from "events occurring in Europe" are not referred to the Joint Eligibility Commission. If, however, the person concerned is certified by the UNHCR Representative in Italy to fall within the mandate of the High Commissioner, he may be permitted to remain in Italy pending resettlement. In the case of certain groups of non-European refugees admitted to Italy, the Italian Government, despite the geographical limitation, grants refugee status under the 1951 Convention and the 1967 Protocol.

123. Persons recognized as refugees by the Joint Eligibility Commission are issued a certificate of refugee status by the Ministry of Interior.

JAPAN

124. The legal basis for the determination of refugee status is:

- Immigration-Control and Refugee-Recognition Act (Law No. 86 of 1981).
- Immigration-Control and Refugee-Recognition Regulation (Ministry of Justice Ordinance, 1981).

125. The competent authority for determining refugee status is the Minister of Justice. An application for refugee status is made at a local immigration office, from which it is transmitted to the Immigration Bureau of the Ministry of Justice.

126. If a claim for refugee status is rejected, the applicant can request a review of the negative decision by the Minister of Justice. The possibility exists for an applicant whose request for refugee status has been finally rejected by the Minister to appeal to the court.

127. Although UNHCR has no formal role in the determination procedure, the Government of Japan and UNHCR regularly exchange information and views on matters pertaining to the determination of refugee status.

128. If an applicant is recognized as a refugee, he is issued a certificate of refugee status and may obtain a Convention Travel Document upon request.

LESOTHO

129. The legal basis for the determination of refugee status is:

- Aliens (Control) Act No. 16 of 1966 and the fourth Schedule to that Act (Laws of Lesotho Volume XI, page 52).
- The Refugee Act No. 18 of 3 August 1983 (supplement No. 6 to Gazette No. 58 of 9 December 1983).

130. The competent authority for determining refugee status is the Ministry of the Interior. Prior to taking a decision on refugee status the Minister seeks the advice of the Inter-ministerial National Refugee Committee which is responsible for the regulation and screening of asylum requests. The Committee is composed of a representative of the Ministry of the Interior (Chairman), the Ministry of Foreign Affairs and a representative of the Immigration and Aliens Section of the Police Department.

131. In the case of a negative decision by the Minister of the Interior, the applicant for refugee status may appeal to the Lesotho High Court.

132. There is no specific role for UNHCR in the procedure for the determination of refugee status. UNHCR is, however, normally consulted on individual cases.

133. Identity papers are not normally issued to refugees. Convention Travel Documents are, however, issued to recognized refugees for travel abroad.

LUXEMBOURG

134. The legal basis for the determination of refugee status is:

- Law of 20 May 1953 approving the Convention relating to the Status of Refugees, signed at Geneva on 28 July 1951 (Loi du 20 mai 1953 portant approbation de la Convention relative au statut des réfugiés, signée à Genève le 28 juillet 1951) (Mémorial No. 37 du 16 juin 1953.)

135. The competent authority for determining refugee status is the Ministry of Foreign Affairs. An application for refugee status can be made directly to the Ministry of Foreign Affairs or to the UNHCR correspondent in Luxembourg who transmits it to the Ministry. The latter refers the case to the Ministry of Justice for advice before taking a final decision.

136. There is no explicit provision for an appeal against a negative decision by the Ministry of Foreign Affairs. The UNHCR correspondent in Luxembourg may, however, request a reconsideration on the basis of new elements. As with other administrative actions, annulment of a negative decision by the Ministry may be sought before the Conseil d'Etat.

137. The UNHCR correspondent maintains regular contact with the Luxembourg authorities in regard to questions concerning the determination of refugee status and to individual applications. In addition, as indicated above, the UNHCR correspondent may request a review where a negative decision has been taken by the Ministry of Foreign Affairs.

138. In the case of a positive decision, the Ministry of Foreign Affairs issues a Convention Travel Document and informs the UNHCR correspondent in Luxembourg who may deliver a certificate of refugee status.

MALAWI

139. The legal basis for the determination of refugee status is:

- The Refugee Act of 1989

140. The competent authority for determining refugee status is the Refugee Committee in which the UNHCR representative has observer status.

141. The regulations under the Act are currently being drafted.

MOROCCO

142. The legal basis for the determination of refugee status is:

- Decree No. 2-57-1256 of 29 August 1957, establishing the modalities of application of the Convention relating to the Status of Refugees signed in Geneva, 28 July 1951. (Décret No. 2-57-1256 du 29 août 1957, fixant les modalités d'application de la Convention relative au statut des réfugiés signée à Genève le 28 juillet 1951) (Bulletin Officiel du 6 septembre 1957) amended by
- Decree No. 2-70-647 of 8 October 1970, establishing the modalities of application of the Convention relating to the Status of Refugees signed in Geneva, 28 July 1951. (Décret No. 2-70-64 du 8 octobre

1970, fixant les modalités d'application de la Convention relative au statut des réfugiés signée à Genève le 28 juillet 1951) (Bulletin Officiel du 28 avril 1971).

143. Refugee status is determined by the "Bureau des Réfugiés et Apatrides" established by the above-mentioned Decree of 29 August 1957, under the Ministry of Foreign Affairs.

144. A negative decision by the "Bureau des Réfugiés et Apatrides" may be appealed within 30 days to an Appeals Commission ("Commission des recours") composed of the Minister of Foreign Affairs, or his representative, (Chairman), the Minister of Justice, or his representative, and the UNHCR Representative in Morocco. The decision of the Appeals Commission is final. Recourse has not so far been had to this appeals procedure, and applications for refugee status are reconsidered at the request of the UNHCR Representative.

145. The UNHCR Representative assists asylum seekers in presenting their applications to the "Bureau des Réfugiés et Apatrides". As indicated above, he may request a reconsideration of the case by the Bureau and is also a member of the Appeals Commission.

146. Certificates of Refugee status are issued by the "Bureau des Réfugiés et Apatrides" to persons recognized as refugees.

NETHERLANDS

147. The legal basis for the determination of refugee status is:

- Aliens Law of 13 January 1965 (Official Gazette ("Staatscourant") No. 40, 1965).
- Royal Decree of 19 September 1966 ("Staatscourant" No. 387, 1966).
- Regulations of 22 September 1966 ("Staatscourant" No. 188, 1966).
- Circular letter from the Ministry of Justice, 1982 (dated 1 February 1983), Chapter B7 as amended 1987, 1988: Refugees and Asylees.

148. The competent authority for determining refugee status is the Ministry of Justice, which takes a decision in agreement with the Ministry of Foreign Affairs.

149. If a claim for refugee status is rejected, the applicant can request a review of the negative decision by the Ministry of Justice, which is required to seek the opinion of the Advisory Committee for Aliens Affairs if the applicant has made a credible claim. An applicant whose request for refugee status has been rejected in the review procedure can submit a final appeal to the Judicial Division of the Council of State. An applicant for review of a negative decision by the Ministry is permitted to remain in the country until a decision is reached unless the Ministry determines that there can be no reasonable doubt that the applicant is not a refugee or a person entitled to asylum. In such cases the rejected applicant may apply to a court in summary proceedings for authorization to remain in the country pending review or appeal.

150. The UNHCR representative in the Netherlands, or a person designated by him for this purpose, may submit his views to the Advisory Committee on cases

referred to it. In cases in which a final appeal has been made to the Council of State, he may be requested to appear before that body. The UNHCR Representative is also consulted by the Advisory Committee in cases of proposed expulsion of refugees.

151. If an applicant is recognized as a refugee, he is issued a residence permit for an indefinite period indicating his refugee status and may obtain a Convention Travel Document upon request.

NEW ZEALAND

152. The legal basis for the determination of refugee status is:

- Circular letter (detailing composition of and procedure for the Interdepartmental Committee on Refugees from the Ministry of Foreign Affairs dated 6 September 1978 as revised by letter of 11 March 1981).
- Judicature Amendment Act, 1972 (New Zealand Statutes 1972, Vol. 2).
- Judicature Amendment Act, 1977 (New Zealand Statutes 1977, Vol. 1).
- Immigration Act, 1987.

153. The competent authorities for the determination of refugee status are the Ministers of Foreign Affairs and Immigration, acting jointly. All claims for refugee status are referred, in the first instance, to the Ministry of Foreign Affairs which makes an initial assessment that the application is one within the terms of the 1951 Convention and the 1967 Protocol. The applicant is then interviewed by the Interdepartmental Committee on Refugees which is chaired by a representative of the Ministry of Foreign Affairs and may include representatives of the Labour Department, the Department of Internal Affairs, the Police Department and the Security Intelligence Service. The applicant may be accompanied by counsel at this interview and is so advised. Following consideration of the case, the Committee makes a recommendation to the Ministers, who take the final decision.

154. No appeal against a negative determination by the Ministers of Foreign Affairs and Immigration is provided for although the grounds on which such a determination was made can be reviewed by the Administrative Division of the High Court (1972 and 1977 Judicature Amendment Acts). The Interdepartmental Committee may itself agree to consider further submissions in respect of a previously rejected application if new evidence is brought to its attention. If a rejected applicant is served with a deportation order he may avail himself of one of the two procedures established for the review of deportation orders (either by the Minister or by the Deportation Review Tribunal). An unsuccessful applicant may additionally appeal to the Governor-General to stay deportation in the exercise of his prerogative. The procedures provided for in the Immigration Act will in practice allow a further full consideration of the circumstances invoked in support of a claim to refugee status.

155. The UNHCR Representative for New Zealand is informed of all applications. He is invited to attend meetings of the Interdepartmental Committee as an observer and to submit his views. Applicants for refugee status may contact the UNHCR Representative, if they wish.

156. A person recognized as a refugee is so informed, in writing, by the Department of Foreign Affairs of this status and by the Department of Labour of his or her entitlement to residence. No special Identity Card is issued. A Convention Travel Document is issued upon request.

NICARAGUA

157. The legal basis for the determination of refugee status is:

- Decree No. 1096 of 13 August 1982 providing for the creation of a National Refugee Office ("Decreto se creó la Oficina Nacional de Refugiados").
- Decree-law of 8 March 1984 establishing the rules for the functioning of the National Refugee Office ("Reglamento de la Ley Creadora de la Oficina Nacional para Refugiados") which entered into force on 6 April 1984 (La Gaceta, No. 70 de 6 abril 1984).

158. The competent authority for determining refugee status is the National Refugee Office (NRO), a body established within the Nicaragua Institute for Social Security and Public Welfare.

159. Asylum seekers who enter the country with tourist visas address themselves directly to the NRO, all other applicants first register with immigration officials which then forward their claim. In the latter case, a decision will have to be reached within 30 days. In all instances, a personal interview is carried out. The final decision is reached by the NRO Director, acting in consultation with the representative of the Ministry for Internal Affairs (Immigration and Aliens Division).

160. Rejected applicants can appeal before the same body and, subsequently, to the Director of the Nicaragua Institute for Social Security and Public Welfare, who is to discuss the claim with the Director of the Immigration and Aliens Division.

161. UNHCR does not participate in the deliberations of the NRO but the latter is bound by law to apply the 1951 Convention and the 1967 Protocol, as well as UNHCR's Handbook on Procedures and Criteria for Determining Refugee Status. The Office is furthermore notified by writing when a negative decision has been reached. It may then give its opinion on the matter.

162. A recognized refugee receives a residence permit, indicating that he is a refugee according to the Convention. The Nicaragua immigration officials also issue Convention Travel Documents if so requested.

NORWAY

163. The legal basis for the determination of refugee status is:

- Act of 27 July 1956, relating to Admittance of Aliens to the Kingdom (The Aliens Act), (Norwegian Law, Etc., selected for the Foreign Service, the Royal Ministry of Foreign Affairs, Revised as of 1 June 1972, Chapter VII A-2-3) as amended by Act No. 64 of 10 June 1988.

164. The competent authority for the determination of refugee status is the Directorate of Immigration under the Ministry of Justice. A preliminary examination exists for applicants who apply at the frontier. An asylum-seeker can be expelled seven days after arrival if it is obvious that he/she will not be granted refugee status. The decision is made by the police in co-operation with the Directorate of Immigration.

165. In the case of a negative decision on refugee status, the asylum-seeker may appeal the decision to the Ministry of Justice.

166. UNHCR has a formal advisory role in case of denial of entry and expulsions.

167. A recognized refugee is issued, upon request, a Convention Travel Document which also serves as a certificate of refugee status.

PANAMA

168. The legal basis for the determination of refugee status is:

- Decree No. 100 of 8 July 1981, creating a Commission to deal with the refugee problem.
- Resolution No. 461 of 9 October 1984, implementing the 1951 Convention and the 1967 Protocol on the Status of Refugees.

169. The competent authority for determining refugee status is the Commission created by Decree No. 100 of 8 July 1981. Asylum-seekers apply to the National Office for Refugees (ONPAR). This office prepares a file on each applicant and presents the cases to the Commission which makes the final decision.

170. A negative decision may be reconsidered by the same body which made the initial decision. Applicants may also appeal to the Ministry of Government and Justice.

171. Persons determined to be refugees are granted identity documents which are issued jointly by ONPAR and the Department of Immigration. These documents are valid for three months and renewable for the same period. Convention Travel Documents are issued to recognized refugees. Asylum-seekers may be issued "safe conduct" papers for travelling abroad.

PAPUA NEW GUINEA

172. The legal basis for the determination of refugee status is:

- National Executive Council Decision No. 4/86 of 21 January 1986.

173. The competent authority for determining refugee status is the Minister of Foreign Affairs who acts on the basis of recommendations of the National Security Advisory Committee (NSAC).

174. Applicants for refugee status are interviewed by a team of officials from the Ministries of Foreign Affairs, Provincial Affairs, Prime Minister's

Department and UNHCR. The results of the interviews are submitted to the National Security Advisory Committee which makes recommendations to the Minister of Foreign Affairs.

PERU

175. The legal basis for the determination of refugees status is :

- Ministerial resolution of 8 July 1982 establishing a Permanent Ad-Hoc Committee to deal with all questions related to refugees in Peru ("Constituyase una comisión permanente ad hoc encargada con exclusividad de estudiar, calificar, dar tramite a la gestion y resolver los diferentes casos que sobre refugio sean presentados el ministerio de relaciones exteriores por la oficina del ACNUR").
- Presidential Decree No. 1 of 25 January 1985 regulating the legal status of refugees and political asylees in Peru ("Reglamento que ordena la situación jurídica de los refugiados y asilados políticos en el Perú").

176. The competent authority for determining refugee status is a Permanent Ad Hoc Committee in the Ministry of Foreign Affairs, composed of the Directors of Consular and Legal Affairs and one of the Directors in the Office of the Under-Secretary for Political Affairs as permanent members. Two other members of a lower rank are chosen every 18 months; one of the latter ensures the function of Executive Secretary. The Committee is presided by the Director of Consular Affairs. It convenes regularly every month. It is empowered to invite representatives from public or other agencies, including UNHCR, to its meetings and deliberations. One of its major tasks is the determination of refugee status of cases presented to the Government by UNHCR. Normally, the Committee asks for the opinion of other Government agencies - in particular the investigation and security units - before pronouncing itself on the claims filed before it.

177. The decisions of the Committee can be revised, revoked or cancelled :

- UNHCR can ask for the revision of the decision and participate in an observer capacity, in the meetings of the Committee related to the revision;
- if the decisions of the Committee are not in conformity with the view of UNHCR, the latter could, upon a motivated petition, ask the Minister of Foreign Affairs to revoke or reassert them.

178. In all cases UNHCR is informed of the negative decisions reached by the Committee. UNHCR may be invited, in an observer capacity, to the meetings of the Committee.

179. Refugees who are recognized by the Peruvian authorities receive a "Carnet de Extranjeria" with a two-year renewable visa of "no-inmigrante residente refugiado" exempted from all taxes which allows them to work and benefit of other rights enjoyed by foreigners with normal resident visas. Refugees holding national passports are permitted to leave the country on a temporary basis provided they obtain a previous authorization from the Ministry of Foreign Affairs. Refugees who do not possess a national passport are entitled to a Peruvian Travel Document similar to the one provided for in the 1951 Convention.

PORTUGAL

180. The legal basis for the determination of refugee status is:

- Law No. 38/80 on the Right of Asylum and Refugee Status (Lei No. 38/80): (Direito de asilo e Estatuto do Refugiado) published in the "Diario da Republica" do 1 agosto 1980.
- Implementing Decree No. 15/81 of 9 April 1982 (Decreto Regulamentar No. 15/81).
- Decree law No. 415/83 published in the "Diario de Republica" on 24/11/83.

181. The competent authorities for determining refugee status are the Minister of Internal Administration and the Minister of Justice who take a decision after having heard the Consultative Commission for Refugees (CCR). The CCR is composed of the representatives of the Ministries of Defence, Internal Administration, Foreign Affairs, Justice, Labour and Social Affairs. A Representative of UNHCR may attend the meetings of the CCR.

182. In the case of a negative decision, the asylum-seeker is informed that he can appeal, within a month, to the Supreme Administrative Tribunal.

180. As stated above, a Representative of UNHCR may attend the meetings of the Consultative Commission for Refugees. He has access to individual files of asylum-seekers and is also informed of the decisions taken.

183. Recognized refugees are entitled to be issued identity cards, certifying their refugee status, and, upon request, are issued Convention Travel Documents.

SENEGAL

184. The legal basis for the determination of refugee status is:

- Law No. 68-27 of 24 July 1968, establishing the status of refugees (Loi No. 68-27 du 24 juillet 1968 portant statut des réfugiés) (Journal Officiel du 17 août 1968) amended by
- Law No. 75-109 of 20 December 1975 amending Article 3 of Law No. 68-27 of 5 August 1968 establishing the status of refugees (Loi No. 75-109 du 20 décembre 1975 abrogeant et remplaçant l'article 3 de la loi No. 68-27 du 5 août 1968 portant statut des réfugiés) (Journal Officiel du 22 janvier 1976).
- Decree No. 78-484 of 5 June 1978 relating to the Refugee Commission provided for in Article 3 of Law No. 68-27 of 5 August 1968 (Décret No. 78-484 du 5 juin 1978 relatif à la Commission des Réfugiés prévue à l'article 3 de la loi No. 68-27 du 5 août 1968) (Journal Officiel du 17 juin 1978).

185. Refugee status is determined by the Head of State upon the recommendation of a Commission composed of the Attorney-General (Chairman), one representative each of the Ministry of Foreign Affairs, the Ministry of the Interior and the Ministry of Social Affairs.

186. Present legislation does not specifically provide for a review or an appeal. A negative decision may, however, be reviewed by the Eligibility Commission upon the request of UNHCR or the applicant himself.

187. The UNHCR Representative in Senegal attends the meetings of the Commission as an observer and is expected to present his views on each individual case.

188. Refugee Identity cards and Convention Travel Documents, when needed, are issued to persons recognized as refugees by the Ministry of the Interior and the Ministry of Foreign Affairs respectively.

SOMALIA

189. The legal basis for the determination of refugee status is:

- Presidential Decree of the Somali Democratic Republic No. 25 of 17 May 1984, on the Determination of Refugee Status (entered into force on 2 June 1984), amending Presidential Decree No. 14 of 15 July 1979.

190. The competent authority for the determination of refugee status is the Eligibility Committee. It is composed of three members, consisting of a Representative from the National Refugee Commission (Chairman), a Representative from the Ministry of External Affairs, and a Representative from the Somali Police Force. As a matter of practice, a Representative from the National Security Service and a Representative from the Ministry of Defence are full members of the Committee. The Committee meets ordinarily twice a month. It decides on applications for refugee status.

191. Following situations of large-scale influx, group determination is decided by Mixed Commissions which screen new arrivals, either on a random basis or by determining refugee status for heads of families.

192. The Decree provides for the establishment of an appeal procedure, in the case of a negative decision, to the Supreme Court. The decision of the Supreme Court is final.

193. The UNHCR Representative participates in the meetings of the Eligibility Committee as an observer and has the right to comment upon, advise and generally assist the Committee during the processing of applications for refugee status.

194. A person recognized as a refugee is entitled to issuance of an identity card by the Eligibility Committee and all documents otherwise provided for in international refugee instruments.

195. The normal procedure for issuance of Convention Travel Documents is that refugees travelling for resettlement, medical evacuation, family reunion or who have been sponsored by their relatives may apply to the Secretariat of the Eligibility Committee. The request is handed over to the National Security Service which then carries out its own investigation before the Immigration Department processes the documents.

SPAIN

196. The legal basis for the determination of refugee status is:

- Law 5/1984 of 26 March 1984 regulating the right of asylum and refugee status (Ley 5/1984 de 26 marzo 1984 reguladora del derecho de asilo y de la condición de refugiado) (Boletín Oficial del Estado Nr. 74, CCCXXIV, pp.8389-92).
- Royal Decree 511/1985 of 20 February 1985 approving the regulation for the implementation of the above-mentioned law.

197. The law of Asylum provides for two different types of status: the recognition of refugee status or the grant of asylum. In principle refugee status is accorded to persons who are in transit and who wish for temporary international protection. Asylum is intended for persons willing to integrate in Spain. While the recognition of refugee status is declaratory, asylum is defined as a gracious act granted by the State in the exercise of its sovereignty.

198. The competent authority for the determination of refugee status and the grant of asylum in the first instance is the Minister of the Interior. The Minister decides on the basis of proposals submitted by an Interministerial Commission on Refugee Status and Asylum composed of representatives of the Ministry of Foreign Affairs, Ministry of Justice, Ministry of the Interior and Ministry of Social Security. Applications for asylum or for refugee status are addressed to the Minister of the Interior through the higher police offices (Jefatura Superior de Policía), the provincial police commissariats (comisariás provinciales de policía) the frontier police or through Spanish Embassies (in the case of asylum applications). Upon receipt of the application, the Ministry of the Interior informs the members of the Interministerial Commission and the UNHCR Representative in Spain.

199. In the case of a negative decision on refugee status or the grant of asylum, an applicant may apply to the Minister of the Interior for revision of his case. According to Article 24 of Law 5/1984, appeals can be made against decisions on refugee status taken by the Ministry of the Interior according to the procedure provided for in the Law for the Judicial Protection of Fundamental Rights (Ley de protección jurisdiccional de los derechos fundamentales). Appeal is also permitted in cases of rejection of asylum applications in accordance with Article 21 of Law 5/84. In this instance, applicants have to exhaust the administrative appeals (Recurso de Alzada y de Súplica) before filing an appeal in court.

200. The UNHCR Representative in Spain is invited to attend all sessions of the Interministerial Commission dealing with refugee applications and to make its views known.

201. Recognized refugees are issued a Convention Travel Document which also serves as an identity card.

SWAZILAND

202. The legal basis for the determination of refugee status is:

- Refugee (Control) Order of 1978 (Government Gazette No. 5 of 1978.)

203. The competent authority for determining refugee status is the Deputy Prime Minister. On arrival in the country the applicant reports either to the Police, or to the Office of the Deputy Prime Minister, or to the UNHCR Representative in Swaziland. All relevant information is recorded and transmitted to the other above-mentioned offices. The application is then referred to the Political Asylum Committee, which is composed of Permanent Secretaries of the Ministries of Justice, Education and Foreign Affairs, the Commissioner of Prisons, the Commissioner of Police, the Chief Immigration Officer and the Head of the Criminal Investigation Department. The Committee, chaired by the Permanent Secretary of the Office of the Deputy Prime Minister, makes a recommendation to the Deputy Prime Minister, who takes the final decision on the status of the applicant.

204. There is no provision for appeal against a negative decision of the Deputy Prime Minister.

205. The role of UNHCR is advisory. The UNHCR Representative in Swaziland may be invited to attend the meetings of the Political Asylum Committee.

206. An applicant who is recognized as a refugee is issued a residence permit and may also obtain a Convention Travel Document for travel abroad.

SWEDEN

207. The legal basis for the determination of refugee status is:

- The Aliens Law of SS 1989 529 which entered into effect on 1/7/89
- Aliens Ordinance, 1980 (No.377) with amendments effective as of 5 December 1989.

208. The competent authority for determining refugee status at the first instance is the National Swedish Immigration Board. Applications for refugee status are referred to one of the four reception centres to which employees of the Swedish Immigration Board are assigned. After the first interview at the centre, the asylum cases are divided into credible claims and more doubtful claims.

209. An appeal against a negative decision of the Board can be lodged with the Ministry of Labour.

210. There is no provision for UNHCR participation in the determination procedure, but UNHCR is consulted on individual cases and on eligibility matters in general.

211. Persons recognized as refugees may, upon request, obtain a written "declaration of refugee status". They may also apply for a Convention Travel Document.

SWITZERLAND

212. The legal basis for the determination of refugee status is:

- The Federal Constitution of 29 May 1874, Article 69 ter (Constitution fédérale du 29 mai 1874, Article 69 ter)
- Law on Asylum of 5 October 1979 (Loi sur l'asile du 5 octobre 1979).
- Ordinance on Asylum of 12 November 1980 (Ordonnance sur l'asile du 12 novembre 1980) in its latest amended version of 3 October 1988.
- Arrêté fédéral du 20 décembre 1985 concernant le Délégué aux Réfugiés.

213. The competent authority for determining refugee status in the first instance is the Délégué aux Réfugiés (DAR) which is a division of the Federal Department of Justice and Police in Berne. Asylum-seekers who already legally reside in Switzerland make their asylum request with the Cantonal aliens authority of the place of residence.

214. Asylum-seekers who are in Switzerland without authorisation have to submit their asylum request at one of the four registration centres of the DAR. If they first approach other Cantonal or Federal authorities they and their request are referred to one of the registration centres. Asylum-seekers who wish to enter Switzerland in order to apply for asylum are required to make their asylum request at one of the designated border posts to which they are also referred in case they approach a non-designated border post. In instances where entry is authorised at the border either by the border authorities or the DAR, the applicant is requested to immediately report to one of the registration centres.

215. Asylum-seekers are interviewed with regard to their claim of "well-founded fear of persecution" by the Cantonal authorities. On the basis of this interview the DAR takes a decision. The DAR may carry out a second interview if it is considered necessary, which frequently is the case.

216. In November 1988 an accelerated procedure was introduced for asylum-seekers who had entered illegally and whose claims seem to be manifestly unfounded. In principle the normal procedure is followed. Priority treatment is given to these cases. At any stage cases can be transferred back into the "normal" procedure if so warranted by the complexity of the case.

217. In the event of the Délégué aux Réfugiés taking a negative decision, the applicant may appeal to the Service des recours of Federal Department of Justice and Police.

218. The Office of the United Nations High Commissioner for Refugees maintains regular contact with the competent Swiss authorities in regard to questions concerning the admission to the asylum procedure and the determination of refugee status. The above-mentioned Ordinance on Asylum provides that, in cases of doubt the "Délégué aux Réfugiés" consults UNHCR.

219. A person recognized as a refugee in Switzerland is informed of this fact in a letter addressed to him by the Délégué aux Réfugiés and is also issued a residence permit by the competent Aliens Police authority of the canton. Upon request, a recognised refugee receives a Convention Travel Document.

TUNISIA

220. The legal basis for the determination of refugee status is:

- Decree of 2 June 1955 concerning the publication of the Convention of 28 July 1951 relating to the Status of Refugees. (Décret du 2 juin 1955 portant publication de la Convention de Genève du 28 juillet 1951 sur le statut des réfugiés). (Journal officiel du 14 juin 1955).

221. The competent authority for determining refugee status is the Ministry of the Interior.

222. Applicants for refugee status normally apply to the UNHCR Representative in Tunisia for a certificate that they are refugees within the mandate of the High Commissioner and, on the basis of this certificate, are recognized by the competent authorities as refugees.

223. A person recognized as a refugee receives from the Ministry of the Interior an endorsement on his aliens identity card referring to his refugee status. Upon request, a recognized refugee is issued a Convention Travel Document.

TURKEY

224. The legal basis for the determination of refugee status is:

- Law No. 359 of 29 August 1961 approving the 1951 Convention relating to the Status of Refugees.
- Passport Law No. 5682 of 15 July 1950.
- Law No. 5683 of 15 July 1950 on the Residence and Travel of Aliens in Turkey.
- Law No. 2510 of 13 June 1934 on Settlement.

225. As Turkey applies the geographical limitation with respect to its obligations under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, cases other than those resulting from "events occurring in Europe" are not the subject of an eligibility decision by the Ministry of Interior. If, however, the person concerned is certified by the UNHCR Representative in Turkey to fall within the mandate of the High Commissioner, he may be permitted to remain in Turkey pending resettlement. In the case of certain groups of non-European refugees admitted to Turkey, the Turkish Government, despite the geographical limitation, has allowed them to remain in the country.

226. The competent authority for the determination of refugee status of applicants coming from Europe is the Ministry of Interior. The preliminary procedures relating to an asylum application are carried out by the local authorities of the province where the applicant concerned enters into Turkish territory. The result of the interview conducted by the competent local authorities is subsequently submitted to the Ministry of Interior for examination and decision.

227. In case of an objection by the applicant to the decision of the Ministry of Interior, the case is re-examined and decided upon by the said Ministry.

228. No provision is made for UNHCR participation with respect to cases referred to the Ministry of the Interior.

229. A residence permit is issued for persons accepted as refugees in Turkey. Upon request of a refugee, a Convention Travel Document or a Passport Reserved for Aliens - on the basis of Article 18/A, B of Passport Law No. 5682 - is issued for the purpose of travelling abroad.

UNITED KINGDOM

230. The legal basis for the determination of refugee status is:

- The Immigration Acts of 1971 and 1988.
- Statement of Changes in Immigration Rules, 14 June 1989.
- The Immigration Appeals (Procedure) Rules 1972.

231. The competent authority for the determination of refugee status is the Home Secretary. The applicant for refugee status addresses himself either upon arrival at a port of entry to an immigration officer, or, after entry, to the Home Office or a local police station, either in person or in writing, and either directly or through an intermediary. Applications are processed in the first instance by the Refugee Section within the Immigration and Nationality Department of the Home Office.

232. Appeals against a refusal of asylum can be exercised by the following categories of asylum-seekers whilst still in the United Kingdom:

- (a) those with a valid entry clearance or visa when they applied for asylum at a United Kingdom port; or
- (b) those who had leave to remain in the United Kingdom when they made their asylum application.

233. Under a new "referral procedure", which started to operate on 1 September 1988, asylum-seekers whom the Home Office considers do not qualify for asylum, will normally be referred to a voluntary agency (UKIAS) for an advisory opinion, if they are not otherwise represented

234. Appeals are heard by adjudicator, from whose findings an appeal may lie, with leave, to the Immigration Appeal Tribunal. In addition, the Home Office, and in some cases a Minister of State, may review a negative decision upon representations made by or on behalf of a rejected applicant. Decisions made by immigration officers, the Home Secretary, an adjudicator or the Immigration Appeals Tribunal are subject to judicial review by the High Court, with appeals lying, with leave, to the Court of Appeal and the House of Lords.

235. The UNHCR Representative may be consulted by the United Kingdom authorities during the procedure. Similarly, the Representative has the possibility of presenting his views to the authorities at any stage of the procedure. He is notified of all appeals involving claimants for refugee status and is provided with copies of all relevant papers in the appeal proceedings. If he so wishes, he can become a party to the appeal.

236. A person recognized as a refugee is provided with a letter confirming his refugee status under the 1951 Convention and the 1967 Protocol. Upon request, he is also issued a Convention Travel Document.

UNITED REPUBLIC OF TANZANIA

237. The legal basis for the determination of refugee status is:

- The Refugee (Control) Act of 1965.

238. The competent authority for determining refugee status is the Minister of Home Affairs. The initial determination is made by the National Eligibility Committee, composed of representatives of various Ministries which submits its report to the Minister of Home Affairs for the final decision.

239. No reasons are given for negative decisions, and rejected applicants do not have a right of appeal to a higher authority, but could appeal within 30 days to the same Minister. UNHCR may also recommend a review of the case. If there is no reversal of the decision, the individual is subsequently issued a Prohibited Immigrants notice by the Immigration authorities and should leave the country within a week.

240. A representative from UNHCR attends the meetings of the National Eligibility Committee in an advisory capacity. UNHCR can also lodge an appeal for rejected applicants and, sometimes, may request that individuals found to be of concern under its mandate be allowed to remain in the country pending resettlement.

241. If an applicant is determined to be a refugee he is issued an identity card. A Convention Travel Document is issued upon request.

UNITED STATES OF AMERICA

242. The legal basis for the determination of refugee status is:

- Refugee Act of 1980 (Public Law 96-212)
- Interim Regulations on Refugee and Asylum procedure issued under Section 208 of the Refugee Act 1980 (Federal Register Vol. 45, No. 107, June 2, 1980, Rules and Regulations).

243. The competent authority for determining the refugee status of persons seeking asylum in the United States is - unless exclusion or deportation proceedings have been initiated - the District Director of the Immigration and Naturalization Service (INS). Applications are addressed to the District Director competent for the area where the applicant is present. In all cases submitted to the District Director, the latter requests an advisory opinion from the Bureau of Human Rights and Humanitarian Affairs (BHRHA) of the Department of State.

244. If exclusion or deportation proceedings have been initiated, applications for asylum are to be submitted to the Immigration Judge, who is also required to seek an advisory opinion from BHRHA unless such an opinion has already been provided to the District Director in earlier asylum proceedings. He may, however, at his discretion, request such an opinion if he finds that circumstances have changed so substantially since the first opinion was provided that a second referral would materially aid in adjudication of the asylum request.

245. There is no appeal against a negative decision of the District Director. Where, however, an application for asylum is denied by the District Director, the applicant may renew his request for asylum before an Immigration Judge in exclusion or deportation proceedings. Negative decisions by the Immigration Judge may be appealed to the Board of Immigration Appeals, and thereafter may be reviewed by the United States Courts of Appeals and, in appropriate cases, by the Supreme Court.

246. The UNHCR Representative maintains contact with the Departments of State and Justice in regard to general questions relating to the determination of refugee status. These Departments involve UNHCR in the training of eligibility officers and sometimes consult UNHCR on individual cases. UNHCR has full access to eligibility procedures in an informal advisory capacity.

247. If an applicant is considered to be a refugee, he is issued an I-94 Form, with an endorsement showing that asylum status has been granted. Upon request, a recognized refugee may be issued a Convention Travel Document.

YUGOSLAVIA

248. The legal basis for the determination of refugee status is:

- The Law on the Movement and Stay of Foreigners in Yugoslavia of 1980 (Official Gazette of the Socialist Federal Republic of Yugoslavia, No. 56/80 and 53/85).

249. Applications for refugee status are referred by the local police authorities to UNHCR.

250. A rejected applicant may submit a request for a reconsideration of the decision to the Representative of UNHCR.

251. There also exists a Federal Co-ordinating Committee for the Protection of Refugees, composed of representatives of the Federal Secretariats for Foreign Affairs, for Labour, for Social Welfare and Health and for Internal Affairs, which, as an advisory body, may discuss refugee matters including the determination of the status of refugees. The UNHCR Honorary Representative in Yugoslavia attends the meetings of the Committee in an advisory capacity.

252. If an applicant is recognized as a refugee, he is issued a refugee identity card. A recognized refugee granted asylum in Yugoslavia is issued a Convention Travel Document.

ZAIRE

253. The legal basis for the determination of refugee status is:

- Ordinance-Law No. 67-302 of 2 August 1967 (Ordonnance-Loi No. 67-302 du 2 août 1967) (Moniteur congolais No. 22 du 15 novembre 1967), as amended by
- Law 67-479 of 29 November 1967 (Loi 67-479 du 29 novembre 1967) (Moniteur congolais No. 23 du 1 décembre 1967).
- Ordinance-Law No. 67-483 of 30 November 1967 (Ordonnance-Loi No. 67-483 du 30 novembre 1967) (Moniteur congolais No. 23 du 1 décembre 1967).

254. The competent authority for the determining of refugee status is the Département de l'Administration du Territoire (Ministry of the Interior). Applicants for refugee status normally apply to the UNHCR Regional Office in Kinshasa, which examines the request and sends its recommendations to the Département, which takes the final decision. Applicants for refugee status may apply directly to the local office of the Département, which examines the application and determines refugee status.

255. There is no provision for appeal in the case of a negative decision by the Département de l'Administration du Territoire. A negative decision may, however, be reviewed by the Département upon the request of UNHCR.

256. The role of UNHCR in the procedure for the determination of refugee status is advisory.

257. An applicant who is recognized as a refugee is issued a Refugee Identity card by the Immigration Services. Upon request by UNHCR, a recognized refugee is also issued a Convention Travel Document.

ZAMBIA

258. The legal basis for the determination of refugee status is:

- Refugees (Control) Act of 4 September 1970 (Government Gazette - Act No. 40 of 1970).
- Refugee (Control) (Declaration of Refugees) (No. 2) Order 1971 (Government Gazette - Statutory Instrument No. 240 of 1971).

259. Applications for refugee status are referred to the Committee for the Determination of Refugee Status composed of the Refugee Commissioner, Ministry of Home Affairs (Chairman) and two other representatives (Principal and Secretary) of the Ministry of Home Affairs, one representative each of the President's Office, (Special Branch), Immigration Headquarters, the Regional Immigration Department Lusaka, the Police Department, the Passport and Citizenship Office and a representative of UNHCR as observer. After an initial determination of refugee status and a recommendation thereon, the Committee refers the applications to the Minister of Home Affairs for final decision.

260. There is no appeal against negative decisions, but a rejected applicant may submit a request to the Ministry for reconsideration.

261. The UNHCR Representative in Zambia attends the meetings of the Committee as observer. He is entitled to question the applicant and to record dissenting opinions.

262. If an applicant is recognized as a refugee he is issued a refugee identity card and may, upon request, be issued a Convention Travel Document.

ZIMBABWE

263. The legal basis for the determination of refugee status is:

- The Refugees Act No.13 of 1983

264. The competent authority for determining refugee status is the Commissioner for Refugees. Applications for recognition of refugee status are received in the first instance by the Zimbabwean Refugees Committee which after examination of the case forwards advice to the Commissioner.

265. In the case of a negative decision the applicant may appeal in writing to the Minister of Labour and Social Services whose decision is final.

266. The participation of the UNHCR Representative in the Zimbabwe Refugee Committee may be the subject of regulation to be issued by the Minister of Labour and Social Services under Section 18 of the Refugees Act.

267. An applicant who is recognized as a refugee is issued a refugee identity card. Upon request, a recognized refugee is also issued a Convention Travel Document.