



HANDBOOK OF GOOD PRACTICES RELATED TO ASYLUM AT THE BORDERS



**ROMANIAN NATIONAL COUNCIL
FOR REFUGEES
2004**



*“Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tossed to me.
I lift my lamp beside the golden door”*

(Inscription on the Statue of Liberty – New York)

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ASYLUM.

DEFINITION. TERMINOLOGY

In a democratic society based on the rule of law, the state institutions must enforce the normal course of the civil, political, social and economic relationships, must create guarantees for the safe exercise of human rights and of the fundamental freedoms, and must protect the persons and wealth on their territory.

When inter-ethnic or territorial clashes occur, in case of war, coup d'état or military attacks, in a dictatorship or in the absence of any governing structures, the state can no longer provide protection to its citizens or worse, grows to tolerate discrimination and attacks against groups of population, and those whose life, physical safety and liberty are endangered may seek protection from another state.

Asylum is the protection which a state provides on its territory to the citizen of another state or to the stateless persons, when his or her rights were seriously and repeatedly violated, and the state of origin cannot or will not provide the necessary protection.

Through the 1951 **Geneva Convention relating to the Status of Refugees** (hereinafter referred to as the 1951 *Convention*) and after the adoption of the New York Protocol (1967), the states created a universal instrument which provides the framework for the contracting states to grant protection to refugees. **The 1951 Convention defines a refugee**, his/her rights and obligations in the host country; establishes the general obligation of the contracting states to co-operate with the United Nations High Commissioner for Refugees (UNHCR) in providing assistance to refugees and in adopting any legal provisions that will have an impact on the field of asylum. Once the 1951 Convention has been ratified, it becomes part of the internal law of the states, and the signatory states will adopt specific legislation relating to the refugee status determination procedure.

According to the 1951 Convention (*Art.1 A*), **refugee** is “*a person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is*

unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it”.

According to the „Handbook on procedures and Criteria for Determining Refugee Status” issued by Office of the United Nations High Commissioner for Refugees, „there is no universally accepted definition of „persecution”. From Article 33 of the 1951 Convention, it may be inferred that a threat to life or freedom on account of race, religion, nationality, political opinion or membership of a particular social group is always persecution”.

For the persons whose life and security are endangered on other grounds than those set forth by the definition, some states provide those persons with **humanitarian protection**. This one is granted for those persons who did not meet the refugee definition criteria and who risk torture or other inhuman or degrading treatments.

In the case of armed conflicts causing massive displacements of persons, some states provide such persons with **temporary (humanitarian) protection**, until the end of the causes that generated that exodus.

The refugee status determination procedures is initiated through a person’s verbal or written expression of his/her intention **to seek or apply for asylum**, namely through an **asylum application**. As of that moment any person who expressed such intention should be considered as an **asylum seeker**, with specific rights and obligations towards the host country. In the European communitarian acquis, „the application for international protection (asylum) means a request made by a third country national or a stateless person for protection from a Member State, who can be understood to seek refugee status or subsidiary protection, and who does not explicitly request another kind of protection, outside the scope of this Directive, that can be applied for separately” (Council Directive 2004/83/EC of 29 April 2004).

The assessment of an asylum application is made by a **competent central state authority**. This authority will assess an asylum application which it may either accept or reject. In case of rejection, asylum seekers may appeal to higher hierarchical structures and/or courts of law. The completion of the procedure may result in: i) granting a specific form of protection, ii) rejection of the application and the obligation to leave the territory (in the case of those persons who can enjoy the protection of their state of origin or of their state of residence), or iii) granting of the right to stay when other reasons prevent the aliens to leave the country, or when the situation from the country of origin impedes the repatriation.

The asylum application is assessed even at the time when the alien comes from a safe of origin country (a democratic state where torture, cruel, degrading or inhuman treatment are prohibited and where the risk of persecution is theoretically inexistent), or if it was considered that the alien passed through a third safe country (state which signed the 1951 Geneva Convention respecting the principle of

non refoulement and where the alien may follow a fair and efficient procedure.). The explanation is that states must safeguard the human rights at any occasion, should this even occur in a safe of origin country or in a third safe country.

Refugees and economic migrants

Every year, millions of people leave their country of origin. The migration flows include persons seeking employment, traveling for education purposes or on business, to join their family or for other reasons. Unlike refugees, they may leave and return to their country of origin at any time. Refugees flee their country compelled by specific circumstances and do not know whether they may ever return in safety. It is for them that *the international protection system was conceived*.

BASIC PRINCIPLES

1. Access to the Refugee Status Determination Procedure

According to the existing asylum regulations, a refugee status application must be filed as soon as the respective alien enters the territory (in case of legal/illegal crossing of the border), or at border (in the border point). The need for international protection should be expressed from the moment when a person enters in contact with the authorities of the host –country.

The intention to seek asylum may be expressed orally, mentioning or not the word „asylum” / „refugee” in the context of an obvious fear to be returned to the country of origin or to be denied access to protection, by letters or any other documents that may present the individual fear of persecution. **Any gesture that may show refusal to return to the country of origin may constitute a way of seeking protection.**

IMPORTANT!

Any intention to seek asylum may be expressed either verbally or in writing.

The moment when protection is applied for is crucial as at that point in time, specific rights and obligations arise for an asylum seeker, and a distinct legal regime regarding entry and stay in the territory starts applying to him/her.

Once the asylum application has been received, the authorities are obliged at first *not to return the asylum-seeker* to a territory where his or her life may be endangered, or where he or she may be at risk of being subjected to inhuman or degrading treatment. The same obligation must be observed during the entire Refugee Status determination procedure.

Whenever needed, the border authority has the obligation to assist asylum seekers with filling an asylum application and to ensure the presence of an interpreter.

Informing the competent authorities

The obligations of the border authority consist in receiving, filing and submitting the asylum application to the competent national asylum authority. This authority will decide on the person's access to the territory, accommodation and access to other rights. The competent authority will also interview the asylum seeker either at border or on the territory, as provided by the national law.

The border authorities are obliged to attach to an asylum application any information, documents or identity papers which the applicant might present. The identity papers and the travel documents will be returned to the alien after completion of the asylum procedure, if and when his/her asylum application has been rejected.

IMPORTANT

Only the institutions assigned by the State are authorized to assess asylum applications and deliver a motivated decision regarding the fear of persecution.

2. The confidentiality principle

The essence of this principle resides in the fact that the person seeking protection allegedly fled from a risk of persecution originating in his/her country of origin. If disclosed, such information might endanger the respective person's status both in the asylum country and in the country of origin. In the following lines you will find more details about the aforementioned subject.

Many refugees are not in the possession of travel documents. In their case, their identity must be determined by other means than contacting the diplomatic missions. When an alien expresses in one form or another his or her fear of being returned or deported from the territory, the authority responsible for receipt and assessment of asylum

applications must be immediately informed. During the asylum procedure, this authority will use the declared identity of the person. It is only when an asylum application has been finally and irrevocably rejected that the embassy may be contacted for the return procedures. Otherwise, the persecution may continue even in the asylum country, as the life and liberty of the family back in the country of origin may be endangered.

The obligation to respect confidentiality rests also with the media who should use specific technical means to avoid disclosure of a persons identity when they provide information to the public.

IMPORTANT!

Compliance with the confidentiality principles by avoiding to contact (the embassies of) the states of origin after the filing of an asylum application is a guarantee against subsequent persecution.

3. The principle of non-refoulement

The 1951 Geneva Convention which regulates asylum includes the basic principles of refugee protection. One of its crucial provisions is the assertion of the principle of non-refoulement, *the basic guarantee against perpetuity of persecution*.

According to the art.33 of the 1951 Geneva Convention related to the refugees status, which is a real cornerstone of international protection, “*no contracting state shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion*”.

The interdiction laid down by the 1951 Convention has become universally applicable by its inclusion in various other international and regional conventions such as *The Convention relating to torture and other cruel, inhuman or degrading treatments or punishments*, (in force

as of 1987) and *The Convention for the protection of human rights and fundamental freedoms* (in force as of 1953), being respected even by countries which are not signatories to the 1951 Convention. Moreover, the San Remo Declaration of September 8, 2001 (under the auspices of the International Institute of Humanitarian Law) is one of the latest of a long series whereby states have acknowledged that ***non-refoulement*** has become a customary international law.

What is the meaning of torture and cruel, inhuman or degrading treatment?

The European Court of Human Rights (Strasbourg) defined **torture** as „*deliberate inhuman treatment causing serious and cruel physical and mental suffering*”, being actually an aggravated form of inhuman treatment. Resolution 3452 (XXX), adopted by the UN General Assembly on 9 December 1975 states that “Torture constitutes aggravated and deliberate application of cruel, inhuman or degrading punishment or treatment”.

Inhuman punishments and degrading punishments are those which exceed the legal coercive framework, bringing serious damage to a person’s health and traumatizing the individual who has thus been punished.

Inhuman punishment may for instance consist in amputation of a part of one’s body while **degrading punishment** may consist in bodily punishment. Inhuman treatments are those causing serious physical and mental suffering, while **degrading treatments** are so deemed by the Court, as they „*give rise to humiliating feelings of fear, anguish and inferiority in their victims, which may overpower their physical or moral resistance*”. (European Court of Human Rights, case Ireland against Great Britain, 18/01/1978)

An actual risk of undergoing this kind of treatment may not be so obvious. On the other hand, *any risk may prove real*. Given that failure to meet the obligation of non-refoulement can only in exceptional cases be remedied, and given that such treatment will result

in lifetime physical and moral consequences, the key word in observing this principle is *prevention of refoulement*.

In close connection to this principle, the states established distinct procedures in determining whether a person comes from a **safe country of origin**, (a rule of law state where no torture, cruel, inhuman or degrading treatments are applied, as the persecution risk is virtually inexistent), or whether such person transited, respectively whether he /she may be returned to a **safe third country** (a state complying with the assumed regional and international rights and obligations, including the principle of non-refoulement).

IMPORTANT!

Observance of the principle of non-refoulement, which has become a customary international law, means the prevention of exposure to persecution, to acts of torture and cruel, inhuman or degrading treatment and punishment.

The observance of this principle is an absolute obligation, without derogation, of all authorities, and identification of any exceptions

falls within the competence of specialised asylum institutions, with specific responsibilities established by the law.

4. Principle of non-penalization

Refugees may leave their countries in different ways. Some of them may use the legal channels, others are under permanent threat and forced to leave the country illegally, endangering their lives and leaving their assets behind. They seek to reach a safe country where the guarantees provided will allow them to start a new life.

IMPORTANT!

Many refugees are forced to leave their countries and to enter other states by using illegal methods. However, their actions are only determined by fear of persecution and the need for protection.

The norms of international public law actually recognize the sovereign right of a state to protect its state borders as well as to establish regulations regarding the entry and stay of aliens.

The principle of non-penalization is specific to the 1951 Convention, brings additional guarantees and provides for a significant exception in the national criminal laws which have adopted it.

The principle of non-penalization for illegal entry or stay expressly provides that *asylum seekers* who entered illegally or find themselves illegal on the territory of a state *shall be exempt from any penal sanctions*.

Which is the rationale of this principle?

The inclusion of this principle in the Convention means the instituting of an exception of a humanitarian nature. Given that *the right to seek asylum is a fundamental human right*, stipulated both in the Universal Declaration of Human Rights and in the Constitutions of democratic states, it is obviously needed that states should create the legal and practical framework that would enable this right to be exercised. The principle considers the humanitarian situation of those fleeing persecution and who may not be able or may not have the time to obtain travel documents or to follow the legal ways regarding entry

and stay. Therefore, it has been unanimously acknowledged that fear of persecution is in itself a reasonable exception for transgression of the legal provisions, as facts originate from a state of emergency.

Observance of the non-penalization principle (i.e. exemption from penal sanctions be them either imprisonment or penal fines) will also allow asylum seekers to observe and follow up on their refugee status determination procedure, thus avoiding to further traumatize them for deeds they committed as a result of their fear of persecution.

The principle of non-refoulement and the principle of non-penalization are closely connected through the guarantees they provide to an asylum seeker.

In pursuing their implementation, states must take the necessary measures to ensure that no penal sanctions are applied against refugees and asylum seekers. In other word, measures must be in place whereby persons to which such exception applies are promptly identified and whereby they are exempted from any procedure that would result in their sentencing.

WARNING!

The principle of non-penalization must be observed for any person claiming the need for protection.

Restricting the freedom of movement

In the broader context of exercising a more thorough control on illegal migration, some states imposed the accommodation of asylum seekers in enclosed centres, in conditions similar to detention. Organizations militating for human rights rated such measures “inhuman”, “degrading”, “unfair and unacceptable”. Seeking asylum (protection) in another country is not an illegal act, but conversely, a *fundamental right of each person who has suffered or is at risk of being persecuted in his country of origin* (art. 14 of the Universal Declaration of Human Rights).

The negative effects of the asylum seekers’ detention may be: preventing from the exercise of fundamental rights; prolongation and exacerbation of the traumas suffered before and during the flight from

the country of origin; impossibility of a normal family life; hindering/halting the process of (re)establishing of one’s domicile to a foreign country; continued degrading of the state of mental health. Accommodation in closed centers and uncertainty about the future may result in attempted self-mutilation and suicide.

These multiple circumstances made the Executive Committee, which the advisory body of the United High Commissioner for Refugees to make the following Conclusion (Conclusion of Executive Committee no. 44) according to which any exceptions allowing for the restriction of the freedom of movement should *only* refer to the following cases: i) where the existing legal provisions impose verification of identity; ii) for the purpose of determining the elements on which an asylum application is based; iii) in the cases where refugees or asylum seekers destroyed their identity and/or travel documents or used forged documents to mislead the authorities of the state where they asked for asylum, or iiiii) for the purpose of safeguarding the national security and public order. Whatever the

reason why detention is chosen, it must be at all times subjected to administrative and judiciary control. Refugees and asylum seekers must not be accommodated in the same facilities with regular detainees, as the detention centers must not be located where the physical security is at risk.

Detention must not be applied to minors, pregnant women or women with children.

When the asylum seekers' freedom of movement is still restricted,

IMPORTANT!

Asylum seekers may have their freedom of movement restricted subject only to the exceptional cases expressly provided by the law.

Detention may not be imposed arbitrarily. Detention must be lawful, applied without any discrimination whatsoever and subjected to administrative and judiciary control.

their rights shall be observed and ensured under the following minimum conditions:

- the reasons why they are being detained and their right during detention are duly presented and explained to them;
- they have unrestricted access to free of charge, independent and suitably qualified legal counseling;
- authorities permit access of specialized non-governmental organizations, of UNHCR representatives and of the legal representatives in all the detention locations, inclusively in the transit areas in the international ports and airports.
- the detaining facilities comply with the existing international standards.
- the detention center personnel is suitably skilled on the asylum seekers' special situation and needs.

ASYLUM SEEKERS' RIGHTS AND OBLIGATIONS

The asylum legislation provides a series of rights and obligations for the persons having expressed their desire to seek asylum, as

harmonized at the European Union level by a series of Community acts, such as the **Directive on minimum standards on reception of asylum seekers**. As early as 1995 The Council of the European Union, by the *Resolution on the minimum guarantees for asylum procedure* laid down minimum standards for a fair and equitable asylum procedure, which standards have been adopted by most of the European countries.

The rights of an asylum seeker include:

- the guarantee against refoulement to territories where one's life or safety may be endangered;
- the receipt of the asylum application and its immediate submitting to the competent decision making asylum authority;
- the right to lodge an appeal against any decision delivered by the competent asylum authority;
- the confidentiality of the data provided, by avoiding to contact diplomatic missions of the countries of origin;

- the dissemination of information on one's rights, duties and the procedure to follow;
- interpretation/translation services;
- free access to legal counseling and representatives of UNHCR or of the non-governmental organizations working with the refugee specialized agency.
- the right to stay until delivery of an irrevocable decision on the relevant asylum application;
- medical and humanitarian assistance.
- in the case of unaccompanied minors / separated children, the same shall be entitled to have a legal representative appointed in their name.

Obligations of an asylum seeker mainly refer to:

- the obligation to deliver the document for border crossing, as a temporary identity document will be issued in his/her name by the authority for refugees;
- the obligation to follow up the stages of the procedure and declare any change of residence;
- the obligation to respond to the requests of the institutions with refugee status determination competences and provide the same with complete and truthful information on his/her person and upon his or her request;
- obligation to abide by the laws of the host state, and the steps taken by the authorities competent in refugee matters.

IMPORTANT!

In its relations with asylum seekers the border authority must always consider that they have distinct rights and obligations, as they are a special category of aliens.

CATEGORIES OF VULNERABLE PERSONS

Of all categories of refugees, women and unaccompanied minors are the most vulnerable.

Unaccompanied minors / separated children *are the persons aged under 18 years who are outside of their country of origin and SEPARATED from their parents or legal representatives (Handbook of Good Practices Related to Separated Children, realized within the “Separated Children in Europe” Program).* Both under the Declaration on Children’s Rights (1959) and by the Convention on Children’s Rights (in force since 1990), the United Nations Organization laid the foundation of child protection.

IMPORTANT!

In all actions targeted at children taken by administrative authorities or law-making bodies, courts, public or private social welfare institutions, the best interest of the child must prevail.

The international legislation and the guides of good practices dealing with separated children / unaccompanied minors intend to establish common policies at an international and European level, taking into account of the following circumstances: *unaccompanied minors (also called separated children)* may seek asylum owing to a fear of persecution, or to a lack of protection caused by the violation of the human rights, armed conflicts or commotions of another nature from their country of origin. Some of them may be victims of the trafficking in human beings, or have traveled to another country to flee from an overly austere life conditions. Irrespective of the reasons that made them leave their country, these children are deprived of the care and protection of their parents or of a legal representative and as a result they are faced with social and mental challenges caused by their separation from the family. Even if some of them are also accompanied by adults, those persons are not necessarily capable or suitable to assume the responsibility to care for the children separated from parents. Often, the representatives of the border authority are the first to

come in touch with such unaccompanied minors. The following principles and practices must be considered:

Principles

- Following the child's best interest in any and all of the steps taken;
- Contacting the institutions competent in the child's protection field;
- Confidentiality of the information that must be used strictly for the purpose for which its was provided;
- Non-discrimination on accounts of race, religion, nationality, sex etc.;
- Respect for cultural identity;

- Access of the unaccompanied minors to information concerning the services that may be made available to them, asylum procedure, reunion with their family;
- A friendly and protective approach, regardless of the nature of the dialogue with those children.

Practices

- Unaccompanied minors must never be denied entry to the territory or expelled to the entry point. They cannot be held in detention or subjected to detailed interviews by the authorities in charge with the control of the migration in the border points;
- Unaccompanied minors must at all times be permitted to apply for asylum, and the authorities must take the required steps to appoint a legal representative in their names.
- Any person claiming to be a minor must be treated as such provided there is not obvious inconsistency between his

purported age and physical appearance, even if his age is not supported by documents.

- No accelerated procedures for the asylum application assessment must be applied to unaccompanied minors;
- Unaccompanied minors must enjoy the minimum procedural guarantees regarding the filing of the asylum application, the right to lodge an appeal against the rejection of an asylum application, fast identification of age when benefit of doubt is not applicable, interviewing in a friendly manner, only in the presence of a legal representative, accommodation in safe and hygienic conditions, separately from adults, or together with those persons who can provide effective care, access to education, medical attention, durable solutions and support for the reunion with their family.

Women

Women are faced with the same problems, as far as protection is concerned, as the other refugees. Like each of them, women need to be protected against being expelled to their country of origin, against armed attacks and other forms of violence, against unreasonable and arbitrarily prolonged detention. Beside those basic rights, which apply to all refugees, women of all ages need special protection due to the particularities of their ethnic origin or due to other vulnerabilities (such as having a child): they must be for instance protected against violence and sexual and physical exploitation, and against sexual discrimination as regards access to goods and services.

Considering the above, a set of principles and recommendations is also in place for this vulnerable category:

Principles

- Filing the asylum application on an individual basis;

- Interviewing women separately from other family members in order to maintain confidentiality;
- Interviewers must be women, too, for the sake of a better and less traumatizing communication;
- Women shall also be used for interpreting purposes for the same reasons as interviewing;
- Avoidance of any form of discrimination, of intimidating attitudes or gestures, exposing to extreme living conditions, blackmail or brutality;
- Identification of women who were / are being trafficked or threatened to be so trafficked in order to provide them specialized counselling;
- Medical, social, psychological, specific and specialist assistance.

REMEMBER!

Beside the challenges common to all refugees, women need special protection against violence and sexual and physical exploitation, against sexual discrimination as regards access to goods and services.

Do not ignore the difference of non-verbal communication between sexes:

- Women are more sensitive to non-verbal hints than men are;
- Women interpret the non-verbal signals more accurately;
- Women scrutinize their interlocutor more often than men do;
- Women avoid looking at men insistently and express their emotions more frequently, in a facial manner.

Other category of vulnerable persons

Unaccompanied minors and women are not the sole vulnerable categories of asylum seekers. The persons with a physical disability are easy to tell from amongst the asylum seekers. However, physical disability is just one of the forms of disability. Sensorial disability (such as impaired or no hearing or eyesight) or the psychological, mental disability are sometimes harder to identify.

Any disability, regardless its nature, impairs or prevents that person's access to community life. The communication of such persons with the surrounding world is restricted or even inexistent, and those persons must partially or totally rely on the support of their fellows. These are the reasons why the disabled or impaired persons require special protection measures.

Usually, people managing to flee their country and travel to the refuge are resistant individuals. However, very often, a group of refugees may include disabled persons or, even more often, aged people

accompanying younger people. It is true that not all the persons aged 60 or more are sick and helpless. However, if other factors add to age, such as mental disturbance, poverty, illness, lack of family, loneliness, uncertainty, then **age becomes a vulnerability factor**.

The most frequently encountered needs of the disabled or aged persons are:

- assistance for their own care (as they cannot do it by themselves);
- medical attention (as they are challenged by physical or mental sufferings, or chronic diseases);
- patience in communication.

What seems to us as a „strange”, inadequate reactions, is a consequence of lack of language skills, uncertainty about the existing situation and about the future, causing anyone a sense of loneliness and, sometimes, „strange” behavior. The panic strokes, depression, suicidal thoughts (even acts), phobias are „regular” phenomena for those who

used to be victims of extreme violence, or held in detention, or prisoners of war, victims of torture or sex violence, who seldom speak of their experiences, but need help in dealing with their bodily afflictions.

Recommendations concerning the collaboration between the border authority and the intergovernmental and non-governmental institutions.

The United Nations High Commissioner for Refugees is the United Nations Agency whose mission is the protection of refugees. *The co-operation between the Government and an intergovernmental institution is an obligation assumed when signing the 1951 Geneva Convention related to the status of refugees.*

UNHCR also co-operates with other governmental or non-governmental organizations assisting asylum seekers and refugees, providing them with legal counseling, social and medical assistance, integration programs, cultural guidance programs, language courses etc.

The access to territory and to the asylum procedures are the minimum requirements for a fair and effective asylum procedure. In some countries, the border authorities concluded protocols for co-operation with non-governmental organizations and developed sustainable partnerships for best enforcement of the law and of the international obligations. Such protocols provide rights and obligations for the contracting parties which may consist in: mutual notification of cases that require joint action, free access of legal advisors and social workers to provide assistance in the border crossing points, accommodation centers or detention centers, and availability of information packages, organizing forums to discuss on matters related to migration and asylum etc.

The **co-operation protocols** are effective means to systematize the co-operation between authorities and the organizations assisting refugees. Any co-operation protocol must be based on the following principles:

- the good faith of the partners in any measures taken;

- compliance with the provisions of the agreement;
- enforcement of the highest professional standards in achieving the specific missions and identification of solutions to the refugee protection issues as identified previously or during co-operation;
- complying with the highest behavior standards in the monitoring activities, with a joint analysis of the matters that should be improved, of any potential drawbacks etc.

The co-operation between authorities and the organizations assisting refugees and monitoring the observance of their rights must be conducted in good faith and in keeping with the binding legal regulations (both national and international), of the rules deriving from the agreements or understandings between the parties.

Recommendations

1. The right to seek asylum is a fundamental human right.
2. Any asylum application must be immediately submitted to the competent decision-making authority.

3. No person shall be expelled to the frontiers of the territories where his life or safety may be endangered.
4. No penalties on accounts of illegal entry or stay shall be imposed to asylum seekers.
5. The asylum seekers' freedom of movement may only be restricted in exceptional cases which are expressly specified by the law.
6. Any action intended for children must commence from the child's best interest.
7. Women need special protection against violence and sexual discrimination as regards the distribution of goods and services.
8. While dealing with refugees the cultural differences and other matters obstructing communication shall be considered.
9. Authorities, inter-governmental and non-governmental organizations should co-operate for a better enforcement of the existing legal regulations and international obligations.

Useful contacts

United Nations High Commissioner for Refugees
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 25, Armeneasca st., Bucharest
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 Fax: (+40) 210 15 94
 Mail: rombu@unhcr.ch

National Office for Refugees (ONR)

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 Mail: onr@onr.ro, onr@pcnet.ro

Romanian National Council for Refugees
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ARCA- Romanian Forum for Refugees and Migrants
 23, Austrului st., sector 2, Bucharest
 Tel / Fax: (+40) 21 – 252 73 57, 252 73 58
 Mail: office@arca.surf.ro

Save the Children – ROMANIA
 3, Intr. Stefan Furtuna, sector 1, Bucharest
 Tel: (+40) 21 – 212 61 76, Fax: 312 44 86
 Mail: rosc@mb.roknet.ro

United Nations High Commissioner for Refugees
 Branch Office in Budapest (UNHCR)
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Ministry of Interior
 Office of Immigration and Nationality (OIN)
 Refugee Affairs Department
 1117 Budapest, Budafoki út 60.
 Tel.: 463-9100, Information: 463-9122
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