

Procedural Standards for Refugee Status Determination under UNHCR's Mandate



Table of Contents

UNIT 1 Introduction

UNHCR’s Mandate for Refugee Status Determination	1-1
Procedures for UNHCR Mandate RSD	1-2
The RSD Procedural Standards	1-3
A Complement to other UNHCR Documents and Resources	1-4
Implementation of the RSD Procedural Standards	1-4
Considerations relating to Staffing in UNHCR RSD Operations	1-5
Role of Implementing Partners in UNHCR RSD Procedures	1-6
Supervision and Oversight	1-7

UNIT 2 General Issues

2.1 Confidentiality in UNHCR RSD Procedures

2.1.1 The Applicant’s Right to Confidentiality	2-1
2.1.2 General Criteria for Disclosure of Information	2-2
2.1.3 Disclosure to Host Country Authorities	2-4
2.1.4 Procedures for Responding to Specific Requests for File Information ...	2-4

2.2 RSD File Management Procedures

2.2.1 General	2-6
2.2.2 Procedures for Opening RSD Files	2-6
2.2.3 RSD File Numbering and Organization	2-8
2.2.4 Access to RSD Files	2-9
2.2.5 Movement of RSD Files	2-10
2.2.6 Storing and Archiving Closed RSD Files	2-10
2.2.7 Supervision and Oversight of RSD File Management	2-10

2.3 Physical Facilities for RSD Procedures

2-11

2.4 Office Security

2.4.1 General Security Procedures	2-12
2.4.2 Protection Staff Oversight of Security Procedures	2-13
2.4.3 Staff Training on Security Issues	2-13
2.4.4 Security in Physical Facilities used for RSD	2-14
2.4.5 Physical Searches	2-14
2.4.6 UNHCR Security Staff	2-15
2.4.7 Security Guards Assigned by Host Country	2-16

2.5 Interpretation in UNHCR RSD Procedures

2.5.1 Access to Interpreters	2-17
2.5.2 Interpretation by Persons other than UNHCR Interpreters	2-18
2.5.3 Qualifications and Training of UNHCR Interpreters	2-19
2.5.4 Impartiality of UNHCR Interpreters	2-20
2.5.5 Confidentiality of Interpreters	2-20
2.5.6 Access by Interpreters to RSD Files	2-21
2.5.7 Supervision and Oversight of Interpreters	2-21

2.6 Complaint Procedures

2-22

UNIT 3 Reception and Registration in RSD Operations

3.1 Reception of Asylum Seekers

3.1.1 Supervision and Oversight in Reception	3-1
3.1.2 Reception Procedures	3-1
3.1.3 Dissemination of Information to Asylum Seekers	3-2
3.1.4 Counselling on UNHCR RSD Procedures	3-4
3.1.5 Confidentiality in Reception	3-5

3.2 Registration Procedures for Applicants for RSD

3.2.1 UNHCR Registration and Applying for RSD	3-6
3.2.2 Supervision and Oversight of Registration Procedures	3-7
3.2.3 Registration Staff	3-7
3.2.4 Distribution and Completion of RSD Application Forms	3-8
3.2.5 The Registration Interview	3-11
3.2.6 Registration Interview of Family Members/Dependants	3-13
3.2.7 Photographs	3-14
3.2.8 Supporting Documents	3-15
3.2.9 Assigning Registration Numbers	3-15
3.2.10 Opening the RSD File	3-15
3.2.11 Alternative Procedures for Registration of Applicants for RSD	3-16

3.3 UNHCR Asylum Seeker Certificate

3.3.1 General Principles	3-17
3.3.2 Form of UNHCR Asylum Seeker Certificate	3-17
3.3.3 Oversight and Controls	3-18
3.3.4 Recipients of UNHCR Asylum Seeker Certificate	3-19
3.3.5 Period of Validity of UNHCR Asylum Seeker Certificate	3-19
3.3.6 Renewal of Expired or Lost UNHCR Asylum Seeker Certificates	3-20
3.3.7 Maintaining Office Records of UNHCR Asylum Seeker Certificates	3-20
3.3.8 Fraudulent Use of UNHCR Asylum Seeker Certificates	3-21

3.4 Applicants with Special Needs

3.4.1 General Procedures	3-22
3.4.2 Persons Manifestly in Need of Protection Intervention	3-23
3.4.3 Victims of Torture & Persons Suffering from Trauma	3-23
3.4.4 Women with Special Needs	3-23
3.4.5 Child Applicants / (Under 18) Unaccompanied or Separated Children	3-24
3.4.6 Elderly Asylum Seekers	3-26
3.4.7 Disabled Asylum Seekers	3-26
3.4.8 Asylum Seekers who Require Medical Assistance	3-27
3.4.9 Recording Information on Applicants with Special Needs	3-27

3.5 Scheduling of RSD Interviews and Appointments

3.5.1 General Scheduling Procedures	3-28
3.5.2 Oversight of RSD Scheduling Systems and Procedures	3-29
3.5.3 Scheduling of RSD Interviews	3-29
3.5.4 Priority Scheduling of RSD Interviews	3-30
3.5.5 Rescheduling RSD Interviews	3-30

UNIT 4 Adjudication of Refugee Claims

4.1 Assigning Files for RSD Adjudication

4.1.1 Assigning RSD Files - Relevant Factors	4-1
4.1.2 Determining Case Processing Capacity for Eligibility Officers	4-2
4.1.3 Controls on File Assignment / Transfer	4-3

4.2 Training and Supervision of Eligibility Officers

4.2.1 Minimum Qualifications for Eligibility Officers	4-3
4.2.2 Training of Eligibility Officers	4-4
4.2.3 Supervision of Eligibility Officers	4-5

4.3 The RSD Interview

4.3.1 The Applicant’s Right to an Individual RSD Interview	4-6
4.3.2 File Preparation by Eligibility Officers	4-6
4.3.3 Participation by Legal Representatives	4-7
4.3.4 Participation by Third Parties other than Legal Representatives	4-8
4.3.5 Opening the RSD Interview	4-8
4.3.6 Questioning the Applicant	4-10
4.3.7 Interviewing Child Applicants	4-11
4.3.8 Recording the RSD Interview	4-12
4.3.9 Evidence by Witnesses	4-12
4.3.10 Review of Original Documents in the RSD Interview	4-13
4.3.11 Closing the RSD Interview	4-14
4.3.12 Assigning Date for Notification of the RSD Decision	4-14
4.3.13 Interview of Family Members/Dependants	4-15
4.3.14 The RSD Assessment Form	4-16

4.4 Procedures for Review of RSD Decisions

4.4.1 General Principles	4-16
4.4.2 Procedures for Revising the RSD Assessment or Decision	4-17
4.4.3 Procedures for Consultation with UNHCR HQ on RSD Decisions	4-18
4.4.4 Procedures for Changing RSD Decision after it is Issued	4-19

4.5 Timelines for Issuing RSD Decisions

4-20

4.6 Accelerated RSD Processing

4.6.1 General	4-21
4.6.2 Oversight of Accelerated RSD Processing Procedures	4-21
4.6.3 Appropriate Cases for Accelerated RSD Processing	4-22
4.6.4 Manifestly Unfounded Applications	4-22
4.6.5 Procedures for Accelerated RSD Processing	4-23
4.6.6 Appeals by Applicants Rejected under Accelerated RSD Processing ..	4-23

4.7 RSD Procedures for Applicants in Detention

4-24

4.8 The Application of the Exclusion Clauses

4.8.1 General Principles	4-25
4.8.2 Procedures for Examining the Application of Article 1F	4-26
4.8.3 Review and Approval of Exclusion Decisions	4-26
4.8.4 Notification of Exclusion Decisions	4-27
4.8.5 Appeal of Exclusion Decisions	4-27
4.8.6 Confidentiality in Exclusion Cases	4-28
4.8.7 Implications for Family Members / Dependants	4-28

UNIT 5 Processing Claims Based on the Right to Family Unity

5.1 Derivative Refugee Status

5.1.1 General Principles	5-1
5.1.2 Persons Eligible for Derivative Status	5-2
5.1.3 Persons not Eligible for Derivative Status	5-4
5.1.4 Derivative Status Applications involving Separated Families	5-4

5.2 Family Unity Procedures

5.2.1 The Family Unity Interview	5-5
5.2.2 Derivative Status Applications involving Children	5-7
5.2.3 Documenting Family Unity Interviews and Assessments	5-8
5.2.4 Notification of Decision on Applications for Derivative Status	5-8

UNIT 6 Notification of RSD Decisions

6.1 Procedures for Notifying Applicants of RSD Decisions	6-1
6.2 Notifying Applicants of Negative RSD Decisions	6-2
6.3 Notification of RSD Decisions to Third Parties	6-3

UNIT 7 Appeal of Negative RSD Decisions

7.1 The Right to Appeal

7.1.1 The Scope of the Appeal Right	7-1
7.1.2 Informing Rejected Applicants of the Right to Appeal	7-1

7.2 Procedures for Receiving Appeal Applications

7-1

7.3 Assigning Appeal Files

7-2

7.4 Procedures for Determining Appeal Applications

7.4.1 Assessing whether an Appeal Interview is Necessary	7-3
7.4.2 Conducting the Appeal Interview	7-4
7.4.3 The Appeal Assessment	7-5
7.4.4 Review of Appeal Decisions	7-5

7.5 Notification of Appeal Decisions

7-5

UNIT 8 UNHCR Refugee Certificate

8.1 General Principles

8-1

8.2 Procedures for Issuing UNHCR Refugee Certificate

8.2.1 Form of UNHCR Refugee Certificate	8-1
8.2.2 Oversight and Controls	8-2
8.2.3 Replacement of Lost or Stolen UNHCR Refugee Certificates	8-2

8.3 Maintaining Office Records of UNHCR Refugee Certificates

8-3

UNIT 9 Procedures for File Closure / Re-opening

9.1 Closing RSD Files	9-1
9.2 Re-Opening RSD Files	9-1

UNIT 10 Procedures for Cancellation of Refugee Status

10.1 Cancellation of Refugee Status by UNHCR	10-1
10.2 Grounds for Commencing Cancellation Procedures	10-2
10.3 Cancellation Procedures	
10.3.1 Notice to the Individual in Cancellation Procedures	10-2
10.3.2 File Assignment for Cancellation Procedures	10-3
10.3.3 The Cancellation Interview	10-3
10.3.4 Assessing New Evidence relating to the Refugee Criteria	10-4
10.3.5 The Cancellation Assessment	10-5
10.3.6 Review of the Cancellation Decision	10-5
10.3.7 Notification of the Cancellation Decision	10-5
10.4 Appeal of Decisions to Cancel Refugee Status	10-6
10.5 Cancellation of Derivative Status	10-7
10.6 Withdrawal of UNHCR Documents in Cancellation Procedures	10-7

UNIT 11 Procedures for Cessation of Refugee Status

11.1 General Principles	11-1
11.2 Cessation Procedures	
11.2.1 Notice to the Individual in Cessation Procedures	11-2
11.2.2 Cessation Interviews	11-2
11.2.3 The Cessation Assessment	11-3
11.2.4 Review of Cessation Decisions	11-3
11.2.5 Notification of Cessation Decisions	11-3
11.3 Appeal of Cessation Decisions	11-4
11.4 Cessation of Derivative Status	11-4
11.5 Withdrawal of UNHCR Documents in Cessation Procedures	11-4

UNIT 12 Annex



UNIT 1

Introduction

INTRODUCTION

UNHCR's Mandate for Refugee Status Determination (RSD)

Refugee status determination pursuant to UNHCR's mandate is **a core UNHCR protection function**. The purpose of mandate RSD is to permit UNHCR to determine whether asylum seekers fall within the criteria for international refugee protection. The determination of refugee status has potentially profound implications for the life and security of the individuals concerned. It also defines the obligations of UNHCR towards the individuals, and may also determine the obligations and responsibilities of governments and other actors with whom UNHCR cooperates to protect refugees. The effectiveness of mandate RSD as a protection function depends upon the fairness and integrity of UNHCR RSD procedures and the quality of UNHCR RSD decisions.

In certain contexts, particularly in situations of large-scale refugee movements, or where the prevailing conditions have substantially the same effect upon a large population, UNHCR may determine eligibility for refugee status on a group basis, rather than through individual screening. The considerations that follow have been developed to provide guidance on **UNHCR procedures to determine eligibility for mandate refugee status on an individual basis**, through the examination of individual claims.

Procedures for UNHCR Mandate RSD

Given the very diverse and challenging operational environments in which UNHCR carries out mandate RSD, **each UNHCR Office is responsible to develop and implement RSD procedures** to ensure the quality and efficiency of its own RSD operations. The specific procedures adopted by each UNHCR Office will necessarily reflect the size of the particular RSD operation, the staffing and other resources available in the UNHCR Office, as well as the conditions in the particular country. Nonetheless, certain **core principles and standards** must be incorporated into the RSD procedures in every UNHCR Office to ensure that all asylum seekers, regardless of where they apply for RSD by UNHCR, benefit from consistent standards of due process.

Core Standards for Due Process in Mandate RSD

- ▶ Asylum seekers who approach UNHCR Offices should have appropriate access to UNHCR staff and RSD procedures, and should receive the necessary information and support to present their refugee claims.
- ▶ Procedures should be in place to identify and assist vulnerable asylum seekers.
- ▶ RSD applications should be processed on a non-discriminatory basis pursuant to transparent and fair procedures.
- ▶ RSD Applications should be processed in the most timely and efficient manner possible.
- ▶ Staff who are responsible for RSD procedures should have adequate qualifications, training and supervision to effectively carry out their duties.
- ▶ Applicants should have an individual RSD Interview with a qualified Eligibility Officer.
- ▶ Rejected Applicants should have access to procedures for review of the RSD decision by an Officer, other than the Officer who decided the claim in first instance.
- ▶ There should be organization-wide consistency on procedures that define substantive rights in the RSD process, including procedures affecting the submission and receipt of applications, individual interviews, and the notification of UNHCR decisions.
- ▶ All aspects of the RSD procedures must be consistent with established UNHCR policies relating to confidentiality, standards of treatment of vulnerable asylum seekers, and gender and age sensitivity.

Recent evaluations of UNHCR Offices indicate that these standards have not been consistently achieved, and have highlighted the need to adopt a more harmonized approach to the development and implementation of UNHCR RSD procedures to enhance their quality, fairness and integrity. In furtherance of these objectives, the Department of International Protection ("DIP") has produced the **Procedural Standards for Refugee Status Determination under UNHCR's Mandate** ("RSD Procedural Standards"), which introduce uniform standards for UNHCR RSD procedures, and provide specific guidelines to assist UNHCR Offices to incorporate these standards into their own standard operating procedures for RSD.

The RSD Procedural Standards

The RSD Procedural Standards provide detailed procedural guidelines for every stage of the process of mandate RSD, from the reception of asylum seekers by UNHCR through to the final determination of the claim.

The issues addressed in the RSD Procedural Standards include:

- Standards for reception of asylum seekers and refugees
- Registration of Applicants for RSD
- Issuing documents to asylum seekers and refugees
- Scheduling of RSD interviews and appointments
- RSD file management
- Conducting and documenting interviews in RSD procedures
- Participation of third parties / legal representatives
- Preparing written RSD Assessments
- Review of RSD decisions
- Appeal procedures
- Notification of decisions in RSD procedures
- Procedures for accelerated RSD processing
- Processing derivative status applications
- Examining the application of the exclusion clauses
- Procedures for cancellation / revocation and cessation of refugee status
- Closing and re-opening RSD files
- Qualifications and training of staff who are involved in RSD
- Preserving confidentiality in RSD procedures
- Supervision and oversight in RSD procedures
- Gender and age sensitivity in RSD procedures

A selection of **standard forms, checklists** and **other RSD tools** have been developed to support the implementation of the RSD Procedural Standards and are included as Annexes. The tools have been specifically designed to promote more effective and consistent information gathering and reporting in RSD procedures, and to guide UNHCR staff in preparing concise and comprehensive referrals and assessments. The tools also include models for individual letters and certificates relating to RSD procedures.

A Complement to Other UNHCR Documents and Resources

The RSD Procedural Standards have been developed as a procedural tool and as such, do not provide guidance on the interpretation of the refugee criteria or address other substantive issues relating RSD. Eligibility staff should be familiar with existing guidelines and resources produced by DIP to assist in the determination of refugee status. Staff who are responsible to support and supervise RSD procedures are expected to disseminate relevant documents and resources to all staff who are responsible for RSD as they are issued, and to ensure that they are being effectively used in UNHCR Offices.

The RSD Procedural Standards incorporate elements of existing UNHCR operational guidelines that are relevant in RSD procedures. However, the references are intended to **highlight important issues and principles and the existence of relevant resources**, and do not provide comprehensive operational recommendations. A list of relevant UNHCR resources for each chapter of the RSD Procedural Standards has been included as an Annex (**Annex 1-1**), and will be updated on a regular basis. UNHCR Office managers are expected to be aware of all current UNHCR operational guidelines affecting RSD operations, and should ensure that they are reflected in the RSD procedures in each UNHCR Office and that they are understood by staff who are responsible for their implementation. Overall accountability for this lies with the Representative or Head of Office.

Implementation of the RSD Procedural Standards

The RSD Procedural Standards should be **implemented in all operations where UNHCR has responsibility to conduct RSD pursuant to its mandate**, and should apply to all individuals who are requested or engaged by UNHCR to carry out RSD procedures in these operations. Each UNHCR Office should ensure that the RSD Procedural Standards are shared with and fully understood by those who are responsible for their implementation.

Effective implementation of the RSD Procedural Standards will require that they be **incorporated into standard operating procedures for RSD** in every UNHCR Office. Where necessary, UNHCR Offices should seek the advice and support of the relevant Bureaux and DIP in this process.

The RSD Procedural Standards **reflect the particular constraints and challenges under which UNHCR must conduct RSD**. They are not intended to identify standards for national procedures, which in certain States may exceed the standards proposed. However, many of the principles upon which the recommendations are based are equally relevant in all RSD operations. Where UNHCR staff conduct RSD on behalf of, or in cooperation with state authorities, UNHCR staff may make recommendations based on specific elements of the RSD Procedural Standards where this would establish or enhance standards of due process in these RSD operations.

Considerations Relating to Staffing in UNHCR RSD Operations

The assignment of specific responsibilities for RSD must be determined within each UNHCR Office, taking into account the number and qualifications of available staff, and the size and nature of the RSD operation. The recommendations in the RSD Procedural Standards are intended to have general application in the wide range of UNHCR RSD operations, and are not based upon specific staff requirements or structures.

The RSD Procedural Standards identify the **primary functions associated with RSD**, and specify the **core responsibilities associated with these functions**. Titles are assigned to some of these functions for ease of reference and clarity, however, the named functions are not intended to establish requirements for individual positions or posts. In smaller RSD operations, one Protection staff member may be able to effectively carry out the responsibilities associated with several distinct functions i.e. supervision of reception, supervision of registration procedures, approving referrals for accelerated RSD processing, and acting as protection staff focal point for security issues. Similarly, the distinct responsibilities of Reception staff and Registration staff may in many operations be carried out by the same individuals. In larger operations, it may be necessary to divide responsibility for distinct functions among several staff members. Under the RSD Procedural Standards, UNHCR Offices continue to have the responsibility to assess the number of staff required to effectively carry out each specific function in their RSD operation, and have the necessary flexibility to ensure the most efficient and appropriate use of staffing resources. The RSD Procedural Standards are intended to guide UNHCR Offices in systematically assessing and presenting staffing needs.

In the RSD Procedural Standards, references to **"UNHCR staff"** are intended to include all individuals engaged or formally requested by UNHCR to carry out functions related to UNHCR RSD procedures, including UNHCR professional staff, individuals hired under consultancy or TA contracts with UNHCR, locally engaged project staff, and UNVs. References to **"UNHCR Protection staff"** are intended to include UNHCR professional Protection staff, and all Eligibility Officers, regardless of their professional status in UNHCR or the nature of the contractual arrangement under which they provide services to UNHCR.

Role of Implementing Partners in UNHCR RSD Procedures

Wherever possible, responsibilities in UNHCR RSD procedures should be carried out by UNHCR staff. Where resources in UNHCR Offices do not allow UNHCR staff to carry out all aspects of the RSD procedures, **arrangements with implementing partners may be necessary to implement certain aspects of RSD procedures.** Implementing partners can provide valuable assistance to UNHCR in reception and registration procedures, and in providing social counselling and other support to asylum seekers. However, responsibility for examining or determining eligibility for refugee status under RSD first instance or appeal procedures, or procedures for cancellation / revocation or cessation of refugee status, should be carried out by qualified UNHCR Protection staff, and should not be delegated to implementing partners.

Guidelines for Cooperation with Implementing Partners

- ▶ Where implementing partners carry out responsibilities in RSD procedures, the recommendations and requirements set out in the RSD Procedural Standards for UNHCR staff in these procedures apply equally to implementing partners, unless other direction is provided.
- ▶ If responsibility for any element of UNHCR's mandate RSD function is delegated to an implementing partner, the UNHCR Office retains the ultimate responsibility to ensure that the implementing partner fully understands and complies with the RSD Procedural Standards.
- ▶ Responsibility for functions related to RSD procedures should only be delegated where UNHCR is able to provide the necessary direction, and conduct effective monitoring to ensure the quality of the services provided.
- ▶ Delegation should be made pursuant to a written agreement, which should set out clearly the nature and scope of the specific functions assigned, the expectations of UNHCR regarding the performance of these functions, and specific provisions for reporting and monitoring.
- ▶ The scope of the access by specific implementing partners to UNHCR documents and files, and UNHCR premises should also be clearly defined and regulated in the standard operating procedures of each office.

In addition to the guidelines above, UNHCR Offices should consult the more comprehensive operational UNHCR resources and seek the advice of UNHCR Headquarters as necessary, when establishing arrangements for the participation of implementing partners in UNHCR RSD operations.

Supervision and Oversight

Effective mechanisms for supervision and oversight of RSD procedures are essential to ensure both the quality and integrity of UNHCR RSD operations. Oversight mechanisms can only be **built upon a clearly defined operational structure**. This requires that responsibilities for every aspect of the RSD procedures, including responsibilities for **reporting and supervision** be clearly determined and reflected in the **standard operating procedures in each UNHCR Office**. The RSD Procedural Standards include specific guidelines for reporting and supervision in each function associated with RSD.

Given the protection principles and objectives associated with RSD, **UNHCR Protection staff** must be actively involved in the implementation of RSD procedures. Protection staff should have direct responsibility for supervision of all aspects of the RSD process and should participate in decisions and policies that affect the quality of protection afforded in UNHCR RSD operations.

An essential feature of the RSD Procedural Standards is the designation of the role of **RSD Supervisor**. In every UNHCR Office, a Protection staff member should be designated by the Head of Office to oversee the RSD operation and to ensure the quality and integrity of UNHCR RSD procedures. The RSD Supervisor should be a Protection staff member who has **appropriate qualifications and experience** to effectively carry out the supervisory role in RSD procedures.

In smaller RSD operations, the designated RSD Supervisor may perform this role in addition to other protection responsibilities in the UNHCR Office. In larger RSD operations, effective supervision of RSD procedures will require that a Protection staff member be designated to perform the role of RSD Supervisor exclusively. In larger RSD operations, it may also be necessary and appropriate for the RSD Supervisor to delegate responsibilities for direct supervision of certain aspects of the RSD procedures to one or more Protection staff members. However, wherever responsibility is delegated, the RSD Supervisor must ensure that the person to whom the responsibilities are delegated has the appropriate experience to exercise supervisory responsibilities, and the RSD Supervisor should remain accountable to ensure that the relevant procedures comply with the RSD Procedural Standards.

The RSD **Supervisor should report directly to the Representative or the Head of Office**, who has overall accountability for the implementation of the RSD Procedural Standards in the Office and compliance by all persons who are responsible for the RSD procedures.



UNIT 2

General Issues

GENERAL ISSUES

2.1 Confidentiality in UNHCR RSD Procedures

2.1.1 The Applicant's Right to Confidentiality

- The confidentiality of UNHCR RSD procedures is essential to creating an **environment of security and trust** for asylum seekers who approach UNHCR. All UNHCR staff, including interpreters and security staff, as well as any implementing partners, counsellors or medical practitioners who provide services to asylum seekers and refugees under agreement with UNHCR, are under a duty to ensure the confidentiality of information received from or about asylum seekers and refugees, including the fact that an individual has registered or is in contact with UNHCR.
- **UNHCR standards regarding the confidentiality** of information about asylum seekers and refugees should be incorporated into RSD procedures in every UNHCR Office, and should be understood by all UNHCR staff and any other individuals who are responsible for implementing the RSD procedures. Specific recommendations for ensuring confidentiality in each stage of the RSD procedures are proposed in the relevant sections of this document.
- **Applicants for RSD should be informed of their right to confidentiality** in UNHCR procedures. Any limits on the right to confidentiality, including information sharing arrangements with host country authorities or resettlement countries where applicable, should be explained to the Applicant (see § 2.1.3 - *Disclosure to Host Country Authorities*). Applicants should also be advised that the UNHCR Offices may share information with UNHCR Headquarters or other UNHCR Offices.
- Applicants should be assured that UNHCR will not contact or share any information regarding the Applicant with the **country of origin**, unless expressly authorized to do so by the Applicant.



2.1.2 General Criteria for Disclosure of Information

- Disclosure of information about persons registered or in contact with UNHCR should be made **in accordance with applicable standards and procedures for confidentiality** issued by DIP. Wherever necessary, UNHCR Offices should seek the guidance of DIP in determining the appropriateness of disclosure of confidential information from individual UNHCR files.
- As a general rule, the **consent of the individual concerned** should be required before UNHCR discloses information from an individual file to a third party. In exceptional circumstances, the requirement for consent may be waived. Disclosure without the required consent should be subject to the approval of a Protection staff member designated under established confidentiality procedures in the UNHCR Office, and in appropriate cases DIP.
- Where **standard requirements for disclosure** can be anticipated in advance (i.e. requests by resettlement countries, international organizations, refugee serving agencies, etc.), the prior and informed written consent of the individual concerned should be obtained for the file. UNHCR Offices should take appropriate steps to ensure that the recipient of the information has adequate procedures in place to safeguard the confidentiality of information received.
- Information about persons registered or in contact with UNHCR should only be disclosed to third parties **if each of the following conditions for disclosure** are met:

Conditions for disclosure of Information from RSD Files

- Disclosure is required for a legitimate purpose;
- Disclosure would not jeopardize the security of the individual concerned, his/her family members, or other persons with whom the individual is associated;
- Disclosure would not compromise the security of UNHCR staff;
- Disclosure would be consistent with UNHCR's international protection mandate, including its humanitarian and non-political character, and would not otherwise undermine the effective performance by UNHCR of its duties.

If any of the conditions referred to above are not met, UNHCR Offices should obtain the **approval of DIP before disclosing** the information requested.

- All requests received from **international courts or tribunals** for information about persons registered or in contact with UNHCR should be forwarded to DIP.
- UNHCR staff should exercise discretion in **responding to requests by family members for information about an individual who is registered or in contact with UNHCR**. If it is not possible to obtain the consent of the individual about whom information is sought, UNHCR staff should determine the appropriateness of disclosure on a case-by-case basis, after careful consideration of the individual file. The legitimate interest of family members to seek family unity and to receive information regarding the whereabouts and well-being of another family member must be weighed against the right of the individual registered to maintain confidentiality regarding the refugee claim. As a general rule, disclosure of information to family members without the express consent of the individual concerned should be limited to confirmation of the fact that the person has registered or is in contact with UNHCR. Staff should carefully consider any age or gender issues, or any information on the file that would indicate that disclosure of this information would be inappropriate. Where compelling reasons to disclose additional information are presented, the request should be referred to the Protection staff member who is designated under established confidentiality procedures in the UNHCR Office to determine the appropriate scope of disclosure.
- Disclosure of any **information regarding a child** should be governed by the **best interests of the child**.
- **Individuals who seek information from their own UNHCR file**, should be permitted to receive originals or copies of all documents they provided to UNHCR, or of which they are the source. Disclosure of documents generated by UNHCR or a source other than the individual concerned should only be made where the conditions for disclosure set out in § 2.1.2 above are met, and should require the approval of a Protection staff member designated under established confidentiality procedures in the UNHCR Office. As a general rule, UNHCR interview transcripts and notes should not be disclosed, however the interview transcript taken directly from Applicant's own statements may be read back to the Applicant during the interview. Disclosure of the reasons for an RSD decision should be governed by the considerations set out in § 6 - *Notification of RSD Decisions* and § 4.8.6 - *Confidentiality in Exclusion Cases*.
- The **legal representative** of an individual who has a UNHCR file, or another third party duly authorized to act as representative of the individual, should have access to the same information as the individual from whose file information is sought. The person making the request should be required to establish his/her authority to represent the Applicant (see § 4.3.3 - *Participation by Legal Representatives*).

2.1.3 Disclosure to Host Country Authorities

- **Host country authorities** have a legitimate interest in receiving information regarding individuals who are registered by UNHCR on their territory. In principle, the information shared by UNHCR should be limited to **basic bio-data** and **final RSD decisions** (see § 6.3 - *Notification of RSD Decisions to Third Parties*). It may also be appropriate to notify the host country authorities that an individual has been determined by UNHCR to be **excluded** from refugee protection (see § 4.8.6 - *Confidentiality in Exclusion Cases*).
- Where UNHCR Offices conduct RSD on behalf of authorities in the host country, or where UNHCR is transferring functions related to RSD to the host country authorities, it may be appropriate to share certain information relating to the **substance of individual refugee claims**. Where this is the case, as a general rule, UNHCR may disclose edited summaries of RSD Interviews and RSD Assessments, but should not disclose the entire file. In all cases, the nature and scope of the information shared with host country authorities should be based upon the purpose for which the information is required. The conditions for disclosure set out above in § 2.1.2 - *General Criteria for Disclosure of Information* are relevant and should guide decisions regarding disclosure of information to host country authorities.
- Wherever possible, disclosure to host country authorities should be subject to **concise information sharing arrangements**, which should include appropriate undertakings to respect the confidentiality of the information received. Applicants should be informed of information sharing arrangements with the host country authorities.

2.1.4 Procedures for Responding to Specific Requests for File Information

- In the absence of or in addition to information sharing arrangements (i.e. with implementing partners or the host country authorities), each UNHCR Office should establish procedures for responding to specific requests for information from or about individuals who have registered or are in contact with UNHCR.
- **Requests for disclosure should be submitted in writing and should provide the following information:**
 - Proof of identity of the author of the request. Where the author of the request is an agency or organization, documentation supporting the authenticity and mandate of the agency or organization;
 - The precise information requested;
 - The purpose for which the information is sought.
- In exceptional circumstances, for example when the individual who is seeking information is illiterate, information requests may be submitted orally. UNHCR staff who receive oral requests should ensure that the information required to support the request is received, and should record the details of the request in writing on the individual file.

- **The scope of disclosure** of information from individual files should be limited to what is necessary to further the legitimate purpose for which the information is sought. UNHCR staff should exercise the utmost sensitivity regarding the release of any medical information, unless this is specifically authorized by the individual.
- **Methods of disclosure** of information should be carefully controlled. Unrestricted access to individual UNHCR files should not be permitted. Appropriate steps should be taken to minimize opportunities for misuse or adulteration of the information provided, including providing hardcopies rather than electronic copies of information wherever possible.
- Whether information regarding an individual file is shared with the individual concerned, a third party or another UNHCR office, UNHCR staff should identify and adopt an appropriately **secure method and form for transmitting the information**, taking into account the sensitivity of the information and the urgency of the communication request, as well as any factors regarding the reliability, security and expediency of the available methods.
- As a general practice, when a UNHCR Office receives a request from the government authorities of a country for which another UNHCR Office is responsible, the responsible Office should be copied, and where appropriate consulted on the response.
- The details of disclosure of information from individual RSD files should be noted on the RSD file in a **record of disclosure**:

The Record of Disclosure should include:

- The individual or agency to whom disclosure was made
- The precise information that was disclosed
- The reasons justifying disclosure
- The date and means of disclosure
- The name of the responsible staff member

2.2 RSD File Management Procedures

2.2.1 General

- Each UNHCR Office should **implement detailed file management procedures** for all aspects of the processing, organization and handling of RSD files. File management procedures in UNHCR Offices will vary depending on the scope of RSD operations and the technical systems and resources that are available in each Office, however, in every UNHCR Office file management procedures should **achieve the following objectives**:
 - Rational and internal organization of individual RSD files
 - Efficient filing and retrieval of RSD files and information
 - Regulated access to RSD files and respect for confidentiality of information
 - Secure physical storage of RSD files to prevent loss or damage
 - Efficiency and integrity in UNHCR RSD procedures

- All UNHCR staff who handle RSD files should ensure that the **information contained in the RSD file is complete and organized** so that other UNHCR staff who are required to take action on the file can quickly and accurately understand the history and status of the file.

- All documents should be filed in **chronological order**, based on the date they were generated or received in the UNHCR Office, with the most recent pages being added to the top of the file. All pages should be numbered as they are added to the file.

- File management procedures should **clearly define individual responsibilities** relating to management of paper and electronic RSD files including specific requirements for oversight and accountability (see § 2.2.7 - *Supervision and Oversight of RSD File Management*).

2.2.2 Procedures for Opening RSD Files

- An **individual file should be opened** for each Principal Applicant for RSD as early as possible in the RSD process, to ensure that all documents and developments relating to the Principal Applicant are duly recorded and retained on the individual RSD file. Where more than one member of the same household apply for refugee status as Principal Applicants, as a general rule, a separate linked RSD file should be opened for each Principal Applicant.

- As a general rule, documents and developments relating to individuals who are applying for derivative refugee status as **family members/dependants of a Principal Applicant** (see § 5.1 - *Derivative Refugee Status*) should be recorded and retained on the RSD file of the Principal Applicant. Where there is more than one Principal Applicant in a family unit, clear linkage of files will avoid unnecessary duplication of documents on RSD files. A separate linked RSD file may be opened for family members/dependants of the Principal Applicant, at any time in the RSD processing, where this would serve promote efficiency, confidentiality or other protection standards in processing the Applicants' claims.

- **RSD file should contain** a copy of all records received or produced by UNHCR regarding Applicants, including Applicants for derivative status.

The RSD File

- The RSD Application Form of the Principal Applicant
 - The RSD Application Form of each accompanying adult family member/dependant who is applying for derivative refugee status
 - Photographs of the Principal Applicant and each accompanying Applicant for derivative status
 - Copies of all identity documents and other supporting documents
 - All notes and memos by UNHCR staff members regarding the Applicant(s), including records of conversations with the Applicant(s) or third parties
 - All correspondence relating to the Applicant(s)
 - Relevant medical information
 - Accounts of all formal decisions taken in the processing of the claim
 - Copies of documents issued by UNHCR to the Applicant(s)
 - Contact information for the Applicant(s)
- Each file should also include a **File Action Sheet**, which should be used by UNHCR staff to record a brief description of any activity relating to the processing of the claim, the date of the action, and the staff member involved.

The File Action Sheet should record:

- Interviews and appointments with, or relating to, the Applicant(s)
- The date of filing of appeal applications or submissions by the Applicant(s) in other related UNHCR procedures (cancellation / revocation, cessation file re-opening etc.)
- All decisions taken by UNHCR regarding the status or entitlements of the Applicant(s)
- Documents issued by UNHCR to the Applicant(s), including the date and manner of issuance

2.2.3 RSD File Numbering and Organization

- **Each UNHCR Office should establish a system for assignment of file numbers and file organization**, which should be designed to achieve the following:
 - Reflect the composition of the family unit and permit ready identification and cross referencing of linked files;
 - Permit designation and processing of more than one Principal Applicant in a family unit;
 - Reflect changes in the status of individuals who are in the family, including changes in an individual's status as a Principal Applicant or Applicant for derivative status;
 - Reflect changes in the composition of the family unit, including marriages, births, deaths, or other developments affecting the Principal Applicant and Applicants for derivative status;
 - Permit separate filing of the information provided by each member of the household so that the source of specific information is clear and the principle of confidentiality is not undermined.

- Every UNHCR Office should have a **file registry**, which can be electronic or manual. The file registry should include the RSD file number, the name of the Principal Applicant, the UNHCR registration number of the Principal Applicant, the date the file is opened, the name of the officer who opened the file and the date the file is closed. Each RSD file should be registered in the file registry as soon as possible after opening.

2.2.4 Access to RSD Files

- All information regarding Applicants, whether stored in physical or electronic form, should be subject to **restricted access by authorized UNHCR staff** and should be kept in a **secure location**.
- File management procedures in each UNHCR Office should address the following issues regarding access to RSD files:
 - Designation of UNHCR staff members who should have access to RSD files and the level of access authorized;
 - Procedures for storage and surveillance of RSD files in central storage areas;
 - Directions for secure storage of files that are not in the central file storage area, including security of files in archive storage areas, the offices of individual staff members, and in any area to which persons who are not UNHCR staff members may have access;
 - Procedures for removing files, including information relating to Applicants recorded on portable computers and diskettes from UNHCR premises and other storage areas;
 - Access by implementing partners or any other third party to RSD files, including the precise scope and conditions of access and the procedures that should be followed.
- UNHCR Offices that are using **electronic databases** to store information regarding individual RSD files, should implement appropriate safeguards to preserve the confidentiality and integrity of the information including differentiated access by UNHCR staff members and restrictions on what fields of information may be changed by defined staff members.



2.2.5 Movement of RSD Files

- UNHCR Offices should establish clear procedures to regulate and track the movement of RSD files within the Office. At a minimum, there should be a **central record** in or near each file storage area, in which the name of every staff member who removes a file must be recorded, with the date that the file is removed and returned. Transfers of files between staff members should also be noted in the central file record.
- To avoid loss or misfiling of documents UNHCR staff should, as a general rule, not remove documents or sections of documents from individual RSD files.

2.2.6 Storing and Archiving Closed RSD Files

- Closure of RSD files should be subject to established criteria and administrative procedures. The criteria for closure of RSD Files are set out in § 9.1 - *Closing RSD Files*.
- **Individual RSD files must be retained by UNHCR as Permanent Records.** The staff member who is responsible to supervise file management in the UNHCR Office should ensure that procedures for maintaining closed RSD files and for transferring individual RSD files to UNHCR Headquarters are developed and implemented in accordance with directives produced by the Archives Section in UNHCR Headquarters.

2.2.7 Supervision and Oversight of RSD File Management

- In each UNHCR Office, a **designated staff member** should oversee the implementation of file management procedures.

Oversight responsibilities for RSD File Management:

- Providing training and support to UNHCR staff on implementing file management procedures;
- Supervising UNHCR Office practice with respect to access to physical and electronic RSD files, as well as the movement and storage of individual files, to ensure the security and confidentiality of RSD files;
- Conducting **random monitoring** of physical and electronic RSD files to ensure that staff members are complying with established procedures for maintaining and updating RSD files and entering relevant data into central systems.

- The staff member who is responsible to oversee RSD file management **should report to the RSD Supervisor**. Problems with management of RSD files that may affect the fairness or efficiency of RSD procedures must be reported to the RSD Supervisor, who should be responsible to direct and monitor the effectiveness of measures to address the problem.

2.3 Physical Facilities for RSD Procedures

- UNHCR Offices should maintain **adequate physical facilities** for the reception of asylum seekers and conducting RSD procedures. The physical facilities used for UNHCR RSD operations have a direct impact on the ability of asylum seekers to present their refugee claim. The nature of UNHCR's mandate may require the establishment of RSD operations in emergency situations, and in adverse circumstances. However, in every UNHCR RSD operation, UNHCR staff should be guided by the recommendations that follow, and should take all available measures to ensure that facilities established for RSD promote the **dignity of asylum seekers and due process** in RSD procedures, as well as the **safety and security** of UNHCR staff, and all other individuals on UNHCR premises.
- Facilities used by UNHCR for RSD procedures should preserve the right of asylum seekers to **confidentiality**. The layout of UNHCR Offices should permit asylum seekers to communicate with UNHCR staff in private. There should be adequate partitions between meeting rooms and other office spaces to ensure confidentiality of counselling sessions and interviews.
- UNHCR Offices should establish **waiting areas** and should take all feasible steps to ensure that the conditions in the waiting area promote the health and well-being of the individuals who use it. Every effort should be made to ensure that waiting facilities in UNHCR Offices meet the following standards:
 - Adequate space
 - Sufficient number of chairs and benches
 - Access to bathrooms
 - Access to drinking water
 - Shelter from severe weather conditions
 - Adequate heating, air conditioning, lighting
- Whenever possible, **private areas** should be made available for breastfeeding women. Where cultural norms or individual circumstances make it appropriate, separate waiting facilities should be made available for women and children.
- Wherever possible, waiting areas should be established within UNHCR premises or another **location under the direct control of UNHCR**. This will help to promote the confidentiality of asylum procedures and minimize the risk or harassment, intimidation or arrest of asylum seekers.
- The layout and furnishing of reception and interview rooms and any other areas used for the RSD processing should comply with guidelines and recommendations from UNHCR Headquarters relating to security in UNHCR Offices (see § 2.4 - *Office Security*).



2.4 Office Security

2.4.1 General Security Procedures

- The risk of incidents involving violence against UNHCR staff members or other persons on UNHCR premises, or acts or threats of self-injury, must be taken into account and effectively managed in UNHCR RSD operations. All facilities and procedures for RSD in UNHCR Offices should **promote the safety and security of UNHCR staff and asylum seekers and refugees who approach UNHCR**.
- While in most UNHCR Offices, Protection staff will not be expected to play a lead role in the development and implementation of security procedures for the Office, such procedures **may have a direct impact on the quality of RSD procedures**. In particular, inadequate or inappropriately implemented security procedures may affect the ability or willingness of asylum seekers and refugees to have access to UNHCR Offices and staff. Lack of effective security procedures can also deter asylum seekers from approaching UNHCR.

Coordination is necessary between UNHCR Protection staff and other staff or individuals who are responsible for security to ensure that:

- UNHCR security policies and guidelines are fully implemented in the RSD procedures;
- Protection concerns are taken into account in the development and implementation of security procedures in each Office.

Security Provisions in RSD Procedures:

- Measures for crowd control and the orderly entry of individuals onto UNHCR premises;
- Security guidelines for conducting individual counselling and interviews, including direction on the lay out and furnishing of interview rooms;
- Procedures regarding the movement of asylum seekers and refugees in the UNHCR Office, and the areas and circumstances in which escorted access should be required;
- Effective measures for all UNHCR staff to alert security staff of potential security incidents and to obtain prompt assistance, including the installation of emergency call buttons at Reception and in spaces used for counselling and RSD Interviews;
- Procedures for reporting security incidents to the appropriate staff members in the Office, as well as any other requirements for reporting within the Region and to UNHCR Headquarters.

- It should be noted that in addition to specific security procedures, the procedures that ensure **fair, transparent and consistent processing** of individual claims throughout the RSD process and **effective channels of communication** between UNHCR staff and asylum seekers and refugees are also vital elements of the Office security strategy. Keeping Applicants informed, providing timely responses to inquiries and concerns, and establishing confidence in the integrity of the procedures will serve to reduce misunderstandings and diffuse frustration and tensions that could escalate into security incidents.

2.4.2 Protection Staff Oversight of Security Procedures

- The **RSD Supervisor** is responsible to ensure that security procedures in the UNHCR Office are developed and implemented in a manner that is consistent with UNHCR standards for the reception and treatment of asylum seekers and refugees, and for the integrity of RSD procedures.
- In each UNHCR Office, a Protection staff member should be designated to act as the **Protection focal point for security issues** in the Office. The individual who is assigned this role should, in principle, be the RSD Supervisor or another Protection staff member who is responsible for, or directly involved in activities relating to the reception of asylum seekers in the UNHCR Office. Where this function is assigned to a Protection staff member other than the RSD Supervisor, the designated Protection focal point for security issues should report to the RSD Supervisor.
- Complaints by asylum seekers or refugees, or observations by UNHCR staff relating to **improper conduct by UNHCR security staff or security guards** who are appointed by the host country, should without delay be directed to the Protection focal point for security issues. Security procedures should outline specific responsibilities for following up on complaints received regarding security staff and procedures and reporting on action taken, in accordance with the principles set out in § 2.6 - *Complaints Procedures*.

2.4.3 Staff Training on Security Issues

- **All staff in UNHCR operations should receive security awareness briefing, which should include:**

training

Security Awareness Briefing for all UNHCR Staff

- The procedures relating to security in the Office and plans of action in the event of an emergency. Where possible, training should include rehearsals on responding to specific emergencies and security incidents that may arise in RSD procedures;
- Briefings on the specific risks and relevant security factors in the particular environment in which the Office is operating;
- Techniques for effective communication to avoid and diffuse security incidents including:
 - Non-antagonistic interview techniques
 - Delivering bad news
 - Responding to threats
 - Diffusing anger
 - Responding to persons who are mentally ill or under the influence of drugs or alcohol

2.4.4 Security in Physical Facilities used for RSD

- UNHCR Offices should consult relevant UNHCR resources and responsible Field Safety Advisor in the region or UNHCR Headquarters as necessary to ensure the physical facilities and layout of the particular UNHCR Office is appropriate for the specific security environment.

Guidelines for Security in Physical Facilities for RSD

- The **entrance gate** for asylum seekers and refugees who are seeking RSD should be physically separate from the staff and visitors' entrance.
- **Areas used for reception and designated waiting areas** should be separated from the main Office space by a guarded door.
- The **layout of the Office** should permit a simple and direct routing between the waiting area and the rooms used for interviewing.
- All **spaces used for reception and interviewing** should permit easy unobstructed exit for UNHCR staff. To the extent possible, interview rooms should be cleared of breakable objects or any items that could be used as a weapon. All interview rooms should be equipped with panic buttons.

2.4.5 Physical Searches

- Physical searches should only be conducted where there is good reason to believe they are necessary to protect the security of UNHCR staff or other persons on UNHCR premises. Security staff should be briefed on the criteria for determining whether a physical search is appropriate, and the manner in which physical searches should be conducted. A decision to implement physical searches as a standard procedure for all individuals entering a UNHCR Office should be based on an informed assessment of the risks in the particular Office environment. The Protection focal point for security and the Head of Office should be consulted in this decision.
- Where physical searches are deemed to be necessary, they should be conducted in a **respectful and gender-sensitive manner**. Physical searches should be conducted by a security staff member of the same sex as the person being searched. When no female security staff are available, physical searches of female asylum seekers should be conducted by female UNHCR staff who are trained to conduct routine physical searches.

2.4.6 UNHCR Security Staff

- The Protection staff focal point for security issues should ensure that UNHCR security staff receive **appropriate training and direction**. All UNHCR security staff must receive training on the following issues:

training

Training for Security Staff

- Refugee protection principles and the mandate of the UNHCR Office
 - Rights of asylum seekers and refugees, including the right to have access to UNHCR Offices and Protection staff
 - RSD procedures in the UNHCR Office
 - Appropriate treatment and protection of persons with specific needs (i.e. relating to gender, age, disability etc.)
 - Non-confrontational responses to diffuse security incidents involving refugees and asylum seekers
 - Direction to use physical restraint or force as a last resort, and only to the degree required to prevent a refugee or asylum seeker from harming him/herself or other persons on the premises
- Every effort should be made to hire **female security staff** in UNHCR Offices, and to ensure that at least one female security officer is on duty during hours when asylum seekers and refugees are received at the UNHCR Office.
 - Security staff should not perform other tasks related to RSD unless the tasks are assigned in consultation with the Protection focal point for security issues, and the security staff member has received the necessary training and direction to carry out the tasks assigned.

2.4.7 Security Guards Assigned by Host Country

- Each UNHCR Office is responsible to ensure that where security guards are appointed by a host country to provide security to UNHCR premises, the guards **do not impede access to the UNHCR Office** and that they carry out their function in a manner that is consistent with UNHCR standards for the reception and treatment of asylum seekers and refugees.
- The Protection focal point for security issues should ensure that security guards who are appointed by the host country are briefed on the rights of asylum seekers and the international protection function of the UNHCR Office, and should monitor their activities to ensure that they are consistent with this function.
- UNHCR staff and host country appointed security guards should receive **clear directions regarding the appropriate scope of the involvement** of host country appointed guards in UNHCR operations.

Guidelines Regarding Host Country Appointed Security Guards

- ▶ Host country appointed security guards should not be involved in procedures for the reception of asylum seekers and refugees in UNHCR Offices.
 - ▶ Host country appointed security guards should not be used to disseminate information regarding the mandate or procedures of the UNHCR Office.
 - ▶ Under no circumstances should host country appointed security guards be used to receive or distribute UNHCR documents or any materials relating to individual asylum seekers.
 - ▶ Host country appointed security guards should not enter UNHCR premises without the invitation of UNHCR staff, unless their presence is required to respond to an immediate and compelling security incident involving a threat to UNHCR staff or other persons on the premises or to UNHCR property.
- The Protection focal point for security issues should be immediately advised if host country appointed security guards fail to observe the guidelines noted above, or engage in any other conduct that is inconsistent with the procedures established by the UNHCR Office, or UNHCR policies regarding the reception and treatment of asylum seekers and refugees.
 - **Local police or military services** should only be called as a last resort to assist with a security incident in a UNHCR Office. Wherever possible, the UNHCR Office should ensure that the relevant local security agencies are briefed in advance on UNHCR's mandate and operations, the types of security incidents likely to be encountered in UNHCR Offices and UNHCR's expectations regarding delivery of assistance.

2.5 Interpretation in UNHCR RSD Procedures

2.5.1 Access to Interpreters

- Applicants for RSD should have access to the services of **trained and qualified interpreters** at all stages of the RSD process.
- All UNHCR staff who conduct interviews in RSD procedures should receive training and direction on communicating effectively through interpreters.
- Interpretation services for UNHCR RSD procedures should be provided by **UNHCR interpreters**. Applicants should be permitted to use the services of their own interpreter only where no qualified UNHCR interpreter is available.
- Wherever possible, **female interpreters** should be assigned to interviews with female Applicants, and all Applicants should be given the option to communicate with interpreters of the sex they prefer. Each UNHCR Office should make every effort to ensure that a sufficient number of competent interpreters, of both sexes, is available to meet the RSD processing requirements.
- **Applicants who have concerns about the participation of an assigned interpreter** should have the opportunity to explain their concerns, in confidence, to a UNHCR staff member. Every effort should be made to ensure that interpreter assignments in RSD procedures anticipate and accommodate reasonable, or otherwise genuinely-held, concerns of Applicants.



2.5.2 Interpretation by Persons other than UNHCR Interpreters

- When no UNHCR interpreter is available and it is necessary to conduct an interview with the services of another interpreter, UNHCR staff should take appropriate measures to **assess and promote the effectiveness of the interpretation** provided, and to preserve the confidentiality of the RSD procedures. The UNHCR staff member who conducts the interview should undertake the following:
 - Briefly question the interpreter on his/her language background and interpreting experience;
 - Ascertain the interpreter's relationship with the Applicant;
 - Explain to the interpreter the character and purpose of the RSD Interview and type of interpretation that will be expected;
 - Explain the confidential nature of UNHCR RSD interviews and procedures;
 - Make a written note on the file of any other details that may be relevant to the quality or the reliability of the interpretation.
- Given the reluctance some Applicants may have to disclose facts that are relevant to their claim in the presence of another family member, and the difficulty of assessing whether the Applicant truly consents to the attendance of family members in RSD procedures, every effort should be made to find **alternatives to interpretation by family members** of an Applicant in RSD procedures.
- Persons acting as **advocate or legal representative** to Applicants should not provide interpretation services in RSD procedures.
- **Asylum seekers or refugees who are not qualified and trained UNHCR interpreters** should not be requested to provide interpretation in RSD procedures, unless there is no other means of communicating with an Applicant. Where the interpretation services of other asylum seekers or refugees are used, the interpretation should be limited to communication in initial reception procedures, and every effort should be made to obtain the services of a qualified interpreter for any necessary counselling as well as the Registration and RSD Interviews. The Applicant for whom the interpretation is provided should be asked whether he/she consents to this interpretation arrangement. UNHCR staff who communicate with Applicants under this arrangement should take all feasible steps to preserve the confidentiality of the Applicant's claim, including limiting the use of questions likely to elicit identifying bio-data or the details of the refugee claim.

2.5.3 Qualifications and Training of UNHCR Interpreters

- Interpreters who are engaged to provide services in RSD procedures should have **adequate language and interpreting skills** and the **necessary training**. Whenever possible, UNHCR should engage certified interpreters.
- As a general rule, persons who have files with UNHCR should not be hired to provide interpretation services in UNHCR RSD procedures. Where a UNHCR Office does not have an adequate number of interpreters who speak the languages required, UNHCR Offices may use the interpretation services of **recognized refugees**, provided that they have the **necessary training and skills**. Interpretation by refugees who do not have an established right of residence in the host country, including refugees who have been accepted for resettlement in a third country, should be used as an exceptional and temporary arrangement until UNHCR interpreter staff shortages can be addressed.
- UNHCR Offices may use the services of interpreters provided by arrangement with designated implementing partners, provided that such interpreters receive training on interpreting in UNHCR RSD procedures, as set out below, and the services provided are subject to effective monitoring and supervision by UNHCR Protection staff (see § 2.6.7 - Supervision and Oversight of Interpreters).
- UNHCR Interpreters should appropriate receive training on UNHCR and the RSD process.
- Every person engaged by UNHCR to provide services in mandate RSD procedures must sign the **UNHCR Interpreter Undertaking of Confidentiality and Impartiality (Annex 2-1)** before assuming their responsibilities.

training

Training for UNHCR Interpreters

- Refugee protection mandate and operations of UNHCR
- RSD procedures in the UNHCR Office
- Essential refugee terminology that is likely to be used in the refugee interview
- The kind of interpretation that will be required for RSD interviews
- The importance of faithfully interpreting what is said by the Applicant and the interviewer
- Impartial role of the UNHCR interpreter
- Gender, age and cultural sensitivity in carrying out interpretation responsibilities
- Possible indicators of trauma that could arise during the interview
- Obligation of confidentiality in all UNHCR procedures

2.5.4 Impartiality of UNHCR Interpreters

- The **impartial role of the interpreter** should be maintained throughout the RSD process. The following guidelines should be observed by all UNHCR staff and interpreters:

Guidelines to Preserve Interpreter Confidentiality

- ▶ UNHCR staff should not call upon interpreters to assess the credibility of Applicants, or to investigate or comment on the reliability of evidence provided by an Applicant, except as it relates to the use of language and dialect by the Applicant.
 - ▶ Interpreters should never engage in advocacy or intervene with UNHCR on behalf of Applicants.
 - ▶ As a general rule, UNHCR interpreters should not accept requests to meet with asylum seekers and refugees outside of the UNHCR Office, or engage in any other exchange that could affect their impartiality, or perceived impartiality, in UNHCR procedures.
 - ▶ Interpreters should be instructed to notify the UNHCR staff member to whom they provide services, or the RSD Supervisor if appropriate, of any factors which could be perceived to affect the interpreter's impartiality, including previous personal knowledge of an asylum seeker, or threats or offers of bribery received by the interpreter.
 - ▶ Interpreters should not select Applicants for whom they provide interpreting services, and should not be informed of the identity of the Applicants before the day on which they provide the interpreting services.
- As a general rule, UNHCR Offices should avoid using interpreters to provide counselling to Applicants or assigning other tasks unrelated to interpretation where this could undermine the impartiality, or perceived impartiality, of the interpreter in the RSD process.

2.5.5 Confidentiality of Interpreters

- Interpreters should maintain confidentiality regarding the information they receive when carrying out their responsibilities for UNHCR, and should not comment on or reveal this information to persons other than UNHCR staff who are involved in RSD. This obligation to maintain the confidentiality of information received during the course of their work with UNHCR extends beyond the length of their actual contract with UNHCR.
- All UNHCR interpreters should sign the **UNHCR Interpreter Undertaking of Confidentiality and Impartiality (Annex 2-1)**, in which they should confirm their understanding and acceptance of their obligation of confidentiality.

2.5.6 Access by Interpreters to RSD Files

- Interpreters should not have access to general file storage areas. As a general rule, interpreters should not handle individual RSD files. Where interpreters have exceptionally been assigned additional tasks related to RSD, access to individual files should be strictly limited to what is necessary to carry out authorized responsibilities, and should be closely supervised.

2.5.7 Supervision and Oversight of Interpreters

- The **RSD Supervisor** is responsible to oversee the quality of interpretation services in UNHCR RSD procedures. The RSD Supervisor, or a Protection staff member designated by the RSD Supervisor should be directly involved in the hiring, training, and supervision of UNHCR interpreters, and should ensure that UNHCR interpreters have the necessary skills and training, as well as the appropriate attitude to interpret effectively in RSD procedures.
- The Complaint procedures in each UNHCR Office should include **procedures for comment and complaint about the services of interpreters**, which should be clearly communicated to all Applicants and UNHCR staff. All complaints regarding the quality of interpretation, the impartiality or confidentiality of interpreters, or other matters relating to the conduct of interpreters, should be referred to the Protection staff member who is responsible to oversee the quality of interpretation in RSD procedures. Procedures regarding the services of interpreters in RSD should specify responsibilities for follow up on complaints received and reporting on action taken, in accordance with the principles set out in § 2.6 - *Complaint Procedures*.

2.6 Complaint Procedures

- Each UNHCR Office should establish **procedures to receive and respond to complaints** by Applicants or other individuals about the services provided in UNHCR RSD procedures. Complaints procedures are an essential managerial tool that can permit early detection of problems or potential areas of vulnerability in the procedures for individual case processing in UNHCR operations.
- **Information regarding the basic rights of asylum seekers** who approach UNHCR Offices, and the **procedures for reporting mistreatment or misconduct in UNHCR procedures**, should be disseminated to Applicants at the earliest stage in the RSD process. The complaint procedures, including relevant contact information, should also be posted clearly outside each UNHCR Office, in the main languages spoken by the asylum seekers received in the Office, and in pictorals as appropriate (see § 3.1.2 - *Dissemination of Information to Asylum Seekers*).
- Information on the complaint procedures should state clearly that the services of UNHCR and designated implementing partners are **free of charge**, and that any request by UNHCR staff or designated implementing partners for monetary compensation or other favours from Applicants should be immediately reported through the established procedures, and will be examined by UNHCR.
- Information on the complaint procedures should make clear that the complaint procedures are **distinct from appeal procedures** and should not be used to request a review of the correctness of the RSD decision. The complaint procedures should be used **to report serious misconduct** by UNHCR staff, security guards or implementing partners, **or procedural unfairness** (including complaints about the quality, availability or conduct of interpreters, or denial of access to UNHCR premises or staff or RSD procedures.)
- **To promote the proper use of the complaint procedures**, and to avoid overloading the procedures with requests and inquiries that are not related to the objectives of the complaint procedures, UNHCR Offices should ensure that asylum seekers and refugees have appropriate alternative channels of communication with the UNHCR Office, including necessary access to information and to UNHCR staff. Information on the complaints procedures should also be shared with implementing partners, so that they can advise asylum seekers and refugees on the nature and purpose of the complaint mechanism and can assist them in using the established mechanism to submit complaints.
- Applicants should be advised that reporting through complaints procedures **will not in any way prejudice or positively influence the consideration of their refugee claim** or other decisions regarding assistance or services to which the complainant would otherwise be entitled. At the same time, the seriousness of the complaint procedures should be emphasized and Applicants should be advised that **unfounded or malicious accusations against UNHCR** staff will be reported to UNHCR Headquarters, and may result in prosecution in the host country.
- Complaint procedures should incorporate a **standard Complaint Form** to encourage individuals to provide relevant and detailed information about the substance of the complaint, as well as their identity and their contact details. All complaints should be received and reviewed by the UNHCR Office, whether or not they are submitted in the requested format. Complaint procedures should permit individuals who are illiterate to receive assistance in submitting complaints from a staff member other than a staff member about whom the complaint is made.

- Complaint procedures should require that **persons submitting complaints identify themselves**, by file reference number alone if they prefer. Information on the complaint procedures should explain that UNHCR is not able to effectively investigate or follow up on anonymous complaints.
- Complaint procedures should include **safeguards to ensure that complaints submitted to the UNHCR Office are not intercepted by or referred for follow up to staff members about whom they are made**. As a recommended practice, complaints should be submitted by complainants directly into a secure complaint box, which should be opened on a regular basis, not less than once weekly, by the RSD Supervisor and the Head of Office, or another senior Protection staff member designated by the head of Office. Where an Office has established the appropriate relationship with an implementing partner, the Office should consider entering into formal arrangements under which the implementing partner would participate in the procedures for the receipt of complaints.
- The **RSD Supervisor**, or another senior Protection staff member designated by the Head of Office, should be responsible for reviewing all complaints received by the Office regarding the mandate RSD procedures, and referring them to the appropriate staff member for follow up. The date of the referral and the name of the staff member who is responsible for follow up should be noted on the complaint form.
- Staff to whom complaints are referred should be required to **report on the action taken**.
- Complaint procedures should set out responsibilities for **monitoring and assessing the timeliness and the adequacy of the response to complaints**.
- UNHCR Offices with limited Protection staff should make any necessary and appropriate arrangements for referral of complaints to the Representative or other senior Officers, or to the appropriate UNHCR Regional Office.
- Every complaint received by the UNHCR Office, and all responses and reports by UNHCR staff on action taken, should be **maintained on a central file**, which should be kept in a secure area and be accessible only to staff members who are designated to have such access by the Representative or Head of Office.
- The complaint procedures provide an important source of information regarding the quality and integrity of all aspects of the RSD procedures in UNHCR Offices. In each UNHCR Office, the **Representative or Head of Office** should monitor the nature and content of complaints received regarding the mandate RSD procedures, as well as the response by the responsible staff members, and should take all necessary measures to promote the effectiveness of complaint procedures as an oversight tool.
- Complaint procedures in the UNHCR Office should include effective measures for UNHCR staff to report misconduct by other UNHCR staff members, including supervisory staff or UNHCR managers, or by other individuals who have been engaged by UNHCR to provide services in UNHCR RSD procedures. All UNHCR staff should be aware of the procedures for reporting such misconduct, without delay, directly to the **Office of the Inspector General**, whenever it can be reasonably inferred from the information collected as a result of the complaint procedures that the accusations appear to be credible.



UNIT 3

Reception & Registration
in RSD Operations

RECEPTION AND REGISTRATION IN RSD OPERATIONS

3.1 Reception of Asylum Seekers

3.1.1 Supervision and Oversight in Reception

- Each UNHCR Office should establish detailed procedures for the reception of asylum seekers and refugees who approach the Office. Reception procedures should include **clearly defined responsibilities and staff assignments** and should incorporate effective oversight mechanisms.
- In every UNHCR Office, the RSD Supervisor, or other experienced Protection staff members designated by the RSD Supervisor, should supervise all activities and procedures relating to the reception of asylum seekers and refugees. The **designated Protection staff member should carry out clearly defined supervisory responsibilities in reception at all times when asylum seekers are received** in the UNHCR Office.
- Whether or not responsibility for direct supervision is delegated, the **RSD Supervisor has overall responsibility to oversee the implementation of reception procedures** to ensure that appropriate standards for the reception and treatment of asylum seekers are met.

3.1.2 Reception Procedures

- In each UNHCR Office, a designated **Receptionist**, assisted by trained **Reception staff** and **UNHCR interpreters** as required, should coordinate the orderly entry and appropriate reception of asylum seekers and refugees in the Office.
- The Receptionist, or another designated Reception staff member, should meet with all individuals **as soon as possible after their arrival at the gate**, to assess the type of assistance they are seeking and to coordinate referral to the appropriate UNHCR procedures. Individuals who require RSD should be referred without delay to procedures to apply for RSD (see § 3.2 - *Registration Procedures for Applicants for RSD*).
- **Applicants who have a scheduled RSD Interview or appointment** should be asked to present their Appointment Slip (see § 3.5.1 - *General Scheduling Procedures*). Once the appointment is confirmed, the appropriate staff member should be notified and the Applicant should be directed to the reception waiting area until the staff member is able to receive the Applicant.



- **When long waiting periods are anticipated in reception**, UNHCR Offices should develop a system for orderly processing (i.e. assigning numbers or recording names on a list used by Reception staff). Reception staff should be available to respond to inquiries and to keep individuals informed of the status of their processing.
- Reception procedures should include measures to **identify promptly asylum seekers who may have special protection or assistance needs**, and to refer them for appropriate support in the RSD procedures or other available assistance as required (see § 3.4 - *Applicants with Special Needs*).



3.1.3 Dissemination of Information to Asylum Seekers

- Asylum seekers who approach UNHCR Offices should be provided with necessary information to permit them to understand and exercise their right to apply for refugee status. Each UNHCR Office should develop materials and procedures to disseminate relevant information to all asylum seekers.
- **Information regarding access to the UNHCR Office should be posted** in a visible location outside each UNHCR Office. The following information must be posted in this manner:

Posted Information on Access to UNHCR

- Reception hours and procedures
- Directions on how to contact UNHCR after hours of operation in an emergency
- Access to UNHCR premises and all UNHCR services are free of charge
- Procedures for reporting misconduct by UNHCR staff, security guards or implementing partners, or other difficulties relating to access to the UNHCR Office

General Information on UNHCR RSD Procedures:

The following information should be provided to asylum seekers as early as possible in the RSD process, and before the RSD Interview:

- The refugee criteria, and eligibility criteria for refugee status under UNHCR's broader protection mandate;
- The criteria for derivative status;
- The rights and responsibilities of asylum-seekers and refugees;
- Procedures to apply for RSD and the various stages of the RSD process, including the appeal procedures and available assistance for Applicants in these procedures;
- Procedures for registering accompanying family members/dependants, including the requirement that they all attend in person for registration and that each accompanying adult family member or other adult dependant be interviewed individually by a UNHCR staff member (See § 3.2.6 - *Registration Interview of Family Members/Dependants*);
- The right of accompanying family members/dependants who may have independent grounds for seeking refugee protection to make an independent claim, and to obtain information and assistance in this regard from a UNHCR staff member;
- The supporting documentation that should be presented at the time of registration (see § 3.2.8 - *Supporting Documents*);
- Confidentiality in the UNHCR RSD process, and any applicable limits on the right to confidentiality (see § 2.1.1 - *The Applicant's Right to Confidentiality*);
- The right of Applicants to request that Registration and RSD Interviews be conducted by UNHCR staff and interpreters of sex preferred by the Applicant, where available;
- The consequences of recognition, including limitations regarding the availability of durable solutions;
- Any information about the host country laws and procedures that may affect the rights of refugees and asylum-seekers;
- Information on how to report improper conduct (including requests for money or other favours) by UNHCR staff, security guards or implementing partners in UNHCR Offices (see § 2.6 - *Complaint Procedures*).

- Each UNHCR Office should determine the **most effective and feasible methods of disseminating the information** described above, taking into account the principal languages and varying degrees of literacy and education of the asylum seekers who are received in the Office. Methods of dissemination of information should include a combination of written text and illustrations on posters or notices displayed outside the UNHCR Office and in information leaflets, as well as counselling by qualified UNHCR staff where available.
- Procedures to disseminate information to asylum seekers should take into account the needs of populations who may be in **remote locations**, including **refugee camps** and **detention centres**.
- Where, as a result of cultural or social factors, females are more likely to be excluded from involvement in public and administrative matters affecting the family unit, UNHCR Offices should take any additional measures required to ensure that **female asylum seekers**, including female asylum seekers who are accompanied by male family members, receive the general information regarding the RSD process, their rights and responsibilities as asylum seekers, and their right to make an independent refugee claim should they have individual protection needs.

3.1.4 Counselling on UNHCR RSD Procedures

- Asylum seekers should have the **opportunity to meet with a UNHCR staff member** before the RSD Interview, to receive information on the RSD process and procedures.



- While UNHCR Offices should take reasonable steps to accommodate requests for individual counselling, where counselling relates to general procedures applicable to all, it can be conducted on a group basis.
- Counselling to asylum seekers should be provided by persons who are **trained and knowledgeable** about UNHCR and the procedures for RSD in the relevant UNHCR Office.

3.1.5 Confidentiality in Reception

- All UNHCR staff should take **appropriate measures in reception to preserve the confidentiality** of UNHCR RSD procedures. UNHCR staff should avoid calling the names of asylum seekers in the presence of other asylum seekers. Alternative methods (including assigning numbers, distributing cards etc.) should be used when communicating with or about asylum seekers in these areas.
- The facilities and procedures in UNHCR Offices should permit individuals to provide identifying bio-data or other personal information to UNHCR staff under conditions that do not undermine the right to privacy and confidentiality.
- UNHCR staff should not request the assistance of other asylum seekers or refugees in reception to provide interpretation, unless no qualified interpreters are available and there is no other means to communicate with an asylum seeker in reception. Where the services of another asylum seeker or refugee must be used, the directions set out in § 2.5.2 - *Interpretation by Persons other than UNHCR Interpreters should be followed*.

3.2 Registration Procedures for Applicants for RSD

3.2.1 UNHCR Registration and Applying for Mandate RSD

- While **UNHCR registration** and **mandate RSD** are **two distinct UNHCR processes**, in UNHCR mandate RSD operations, procedures for receiving applications for RSD are generally carried out concurrently with procedures for collecting or updating UNHCR registration information for these Applicants. In each UNHCR Office, the relevant procedures must promote the standards and objectives of UNHCR registration as well as mandate RSD.
- **UNHCR registration** is intended to gather standard information about all persons of concern to UNHCR, including Applicants for mandate RSD and other asylum seekers, refugees, returnees, internally displaced persons, and stateless persons. The registration information permits UNHCR to make more informed assessments of the number and profile of persons of concern, and to design programmes for protection and assistance. The registration information also permits UNHCR staff to identify and assist persons with special needs, and to make decisions about whether the individuals should be referred to further UNHCR procedures. As Applicants for mandate RSD are persons of concern to UNHCR, UNHCR must maintain current standard registration information for each individual Applicant, including Applicants for derivative status.
- The purpose of **procedures to apply for RSD** is to formally initiate procedures for mandate RSD, and to gather additional and more detailed information than is collected in standard UNHCR registration, including the reasons and circumstances of the Applicant's flight from the country of origin and other facts that are relevant to the determination of the Applicant's eligibility for refugee status.
- The **RSD Application Form (Annex 3-1)** has been developed to gather standard UNHCR registration information as well as the additional information required for mandate RSD procedures, including information relating to the reasons and circumstances of departure from the home country.
- Standard UNHCR registration information is gathered in the **Registration Information Sheet**, which is the first part of the RSD Application Form.
- While the standard UNHCR registration information will be recorded on the RSD Application Form for use in RSD procedures, in each UNHCR Office procedures for **management of the information recorded on the Registration Information Sheet** should also ensure that the information is available for verification and updating in subsequent registration procedures, and for use in other procedures (i.e. resettlement, voluntary repatriation etc.).

The image shows two parts of a form. The top part is the 'RSD Application Form' from the United Nations High Commissioner for Refugees. It includes fields for 'UNHCR Office', 'PRR Risk', 'Arrival Date (mm/yyyy)', 'Reg. Date (mm/yyyy)', and 'Special Needs'. There are also checkboxes for 'Provisional Applicant' and 'Derivative Status', and a box for 'Space for Photograph'. The bottom part is the 'Registration Information Sheet'. It is divided into 'Part A - Basic Bio Data' and 'Part B - Education (Highest Level)'. Part A includes fields for: 1. Full Name (including non-civil), 2. Other Name used, 3. Father's Name, 4. Mother's Name, 5. Sex (Male/Female), 6. Nationality, 7. Date of Birth (mm/yyyy), 8. Place of Birth, 9. Marital Status (Single/Parent/Engaged/Spouseless/Divorced/Widowed), 10. Spouse's Name (if applicable), 11. Religion, 12. Ethnicity, 13. Full Address of Last Place of Residence in Home Country, and 14. Present Address & Contact Numbers. Part B is a table with columns: Name of Institution, Home Country, From (mm/yyyy), To (mm/yyyy), and Qualification Obtained.

RSD Application Form (Annex 3-1)

3.2.2 Supervision and Oversight of Registration Procedures

- The RSD Supervisor should be responsible for oversight of procedures to register Applicants for RSD. In each UNHCR Office, the registration procedures should include clearly defined responsibilities for supervision and support of Registration staff. Where appropriate, the RSD Supervisor may delegate specific responsibilities for supervision of registration activities to a qualified and experienced Protection staff member, who should report directly to the RSD Supervisor.

Responsibilities for Supervision of Registration Activities:

- Ensuring that all Registration staff have appropriate training and support to carry out their responsibilities effectively;
- Supervising Registration staff in the exercise of their assigned duties, including random monitoring of Registration Interviews and counselling sessions conducted by Registration staff, to ensure the accuracy and consistency of information provided to Applicants;
- Reviewing all complaints received about procedures to register Applicants for RSD, coordinating appropriate follow up, and reporting on action taken (see § 2.6 - *Complaint Procedures*);
- Supervising the preparation and issuance of documents issued by UNHCR to registered Applicants for RSD (see § 3.3 - *UNHCR Asylum Seeker Certificate*).

3.2.3 Registration Staff

- Registration procedures for Applicants for RSD should be carried out by **qualified Registration staff**, who should receive the necessary training for the responsibilities assigned to them.

Training for UNHCR Registration Staff

training

- The mandate of the UNHCR Office
- Refugee protection principles and the rights of asylum seekers and refugees
- UNHCR registration standards
- The specific procedures in the UNHCR Office for the registration and processing of Applicants for RSD
- Identifying and assisting individuals who may have special assistance or protection needs
- Age, gender and cultural sensitivity when working with asylum seekers
- Interview techniques, including conducting interviews with children, mentally ill or traumatized individuals, and other vulnerable Applicants, and working with interpreters

- Every effort should be made to ensure that there are **sufficient numbers of male and female Registration staff members** to accommodate requests by Applicants to have a Registration Interview with a Registration staff member of the sex preferred by the Applicant.

3.2.4 Distribution and Completion of the RSD Application Form

- Registration staff should distribute RSD Application Forms to Principal Applicants and accompanying family members/dependants, and should ensure that they are able to read and understand the document.
- UNHCR registration standards require that the **Registration Information Sheet** at the front of the RSD Application Form should be completed for Principal Applicants and every accompanying family member/dependant, including children. The Registration Information Sheet for young children who are applying for derivative status may be completed by the Principal Applicant or another accompanying adult, or by UNHCR Registration staff as appropriate.
- **Principal Applicants and all accompanying adult family members/dependants must complete all parts of the RSD Application Form.** The requirement that all accompanying **adult** family members/dependants complete the RSD Application Form is intended to give all adult Applicants the opportunity to inform UNHCR of any individual protection needs they may have. The information on the RSD Application Form permits UNHCR to more systematically identify, at an early stage in the process, accompanying family members/dependants who may have independent grounds for seeking refugee protection, and whose eligibility for refugee status should be examined as Principal Applicants in the RSD procedures.
- Unless accompanying family members/dependants of a Principal Applicant request to have their claim determined independently, or there are other indications (at registration or later in the procedures) that this would be appropriate, accompanying family members/dependants should be processed as **Applicants for derivative status** (see § 5 - *Processing Claims based on the Right to Family Unity*).
- As a general rule, **members of the Principal Applicant's household who are under 18** years need not complete the entire RSD Application Form, unless they are applying to have their eligibility for refugee status determined independently of the claim of accompanying adults, or there are other indications that this would be appropriate.
- **Children who are applying for RSD as Principal Applicants** should complete all sections of the RSD Application Form, and should be referred for an Individual Registration Interview to receive any assistance they require from UNHCR Registration staff in making their application.
- **All unaccompanied or separated children** should complete the full RSD Application Form (see § 3.4.5 - *Child Applicants (under 18) / Unaccompanied & Separated Children*). In addition to the **RSD Application Form**, all separated and unaccompanied children must also complete the **Registration Form for Unaccompanied and Separated Children (Annex 3-2)**.



- The *Registration Form for Unaccompanied and Separated Children* has been developed by UNHCR with ICRC and other interested partners to promote a harmonized and comprehensive approach to the gathering of registration information for unaccompanied and separated children. In particular, this form is designed to collect more detailed information regarding the circumstances of separation from parents or other primary caregivers and their last known location, the current care arrangements in the host country, and the wishes of the child. This information is necessary to permit UNHCR and other partners to provide effective protection and assistance to separated and unaccompanied children and to carry out appropriate tracing measures. UNHCR Registration staff should ensure that both the RSD Application Form and the *Registration Form for Unaccompanied and Separated Children* are completed.
- Given the importance of the factual information gathered on the RSD Application Form for the determination of the refugee claim, every effort should be made to ensure that Applicants have the **opportunity to complete the RSD Application Form under appropriate conditions**. Applicants should have sufficient time to receive and read information on the RSD process, to consider the evidence that may be relevant to their claim, and to complete all sections of the RSD Application Form. Every effort should be made to ensure that Applicants who complete the RSD Application Form at the UNHCR Office have adequate space and privacy.



- As a general rule, Applicants who do not require assistance in completing the RSD Application Form should be permitted to take the RSD Application Form away to **complete independently** and return it to UNHCR on the day of the Registration Interview.

- Applicants who are not able to read the RSD Application Form in the language provided, or who otherwise require assistance in completing the Form, should receive **necessary assistance**, including the use of a UNHCR interpreter.
- Where UNHCR Staff members complete the RSD Application Form for the Applicant, they should take particular care to **accurately and completely record** the statements and responses of the Applicant, and should indicate on the RSD Application Form the assistance they have provided.



3.2.5 The Registration Interview

- **Registration Interviews should take place as soon as possible after asylum seekers approach the UNHCR Office.** Early recording of the registration information, including the family composition, as well as the basis for the refugee claim promotes greater accuracy and reliability of this information.
- Registration Interviews should be conducted in a **non-intimidating, non-threatening, and impartial manner**, with due respect for the safety and dignity of refugees.
- Registration Interviews should be conducted by **Registration staff members who are qualified and trained** to perform this role. Where an Applicant has expressed a preference to be interviewed by UNHCR staff members and/or interpreters of a particular sex, the request should be noted in the appropriate section of the RSD Application Form. Every effort should be made to accommodate this request in the Registration Interview and subsequent RSD procedures.
- As a standard procedure, every **Principal Applicant and each accompanying adult family member/dependant should have an individual and confidential Registration Interview** (see § 3.2.6 - *Registration Interview of Family Members/Dependants*). As a general rule, child Applicants who are applying for derivative status need not be referred for an individual Registration Interview unless they so request, or there are other factors indicating that this would be appropriate.
- **Children who are applying for RSD as Principal Applicants and all unaccompanied and separated children** should be referred for an individual Registration Interview. The information gathered at the Registration Interview should inform decisions regarding the appropriate procedures for processing the child's claim and necessary follow up measures for the care and protection of the child (see 3.4.5 - *Child Applicants (Under 18) / Separated & Unaccompanied Children*).
- **Registration Interviews for child Applicants** should be conducted in an age-appropriate manner, taking into consideration the age and maturity of the child as well as any special needs or vulnerabilities of the child. Wherever possible, staff members who conduct Registration Interviews and provide assistance and counselling to child Applicants should have experience in interviewing and assisting asylum seeking and refugee children.



Responsibilities of Registration Staff at the Registration Interview:

- ▶ **Review the RSD Application Form** to ensure that all Applicants have completed the appropriate sections of the form (see § 3.2.4 - *Distribution and Completion of the RSD Application Form*).
 - ▶ **Verify information provided on the Registration Information Sheet** of the Applicant and of children in the household who are applying for derivative status. Missing information should be requested and added to the RSD Application Form where available.
 - ▶ Confirm that Principal Applicants have identified **all family members/dependants** on the RSD Application Form, including those who have not yet arrived in the host country, and note the nature of each of the family/dependency relationships. Early recording of this information will assist any subsequent determination of eligibility for derivative status (see § 5 - *Processing for Claims based on the Right to Family Unity*).
 - ▶ **Request and copy personal documentation** and any other documents that are relevant to the refugee claim, including birth and marriage certificates, and any other documents that support existence of the dependency relationship with the Principal Applicant (see § 3.2.8 - *Supporting Documents*).
 - ▶ Confirm that all accompanying family members/dependants who are **applying for derivative status are present on the day of the Registration Interview**, and take appropriate steps to arrange for attendance of missing individuals.
 - ▶ **Identify and assist Applicants with special protection or assistance needs** and, where appropriate, initiate referral to Accelerated RSD Processing (see § 3.4 - *Applicants with Special Needs*).
- Where an Applicant indicates that he/she has been **previously registered with UNHCR**, Registration staff should obtain as much information as the Applicant is able to provide regarding the date and place of the registration, the purpose of the registration, the entity who was responsible for the registration, and the documentation that was provided. Where previous registration information is available, Registration staff should **verify and update the registration information, in particular information** regarding births, deaths, marriages, or other developments affecting the composition of the household or dependency relationships, or any changes in the status of a member of the household with UNHCR. Current registration information should be recorded in the appropriate sections of the RSD Application Form.
 - Information and advice to Applicants relating to the **substantive elements of the refugee claim** may only be provided by **UNHCR Protection staff members** who are responsible for RSD. Where Registration Interviews or counselling sessions are conducted by Registration staff who are not responsible for RSD, the Registration staff should receive precise instructions on the content and scope of the information they should provide to Applicants.

3.2.6 Registration Interview of Family Members/Dependants

- As a standard procedure, all accompanying **adult** family members/dependants of the Principal Applicant should have an **individual and confidential Registration Interview**.
- Registration Staff should ensure that persons claiming derivative status as family members/dependants of a Principal Applicant are aware of the refugee criteria and the **right to make an independent refugee claim** where they have individual grounds to seek refugee protection.
- **UNHCR standards for the protection of refugee women** require that UNHCR staff take all possible measures to ensure that women have access to UNHCR registration and RSD procedures and receive any necessary assistance and support in these procedures. In certain cultures or family units, women who have grounds to make a refugee claim may be reluctant to make an independent claim, or may be discouraged from doing so. All Registration staff should be sensitized to this issue and should use gender and culturally sensitive interviewing techniques to create an atmosphere of confidence in which women who may have individual protection needs feel comfortable to discuss this with UNHCR staff.
- As some individuals who have experienced persecution may not have disclosed the details of the persecution to family members, they may be reluctant to initiate an independent refugee claim out of concern that the information they provide will be shared with their family members. This may be particularly relevant for individuals who have experienced gender-related persecution or sexual violence. Registration staff should therefore **emphasize the confidentiality of UNHCR interviews and counselling** and the fact that the RSD Interview will be conducted without any other family member present.



3.2.7 Photographs

- An **individual photograph** of each Applicant, including each family member/dependant, should be taken by a UNHCR staff member at the Registration Interview.
- Photographs of the Principal Applicant and each family member/dependant should be **attached to the front of the RSD Application Form** of the Applicant who is photographed. UNHCR Offices should use the most effective methods available to minimize tampering or removal of photographs on RSD Application Forms.
- Wherever possible, individual photographs should be taken digitally and electronically attached to the RSD Application Form. Offices that are using **digital photographs** in registration procedures should take necessary steps to ensure that photographs are promptly and accurately linked to the appropriate electronic file.
- Where photographs are taken using conventional cameras, the actual photographs should be securely attached to the individual RSD Application Form. At the time that photographs are taken, the name and registration number of the individual photographed should be immediately written on the back of each physical photograph.



3.2.8 Supporting Documents

- All Applicants should be asked to present **originals, where available, or best available copies** of all identity documents or other documents that support their refugee claim.
- Applicants should be asked to provide an **explanation for any missing documents**, or documents for which only copies are presented. The explanation should be recorded in the appropriate section of the RSD Application Form. Where Applicants are able to obtain missing documents that are relevant to the claim, without personal risk or risk to others, they should be asked to do so, and the request should be noted on the RSD Application Form. Where feasible, a **Document Appointment** should be scheduled and an Appointment Slip should be issued to the Applicant.
- Under no circumstances should Applicants be asked to approach the authorities in **the country of origin** to obtain documents, or to take any other steps that could place family members or associates who remain in the country of origin at risk.
- Copies should be made of all original documents provided by Applicants. A **description of each document**, including whether an original or copy was provided and the date it was received in the Office, should be noted in the appropriate section of the RSD Application Form.
- UNHCR staff should take the utmost care in **handling original documents** of Applicants. When examining or copying original documents UNHCR staff should ensure that the documents remain intact and are not damaged or lost. Original documents presented by an Applicant should be returned to the Applicant promptly after copying, and should not be retained on the Applicant's file.

3.2.9 Assigning Registration Numbers

- A **unique registration number** should be assigned to every individual who is registered with UNHCR. Principal Applicants and each accompanying family member/dependant who is applying for derivative status should have an individual registration number. The registration number should remain static and should be **used to identify the individual for all purposes and through all stages of the RSD process and subsequent UNHCR procedures**, even if the status of the individual within the household unit, or with UNHCR, changes during the procedures.

3.2.10 Opening the RSD File

- During or as soon as possible after the Registration Interview, an individual RSD file should be opened for each Principal Applicant pursuant to established file management procedures (see § 2.2.2 - *Procedures for Opening RSD Files*).

3.2.11 Alternative Procedures for Registration of Applicants for RSD

- Where known conditions in the host country make it difficult for asylum seekers to reach UNHCR Offices to apply for RSD, UNHCR Offices should take all feasible steps to register Applicants for RSD in locations outside of the UNHCR Office (i.e. detention centres, medical facilities, refugee camps, home visits etc.).



- Principal Applicants and all accompanying family members/dependants should be required to **register with UNHCR and apply for RSD in person**. Where necessary, these procedures may be conducted through approved implementing partners. Alternative measures for registration of applicants for RSD should only be adopted where it is possible to incorporate effective measures for UNHCR monitoring and supervision to ensure the reliability of the information collected and the integrity of the registration and RSD procedures, and the measures are approved by the RSD Supervisor.
- The use of alternative registration methods does not affect the requirement that each accompanying family member/dependant **complete a separate RSD Application Form** and that each adult be individually interviewed by UNHCR staff. The Principal Applicant should be clearly informed that all named family members/dependants who were not present for registration will be required to be present to meet with a UNHCR staff member on the date of the Principal Applicant's RSD Interview, or on another date specified by the Office.

3.3 UNHCR Asylum Seeker Certificate

3.3.1 General Principles

- UNHCR Offices should issue time-limited UNHCR Asylum Seeker Certificates to all registered Applicants for RSD, including registered family members/dependants, **attesting to their status as asylum seekers** whose eligibility for refugee status is being examined by UNHCR, and requesting that the host country authorities provide necessary protection and assistance until UNHCR has had the opportunity to make a final determination of the claim.
- UNHCR Offices should undertake any necessary **demarches with the relevant authorities in the host country** to explain the form and significance of the UNHCR Asylum Seeker Certificate and to promote recognition and acceptance of documents issued by UNHCR to asylum seekers and refugees in the host country.
- The uniformity of UNHCR Asylum Seeker Certificates and the harmonization of related procedures are intended to enhance the integrity, recognition and acceptance of documents issued by UNHCR to registered Applicants for mandate RSD. However, **there may be exceptional contexts in which additional or alternative approaches to the issuance of the standard UNHCR Asylum Seeker Certificate may be required** to respond to the particular protection environment, to permit Applicants to access available assistance in the host country, and/or to avoid any unintended adverse consequences that could dilute the protection value of the UNHCR Asylum Seeker Certificate. Where the issuance of the UNHCR Asylum Seeker Certificate is not considered to be appropriate, the UNHCR Office concerned should adopt alternative measures only in consultation with the relevant Bureau and DIP.

3.3.2 Form of UNHCR Asylum Seeker Certificate

- **UNHCR Asylum Seeker Certificates** should be issued in the standard format (**Annex 3-3**). UNHCR Asylum Seeker Certificates should be issued in the language of the host country and the main working language of the UNHCR Office. In addition to the attestation referred to above, the document should contain the following information:

UNHCR Asylum Seeker Certificate

- The name by which the Applicant is registered with UNHCR and other core bio-data including the date and place of birth, and nationality
- The UNHCR registration number of the Applicant
- A photograph of the individual to whom the Asylum Seeker Certificate is issued
- The place and date of arrival in the host country
- The reference number under which the document was issued by UNHCR
- The date of issuance of the UNHCR Asylum Seeker Certificate and the period of validity
- The signature of a UNHCR staff member who is authorized to sign UNHCR Asylum Seeker Certificates
- The address and contact information for the UNHCR Office that issued the document

3.3.3 Oversight and Controls

- UNHCR Asylum Seeker Certificates should be prepared by **designated Registration** staff, who should work under the **direct supervision** of the RSD Supervisor or another designated Protection staff member (ideally a Protection staff member who has supervisory responsibility in registration procedures).
- Access to templates for UNHCR Asylum Seeker Certificates and circulation of UNHCR Asylum Seeker Certificates during preparation and review procedures should be strictly controlled (i.e. through numbering and logging procedures).
- Procedures for preparing and issuing UNHCR Asylum Seeker Certificates should include effective review mechanisms to ensure that the information they contain is **accurate**, and that they are **issued only to asylum seekers who were duly registered** by UNHCR. **Each UNHCR Asylum Seeker Certificate should be reviewed** by the RSD Supervisor or another designated Protection staff supervisor before it is issued. Where responsibility for review is delegated, the RSD Supervisor should conduct regular and random reviews of UNHCR Asylum Seeker Certificates to monitor the effectiveness of supervision and controls.
- Each UNHCR Office, in consultation with UNHCR Headquarters as necessary, should employ the most effective techniques available to **prevent fraudulent production or tampering** of UNHCR Asylum Seeker Certificates, including using carefully controlled security paper, embossing, dry seals or a special photo pack.

3.3.4 Recipients of UNHCR Asylum Seeker Certificate

- A UNHCR Asylum Seeker Certificate should be issued to each Principal Applicant who registers with UNHCR, and to each registered family member/dependant who is applying for derivative status, including children.
- UNHCR Asylum Seeker Certificates should only be issued to **Applicants who register with UNHCR in person.**



3.3.5 Period of Validity of UNHCR Asylum Seeker Certificate

- The period of the validity of UNHCR Asylum Seeker Certificates should be **based upon the average processing times for first instance decisions in the UNHCR Office**, but which, in any event, **should not exceed one year**. The period of validity should be the same for all Applicants in any given UNHCR Office unless a Protection staff member who is responsible for supervising the issuance of UNHCR Asylum Seeker Certificates determines that a shorter or longer period of validity, not to exceed one year, is appropriate.
- At the time that the UNHCR Asylum Seeker Certificate is issued, the Applicant should be informed of the procedures for renewal should it expire before the final RSD decision is issued.

3.3.6 Renewal of Expired or Lost UNHCR Asylum Seeker Certificates

- Applicants should be required to attend the UNHCR Office to apply in person for renewal of a UNHCR Asylum Seeker Certificate.
- The Principal Applicant should ordinarily be able to apply for renewal of UNHCR Asylum Seeker Certificates that were duly issued to accompanying family members/dependants. UNHCR staff should exercise discretion in requiring the attendance of any family member/dependant who is seeking renewal, and should require attendance where there is reason to doubt the legitimacy of the renewal request.
- When applying for renewal, Applicants should **relinquish the original** of the most recent UNHCR Asylum Seeker Certificate issued to the Applicant and each accompanying family member/dependant, and should present any other personal identification in the possession of the Applicant.
- Renewal of UNHCR Asylum Seeker Certificate should be subject to **effective review and approval procedures** by Protection staff who are designated to supervise the issuance of UNHCR documents.
- Renewals should be granted for **a period of 6 months**, unless the Protection staff member who authorizes renewal is satisfied that a shorter period is appropriate. A new UNHCR Asylum Seeker Certificate should be issued to the Applicant and each accompanying family member/dependant.
- The **date of issuance and expiry** should be written on the renewed UNHCR Asylum Seeker Certificate and should be duly noted in a central Office record (see § 3.3.7 - *Maintaining Office Records of UNHCR Asylum Seeker Certificates*).
- **Replacement of lost UNHCR Asylum Seeker Certificates** should be carried out pursuant to the procedures outlined above for renewal of UNHCR Asylum Seeker Certificates. Applicants who report lost or stolen UNHCR Asylum Seeker Certificates should be asked to provide a written and signed explanation of the circumstances of the loss and an undertaking to return the original document to UNHCR if it is recovered.

3.3.7 Maintaining Office Records of UNHCR Asylum Seeker Certificates

- A copy of each UNHCR Asylum Seeker Certificate issued to an Applicant and any accompanying family member/dependant should be **retained on the appropriate individual file**.
- Each UNHCR Office should maintain a **central record of all UNHCR Asylum Seeker Certificates** issued by the Office, including renewals and lost UNHCR Asylum Seeker Certificates.

3.3.8 Fraudulent Use of UNHCR Asylum Seeker Certificates

- Procedures relating to UNHCR Asylum Seeker Certificates should include measures to confiscate UNHCR Asylum Seeker Certificates that are used by persons who are not entitled to hold them, or the misuse of the documents by Applicants to whom they were legitimately issued.
- A UNHCR Asylum Seeker Certificate should not be confiscated from a person to whom it has been legitimately issued, unless there is clear and reliable evidence that the Applicant has made improper use of the document, and confiscation is authorized by the RSD Supervisor.

3.4 Applicants with Special Needs

3.4.1 General Procedures

- Reception and registration procedures should include **measures to identify asylum seekers who may have special needs** as early as possible in the RSD process. The vulnerability or special needs of asylum seekers may be evident at reception, but more commonly, do not become known to UNHCR staff until the Registration Interview or at a later stage in the RSD process. The procedures proposed below are intended to guide UNHCR staff in assisting and processing asylum seekers who are identified in reception and registration, but are applicable to vulnerable Applicants who are identified at any stage of the RSD Process.

Applicants who May be Vulnerable or Have Special Needs

- ▶ Persons Manifestly in Need of Protection Intervention
- ▶ Victims of Torture and Persons Suffering from Trauma
- ▶ Women with Special Needs
- ▶ Certain Child Applicants (under 18 years) / Unaccompanied & Separated Children
- ▶ Elderly Asylum Seekers
- ▶ Disabled Asylum Seekers
- ▶ Asylum Seekers who Require Medical Assistance

- When the vulnerability or special needs of Applicants is identified in reception, they should have priority in reception and registration procedures.
- Each UNHCR Office should designate and train staff to counsel and assist vulnerable Applicants.

Counselling of Vulnerable Applicants

- ▶ Assess the Applicant's need for assistance in RSD procedures.
- ▶ Identify other immediate protection needs and referral to available resources for assistance in the host community.
- ▶ Identify and recommend cases for priority processing pursuant to the procedures set out in § 4.6 - *Accelerated RSD Processing*.

- The recommendations that follow set out basic standards for the reception and RSD processing of vulnerable Applicants. UNHCR staff who provide counselling and assistance to Applicants with special needs should be familiar with **relevant guidelines from UNHCR Headquarters**, which provide more detailed direction on appropriate standards for treatment of specific categories of vulnerable asylum seekers.

3.4.2 Persons Manifestly in Need of Protection Intervention

- Applicants who should be considered to be "manifestly in need of protection intervention" are persons who **may be subject to immediate refoulement or arbitrary arrest or detention in the host country**, or who may have **other serious legal or protection needs**.
- Applicants who are identified as being manifestly in need of protection intervention should be referred without delay to the RSD Supervisor, or another designated Protection staff member who has supervisory responsibilities in RSD. The designated Protection staff member should meet with the Applicant to assess immediate protection needs, provide appropriate protection counselling, and determine whether the Applicant should be referred to Accelerated RSD Processing (see § 4.6.5 - *Procedures for Accelerated RSD Processing*).

3.4.3 Victims of Torture and Persons Suffering from Trauma

- Victims of torture and persons who are suffering from trauma, including victims of sexual violence, should have access to RSD counselling and should receive any necessary assistance in RSD procedures. Wherever possible, RSD counselling should be provided by a UNHCR staff member or implementing partner who has training and expertise in assisting victims of torture or trauma.
- When victims of torture or trauma are **suffering from ongoing mental and/or physical health problems**, they should be referred to appropriate facilities for treatment of immediate medical needs, and for specialized counselling and support services, where available. Where relevant medical expertise is available, UNHCR should seek an assessment of the nature and possible causes of the physical and psychological harm suffered, as well as long-term treatment requirements.



3.4.4 Women with Special Needs

- Women who are **victims of sexual or domestic violence**, and **women who maybe at risk in the host country because of cultural, domestic, social, or economic conditions**, should be promptly referred to counselling with a qualified female UNHCR staff member or implementing partner. UNHCR staff or implementing partners who provide counselling to women should have knowledge of UNHCR RSD procedures and should be trained in interviewing and assisting women with special needs. Counsellors should also be knowledgeable about available resources in the host community for appropriate medical treatment, psychological counselling, and social and legal supports to which women may be referred.

3.4.5 Child Applicants (under 18) / Unaccompanied & Separated Children

- Children have the **right to make an independent refugee claim**, regardless of their age, and should receive all necessary assistance and support in making their claim. Whether a child is making an individual refugee claim as a Principal Applicant or is applying for derivative refugee status as a refugee dependant, all aspects of the RSD procedures for child Applicants should be conducted in an **age-appropriate manner**, taking into consideration the age and maturity of the child. Wherever possible, RSD procedures involving child Applicants should be carried out by **staff who have knowledge and experience** in interviewing and assisting child asylum seekers.
- In all decisions and actions taken with respect to child Applicants for RSD the **best interests of the child** should be a primary consideration. The views of a child Applicant should be given due weight in accordance with the age and maturity of the child.
- UNHCR registration standards require that registration information be collected for every child Applicant for RSD, including children who are applying for derivative status as dependants of Principal Applicants. Detailed **directions regarding the completion of the RSD Application Form by child Applicants**, and the additional registration information gathering requirements for separated and unaccompanied children, are set out in § 3.2.4 - *Distribution and Completion of the RSD Application Form*.
- Child Applicants who are unaccompanied by any adult caregiver in the host country ("**unaccompanied children**") or children who, while accompanied in the host country have been separated from their parents or their previous legal or customary primary caregiver ("**separated children**") should be identified early as possible in the RSD process.
- **All unaccompanied and separated children must have an individual Registration Interview** (see § 3.2.5 - *The Registration Interview*). Registration procedures for unaccompanied and separated children should permit UNHCR to gather sufficient information to assess the child's specific assistance and protection needs, including the need to initiate tracing or family unity measures and the appropriateness of care arrangements in the host country, and should inform decisions regarding the appropriate procedures for processing the child's claim. In addition to the **RSD Application Form, the Registration Form for Unaccompanied and Separated Children (Annex 3-2)** has been designed for use by UNHCR and implementing partners who are assisting unaccompanied and separated children. Registration Staff must therefore ensure that both of these forms have been completed for unaccompanied or separated children who are registered by UNHCR (see § 3.2.4 - *Distribution and Completion of the RSD Application Form*).





- Wherever possible, **staff members who provide assistance and counselling to unaccompanied and separated children** should have experience with child asylum seekers as well as knowledge of the laws in the host community regarding children's rights and the available resources for the care and guardianship of children.
- **A guardian should be designated for all unaccompanied and separated children** to assist the child in all stages of the process and to ensure that the child is properly represented, that his/her views are expressed, and that any decisions taken are in his/her best interests. In some cases, an adult may already have assumed the role of providing care to an unaccompanied or separated child. In such cases, it might be appropriate that the adult be designated as the child's guardian. The decision to designate an adult guardian should take into consideration the nature of any existing relationship between the adult and the child (including any indications that the child may be at risk of abuse or exploitation) as well as the adequacy of the care the adult is able and willing to provide for the child. The child's views and wishes should be taken into account in the appointment of a guardian.
- As a general rule, the claims of child Applicants should be **processed on a priority basis**. Unaccompanied and separated children should be referred to the procedures to examine the appropriateness of Accelerated RSD Processing set out in § 4.6. As a general rule, where the claim of a child Applicant is directly related to the claims of accompanying family members, or the child is applying for derivative status, it will not be necessary or appropriate to process the child's application on an accelerated basis, absent other factors suggesting that priority processing would be appropriate. Decisions about referral of such cases for priority processing should be made on a case-by-case basis, considering the individual vulnerability or special needs of the child.
- If a child Applicant is **unable to provide identity documents**, the age provided should be accepted. Where there are reasons to believe the Applicant may be an adult, UNHCR Offices should make reasonable efforts to assess the age. In principle, any doubt regarding the age provided by the child should be resolved in favour of the child.

3.4.6 Elderly Asylum Seekers

- Elderly asylum seekers may have been **separated from the traditional support network** that was available in the country of origin and may be at **higher risk of neglect and abandonment** in the host country. Elderly asylum seekers who appear to be without support in the host country should receive counselling by UNHCR staff or a designated implementing partner at the earliest stages in the RSD procedures, so that any social, medical and psychological needs can be identified and they can receive necessary assistance in accessing any available services and supports in the host community. Elderly asylum seekers should receive any assistance they require in RSD procedures.



3.4.7 Disabled Asylum Seekers

- Disabled asylum seekers may be separated from sources of support as a result of their displacement and **may face greater hardship** in the host country. They **may also require medical treatment or other assistance**. Disabled Applicants should receive counselling at the earliest stages in the procedure, so that special health and psychological needs can be identified and they can receive necessary assistance in accessing any available services and supports in the host community. Disabled Applicants should receive any assistance they require in the RSD procedures.



- Before proceeding with adjudication of refugee claims of Applicants who appear to be suffering from **mental illness or disability**, UNHCR staff should take all available measures to assess the capacity of the Applicant to understand the RSD process and to present the evidence necessary to determine their eligibility for refugee status. In making this assessment, and other decisions related to the processing of the refugee claim, UNHCR should consult with medical or other specialized resources in the host community, where available.
- Where the Applicant is considered to be suffering from mental illness or disability that is sufficiently serious to affect the legal capacity of the Applicant, UNHCR Offices should take appropriate steps to identify a **designated representative** to assist the Applicant in all stages of the RSD process, and to ensure that the social and legal rights of the Applicant are respected. This role should not be assumed by UNHCR staff.

3.4.8 Asylum Seekers who Require Medical Assistance

- Applicants who appear to be suffering from serious physical or mental illness should be referred for medical examination and treatment. If access to medical assistance is dependant upon the status of the individual, and where Applicants have serious medical needs requiring immediate medical attention, referral to the Accelerated RSD Processing procedures set out in § 4.6 should be considered.

3.4.9 Recording Information on Applicants with Special Needs

- Special needs or vulnerabilities of Asylum seekers should be noted in the appropriate section of the **RSD Application Form**.
- UNHCR staff who provide individual counselling to vulnerable Applicants or any other Applicant at any stage in the RSD process, should maintain a note of the counselling provided which should include the following information:

Note of Counselling Session

- Date and time counselling began and ended
 - Type of counselling that was provided
 - Summary of the information provided by the Applicant regarding his/her refugee claim, background, and any other relevant information about the Applicant's personal circumstances in the host country
 - Summary of the information or advice that was provided to the Applicant by the UNHCR staff member
 - Recommendations for appropriate follow up
- Records of any action taken by UNHCR staff or designated implementing partners to assist Applicants with special needs and any other relevant reports or documents should be retained on the individual file.

3.5 Scheduling of RSD Interviews and Appointments

3.5.1 General Scheduling Procedures

- Scheduling of RSD Interviews and appointments in UNHCR Offices should be conducted according to established procedures and in an **orderly, fair and transparent** manner.
- With the exception of cases referred to the Accelerated RSD Processing procedures (see § 4.6.3 - *Appropriate Cases for Accelerated RSD Processing*), Applicants should be scheduled for RSD Interviews in the order that the RSD Application Form has been received by UNHCR.
- Scheduling procedures in UNHCR Offices should **promote the most efficient use of staff time and minimize inconvenience to Applicants**. To avoid unduly long waits for Applicants, and crowding in the Reception area, scheduling of the time of interviews and appointments relating to RSD should be as precise as possible. Scheduling should be based on a **realistic assessment of the processing capacity** of the UNHCR Office, taking into account potential emergency scheduling requirements.
- Each UNHCR Office should establish a **central scheduling system** to coordinate and record the scheduling details of all interviews and appointments. The central schedule, and all activities relating to scheduling of interviews and appointments, should be managed by a **designated Scheduling Coordinator**. All interviews and appointments should be scheduled in consultation with the designated Scheduling Coordinator and according to established procedures.
- At the time that any interview or appointment is assigned, Applicants should receive an **Appointment Slip** confirming the details of the interview or appointment, which they should be asked to present at reception when they attend the UNHCR Office for the interview or appointment.

The Appointment Slip

- Name of the Applicant
- Applicant's UNHCR file number
- Date and time of the appointment
- The complete address of the UNHCR Office or other appointment site
- Directions on how to contact the UNHCR Office in the event of an emergency, or should the Applicant have valid reasons to reschedule the appointment
- Instructions to bring all relevant documents

- UNHCR staff should observe scheduled RSD Interviews and appointments and **avoid rescheduling**. When rescheduling is necessary, UNHCR staff should make every effort to minimize uncertainty or inconvenience for the Applicant. Wherever possible, the staff member concerned, or a member of the Reception staff, should contact the Applicant before the interview or appointment to reschedule.

3.5.2 Oversight of RSD Scheduling Systems and Procedures

- The **Scheduling Coordinator** should be **supervised by and report to the RSD Supervisor** or another designated Protection staff member who has supervisory responsibilities in reception or registration procedures.
- Where responsibility for supervision of scheduling systems and procedures is delegated, the responsible Protection staff member should report directly to the RSD Supervisor.
- Any problems with scheduling procedures that could affect the fairness or efficiency of RSD procedures must be reported to the RSD Supervisor, who is responsible to direct and monitor the effectiveness of measures to address the problem.

3.5.3 Scheduling of RSD Interviews

- Every Principal Applicant for RSD should be assigned an RSD Interview date in accordance with the general scheduling principles set out above.
- Scheduling of RSD Interviews should be based on an average number of interviews per week per Eligibility Officer, as established by the RSD Supervisor pursuant to the criteria set out in § 4.1.2 - *Determining Case Processing Capacity of Eligibility Officers*.
- With the exception of cases referred to the Accelerated RSD Processing procedures (see § 4.6.3 - *Appropriate Cases for Accelerated RSD Processing*), Applicants should be scheduled for RSD Interviews in the order that the RSD Application Form has been received by UNHCR.
- Scheduling of RSD Interviews should ensure that Applicants are afforded a reasonable period of time to receive and consider information on the RSD process and procedures and to adequately prepare and present their claim. However, scheduling of RSD Interviews should also promote the right to prompt processing of RSD Applications and the timely and efficient determination of refugee claims by UNHCR Offices. **RSD Interviews should therefore be scheduled as soon as possible after the Applicant has been registered by UNHCR.**
- The **length of time between the date of registration and the scheduled RSD Interview** will vary depending on the number of registered cases and the number of Eligibility Officers in each UNHCR Office, but should not exceed six months. When the scheduling of RSD Interviews exceeds this period, the UNHCR Office should notify the relevant Bureau at UNHCR Headquarters and DIP.
- Where the RSD Interview is conducted on the same day as Registration Interview, the Eligibility Officer should ensure that the Applicant has been adequately informed about the RSD process, and should provide any necessary procedural counselling before beginning the RSD interview. The Eligibility Officer should ensure that the Applicant has had the **opportunity to consider and present all evidence** that may be relevant to the determination of the claim.

3.5.4 Priority Scheduling of RSD Interviews

- Applicants who are referred to Accelerated RSD Processing procedures pursuant to § 4.6 should be scheduled for an RSD Interview on the first available date before the time limit recommended by the Protection staff member who approved the referral to Accelerated RSD Processing (see § 4.6.5 - *Procedures for Accelerated RSD Processing*).
- If it is not possible to schedule the RSD Interview within the recommended time limit, the Scheduling Coordinator should consult with the Protection staff member who approved the referral, or another designated Protection Staff member, to make appropriate arrangements for priority scheduling.

3.5.5 Rescheduling RSD Interviews

- **Request by Applicant for an Earlier RSD Interview**

Requests by an Applicant to reschedule the RSD Interview to an earlier date should be considered in light of the criteria for access to Accelerated RSD Processing set out in § 4.6.3 - *Appropriate cases for Accelerated RSD Processing*. Where the reasons presented by the Applicant relate to immediate and compelling protection concerns, or factors relating to the vulnerability of the Applicant, the request should be referred to the Protection staff member who is authorized to approve referral to Accelerated RSD Processing.

Requests by Applicants who are not eligible for Accelerated RSD Processing should be denied. UNHCR staff should be consistent and clear in the explanation that the RSD Interview has been scheduled on the basis of the UNHCR Office's processing capacity and the need to maintain fair and orderly scheduling procedures for all Applicants.

- **Request by Applicant to Postpone RSD Interview**

Requests to re-schedule an RSD Interview to a later date should generally be considered by the Eligibility Officer to whom the Applicant's file has been assigned. The request for a postponement should be granted when the Applicant presents legitimate personal or procedural reasons (i.e. illness, delay in the arrival of dependants, the need to obtain supporting evidence). If postponement is granted, the Applicant's request for postponement should be documented on the Applicant's file, and the RSD Interview should be rescheduled according to established scheduling procedures (see § 3.5.1 - *General Scheduling Procedures*).

- **Missed RSD Interviews**

Requests for rescheduling of a missed RSD Interview should generally be granted unless an Applicant has missed several scheduled RSD Interviews without a valid explanation, and there is good reason to believe the Applicant is not acting in good faith. If the request for a new RSD Interview occurs after the RSD file has been closed, the request to reschedule should be made pursuant to re-opening procedures (see § 9.1 - *Re-opening RSD Files*.)

Given the potential protection implications of denying an RSD Interview to an Applicant who has registered with the UNHCR Office, decisions not to reassign an RSD Interview to an Applicant should only be made in exceptional cases and only with the express authorization of RSD Supervisor. The reasons for the decision not to reassign an RSD Interview should be clearly noted on the Applicant's file.

- **Rescheduling of RSD Interview by UNHCR**

- ▶ **Advancing the Date of the RSD Interview**

At any stage in the RSD process, an Applicant who is believed to be manifestly in need of protection intervention or to have special needs or vulnerabilities, may be scheduled for an RSD Interview on a priority basis pursuant to the procedures for Accelerated RSD processing set out in § 4.6.

- ▶ **Postponing the RSD Interview**

In light of the potential protection implications for the Applicant of delayed RSD, scheduled RSD Interviews should only be postponed by UNHCR in exceptional cases, and in consultation with the RSD Supervisor or another designated Protection staff member.

As a general rule, cases determined to be eligible for Accelerated RSD Processing pursuant to § 4.6 - *Accelerated RSD Processing* should not be rescheduled by UNHCR. Where rescheduling is unavoidable, it should be done only in consultation with the Protection staff member who approved the referral to Accelerated RSD Processing, or another designated Protection Staff member.

When the number of scheduled interviews exceeds UNHCR processing capacity, decisions regarding which RSD Interviews can appropriately be rescheduled, and any necessary file assignments should be made by a Protection staff member who has supervisory responsibility over scheduling or other RSD procedures.



UNIT 4

Adjudication of Refugee Claims

ADJUDICATION OF REFUGEE CLAIMS

4.1 Assigning Files for RSD Adjudication

4.1.1 Assigning RSD Files - Relevant Factors

- In each UNHCR Office the adjudication of refugee claims should be conducted only by Eligibility Officers who have been assigned to this function by the Head of Office and have received the necessary training.
- RSD files should be assigned to Eligibility Officers by designated Protection staff **according to established and transparent procedures**. The Protection Staff member who is responsible for file assignment should report to and be supervised by the RSD Supervisor.

Factors Governing the Type of RSD Files Assigned to Eligibility Officers

- ▶ The assignment of RSD files should be based upon an average processing capacity for Eligibility Officers as determined by the RSD Supervisor in the particular UNHCR Office (see § 4.1.2 - *Determining Case Processing Capacity for Eligibility Officers*).
 - ▶ **Difficult or sensitive cases**, including cases raising complex exclusion issues should be assigned to Eligibility Officers who have appropriate training and experience.
 - ▶ File assignment should take into account the **specialized knowledge of Eligibility Officers** on particular types of claims or regions.
 - ▶ RSD files for RSD should not be assigned to Eligibility Officers of the same nationality as the Applicant.
 - ▶ Wherever possible, files should be assigned to an Eligibility Officer of the same sex as the Applicant, or the sex they prefer. This is of particular importance when the RSD Application Form indicates that **gender issues** may be raised at the RSD Interview, or when the Applicant has requested to be interviewed by a staff member of a particular sex.
 - ▶ As a general rule, the same Eligibility Officer should interview **different members of the same family** who may have filed separate refugee applications.
- Files for RSD should be **distributed as far as possible ahead of the RSD Interview** date to permit adequate review and preparation by Eligibility Officers.
 - Protection staff who are responsible for assignment of RSD files should, in consultation with the designated Scheduling Coordinator and the RSD Supervisor as appropriate, endeavour to ensure that weekly RSD Interview assignments for individual Eligibility Officers match the **actual processing capacity of the Eligibility Officers**.

4.1.2 Determining Case Processing Capacity for Eligibility Officers

- Given the many factors that affect the time required to process RSD Applications, it is not possible to provide a recommendation for an average processing capacity that will be relevant and accurate for all Eligibility Officers in all UNHCR operations. Rather **RSD file assignments should be based upon an established average processing capacity for eligibility staff in the particular UNHCR Office**. The RSD Supervisor is responsible to determine the appropriate average processing capacity for RSD file assignments. Where responsibility for assignment of RSD files is delegated to another Protection staff member, the RSD Supervisor should consult with this Protection staff member to ensure that expected processing levels meet actual processing capacity.
- Averages for processing capacity should **promote the objectives of quality as well as efficiency** in UNHCR RSD procedures, and should **avoid burnout of Eligibility Officers**. They should serve only as a guideline and may be increased or decreased as appropriate to reflect the actual experience and capacity of individual Eligibility Officers.
- **In assessing the processing capacity for Eligibility Officers the following factors should be taken into account:**
 - The familiarity of the Eligibility Officer with the country of origin information of a given caseload;
 - The nature of the interviews, including whether the Applicant is a child or an Applicant with special needs, or whether the services of an interpreter are required;
 - The degree of complexity of the files;
 - The number of other interviews and appointments scheduled for the Eligibility Officer in a given week (i.e. Family Unity Interviews, complementary interviews, document appointments etc.);
 - Any additional protection responsibilities of individual Eligibility Officers should also be taken into consideration in determining the appropriate RSD case processing capacity.
- **The RSD Supervisor should monitor how Eligibility Officers are managing their individual caseloads and meeting expected processing requirements**. Where Eligibility Officers frequently postpone scheduled interviews and appointments, or repeatedly seek extensions on the timelines for finalizing written RSD decisions, the RSD Supervisor should follow up with the Eligibility Officer concerned to determine the reason for the difficulty in managing the assigned caseload, and should take the appropriate response, which may include adjusting the volume of the caseload of the individual Eligibility Officer (see § 4.2.3 - *Supervision of Eligibility Officers*).

4.1.3 Controls on File Assignment / Transfer

- All Eligibility Officers should **maintain a complete and current file list** of all RSD files assigned to them, and the status of each file. The file list should be submitted to the RSD Supervisor at the end of each month.
- Under no circumstances should Eligibility Officers select files for RSD or transfer files assigned to them for RSD to another Eligibility Officer.
- Eligibility Officers should report to the Protection staff member who assigned the RSD file, or the RSD Supervisor, **any conflict of interest** or other factors, including offers of bribes or favours by or on behalf of the Applicant, that could affect the Eligibility Officer's ability to fairly adjudicate an assigned case, or give rise to negative perceptions about the Officer's impartiality or fairness of the RSD process. If appropriate, the file should be reassigned to another Eligibility Officer.

4.2 Training and Supervision of Eligibility Officers

4.2.1 Minimum Qualifications for Eligibility Officers

- Persons engaged as Eligibility Officers should hold a degree in a related field, preferably in law, international relations or political sciences. They should always have had legal training and relevant professional experience. Training and/or experience in the field of human rights, psychology or social work is a clear advantage.
- **All persons engaged as Eligibility Officers should possess the following traits and qualifications:**
 - Legal knowledge and the ability to apply legal principles
 - Good analytical skills
 - Good oral and written communication skills
 - Strong interpersonal skills
 - Cultural and gender awareness
 - Tolerance for diversity
 - The ability to work effectively under stress and in crisis situations

4.2.2 Training of Eligibility Officers

- **Before carrying out RSD responsibilities each Eligibility Officer should receive comprehensive RSD orientation training, which should at a minimum include the elements set out below:**

training	<h4>Training for UNHCR Eligibility Staff</h4> <ul style="list-style-type: none"> ■ An overview of international refugee, humanitarian and human rights law and the mandate of UNHCR ■ Detailed briefing on refugee law and principles relevant to RSD, including interpretation of the relevant eligibility and exclusion criteria ■ A detailed examination of the <i>UNHCR Handbook on Procedures for Determining Refugee Status</i> and other UNHCR policies and guidelines relating to RSD (including UNHCR Guidelines on International Protection and other documents contained in the UNHCR Protection Manual) ■ Briefing on country of origin information (COI) that is relevant to the Office caseload, including instruction on how to conduct COI research, evaluating the reliability of available sources of COI, and guidelines on using COI effectively in RSD procedures ■ Training on how to access information and resources relevant to RSD and to use available research tools (i.e. the CDROM Refworld, KIMS on the intranet, UNHCR's website, and another internet resources) ■ Training on interviewing techniques, including age and gender sensitivity, conducting RSD Interviews of children and other vulnerable claimants, appropriate techniques for examining the credibility of the Applicant, and working with interpreters ■ Instruction on preparing written RSD Assessments ■ Instruction on the RSD procedures in the UNHCR Office and the implementation of these RSD Procedural Standards for UNHCR RSD Operations
----------	--

- **In addition, UNHCR Offices should establish a programme for continuing training for Eligibility Officers which should include:**

training	<h4>Ongoing Professional Development for Eligibility Officers</h4> <ul style="list-style-type: none"> ■ Regular updates on COI that is relevant to Applicants who are registered by the Office ■ Updates on new guidelines and directions from UNHCR Headquarters that are relevant to RSD ■ Seminars on specific issues related to RSD, as requested by Eligibility Officers, or as identified by the RSD Supervisor or other Protection staff who are responsible for reviewing RSD Assessments
----------	--

- In each UNHCR Office, a minimum of **one half day a month** should be allocated for the **RSD professional development activities** referred to above. The RSD training activities should be provided in addition to general Office briefings on security and administrative issues.
- Wherever possible, Eligibility Officers should be afforded additional possibilities to acquire knowledge or skills relevant to their RSD functions or obtain additional training on areas of identified individual weakness.

4.2.3 Supervision of Eligibility Officers

- The **RSD Supervisor** should be responsible for the hiring and training of Eligibility Officers and should supervise and support Eligibility Officers in all aspects of the RSD duties.
- The RSD Supervisor should **randomly monitor RSD Interviews** to ensure that the conduct of Eligibility Officers in the RSD Interview meets relevant standards for fairness and due process.
- The RSD Supervisor should also conduct regular and detailed **review of the RSD Assessments prepared by each Eligibility Officer**, and should provide substantive and procedural comments to Eligibility Officers on their RSD Assessments.
- Random file reviews should monitor compliance by Eligibility Officers with established procedures for postponing RSD Interviews (see § 3.5.5 - *Rescheduling RSD Interviews*) and issuing RSD decisions (see § 4.5 - *Timelines for Issuing RSD Decisions*).
- Frequent postponements of scheduled interviews and appointments, repeated requests for extensions of the timeline for finalizing written RSD Assessments, the accumulation of individual backlogs of unwritten RSD Assessments, are **indicators that an Eligibility Officer is falling behind expected levels for case processing**, which can have a negative impact on the efficiency and quality of RSD processing. In such cases, the **RSD Supervisor should follow up directly** with the Eligibility Officer to determine the reason for the difficulties in managing the assigned caseload, and should undertake the necessary response, which may include arranging additional training and assistance, or adjusting the weekly file assignments where appropriate. In some cases, the persistent failure of an Eligibility Officer to meet reasonable expectations for the volume and rate of case processing may be an indication that the Eligibility Officer lacks the required competence and should not continue to perform the responsibilities of an Eligibility Officer in mandate RSD procedures.
- The procedures for supervision of Eligibility Officers set out above should be implemented as a complement to the standard procedures for review and approval of RSD decisions (see § 4.4 - *Procedures for Review of RSD Decisions*; § 7.4.4 - *Review of Appeal Decisions*), which may be conducted by the RSD Supervisor or other Protection staff members designated by the RSD Supervisor.
- All Protection staff should understand and be alert to signs of **compassion fatigue and burnout** among Eligibility Officers that may negatively affect the quality of RSD Interviews or Assessments. The RSD Supervisor should be responsible to take effective measures to prevent and respond to cases of staff burnout.

4.3 The RSD Interview

4.3.1 The Applicant's Right to an Individual RSD Interview

- All Principal Applicants must have the opportunity to present their claims in person in an RSD Interview with a qualified Eligibility Officer. Under no circumstances should a refugee claim be determined in the first instance on the basis of a paper review alone.



4.3.2 File Preparation by Eligibility Officers

- **Before meeting with the Applicant, Eligibility Officers should conduct a thorough review of the Applicant's file.**

Preparing for the RSD Interview

- ▶ Carefully read the RSD Application Form, including the Applicant's written statement, to highlight the relevant facts and determine the sequence of relevant events.
- ▶ Review the information provided in travel and other documents, and note information which supports or is inconsistent with the facts presented in the RSD Application Form.
- ▶ Consult relevant COI, including maps of the regions referred to in the claim, and ensure that relevant maps are available for the interview.
- ▶ Identify preliminary issues that will be relevant to the determination of the claim.
- ▶ Make a list of any missing information that the Applicant should be asked to provide at the RSD Interview, as well as unclear or inconsistent facts or statements that the Applicant should be asked to explain.
- ▶ Ensure that any necessary inquiries have been made with other UNHCR Offices and undertake any appropriate follow up.

4.3.3 Participation by Legal Representatives

- Applicants may be accompanied by a legal representative during the RSD Interview. **The Applicant should provide written consent to the participation of the legal representative (Annex 4-1)**, which should be added to the file.
- Before proceeding with the RSD Interview, the Eligibility Officer should make appropriate inquiries to ascertain whether the individual proposed has the **necessary training or experience to perform this role**. While a formal law degree or current legal accreditation should not be required, persons proposed as legal representatives who do not have formal accreditation should, as a general rule, possess the following:

Qualifications to Act as Legal Representative in Mandate RSD

- A working knowledge of refugee law and RSD procedures
- Experience assisting refugee claimants
- A thorough understanding of the Applicant's claim

- UNHCR Offices may consider implementing an **accreditation system** to acknowledge the qualifications of legal representatives who regularly represent Applicants in UNHCR RSD procedures and who are known to the UNHCR Office.
- If the Eligibility Officer has good reason to believe that the **third party is not qualified, or otherwise suitable**, to participate in the RSD Interview as a legal representative, the request should be denied. The Eligibility Officer should use discretion in determining whether it would be appropriate to permit the third party to observe the RSD Interview under the conditions set out in § 4.3.4 - *Attendance by Third Parties other than a Legal Representative*.

When opening an RSD Interview at which a legal representative will participate, the Eligibility Officer should explain:

- The legal representative will have the opportunity to make brief submissions at the end of the RSD Interview;
- The legal representative should refrain from interrupting the Applicant or the Eligibility Officer during the RSD Interview, and should limit interventions during the RSD Interview to those relating to breaches of procedural fairness that could not be adequately addressed or remedied if they were raised in closing submissions;
- The involvement of the legal representative should be consistent with the non-adversarial character of RSD conducted by UNHCR and should promote complete and reliable disclosure of the Applicant's claim. Should the involvement of the legal representative obstruct these objectives, he/she will be asked to withdraw from the RSD Interview.

- In any case where an Eligibility Officer denies or withdraws permission for a legal representative to participate in an RSD Interview, the reasons for this decision should be explained to the Applicant and should be recorded in detail on the Applicant's file.

4.3.4 Attendance by Third Parties other than Legal Representatives

- As a general rule, the participation of third parties in RSD procedures should be limited to a legal representative or, in the case of child Applicants or Applicants who are suffering from mental illness or disability, the designated representative. Where the attendance of a third party other than a legal representative or a designated representative is specifically requested by an Applicant, Eligibility Officers should exercise **discretion in determining whether to grant the request**. In assessing the appropriateness of the participation of a third party, Eligibility Officers should consider any special needs or vulnerabilities of the applicant, the nature of the relationship between the Applicant and the third party, as well as any factors indicating that the attendance of the third party would be likely to promote or undermine the objectives of the RSD Interview.
- The Applicant should provide **written consent** to the participation of the third party, which should be added to the file. The Eligibility Officer should explain to the third party the confidentiality of UNHCR RSD procedures.
- The Eligibility Officer should **deny the request for participation by any third party, or request that a third party leave the RSD Interview**, if the Eligibility Officer has reason to believe that participation of the third party is likely to jeopardize the security of the Applicant or UNHCR staff, or otherwise obstruct the objectives of the RSD Interview. In any case where an Eligibility Officer denies or withdraws permission for a third party to participate in an RSD Interview, the reasons for this decision should be explained to the Applicant and the request and reasons for denial should be recorded on the Applicant's file.
- In principle, a third party observer who is not a legal representative may observe the entire RSD Interview but should not intervene during the RSD Interview. Eligibility Officers should have discretion to permit or request a greater degree of involvement by a third party in the RSD Interview, where this would be appropriate and constructive.
- Eligibility Officers should **note in the RSD Assessment** that a third party attended the RSD Interview, and should record any relevant substantive statements or submissions made by the third party. Any conflicts or incidents involving the third party should also be noted.

4.3.5 Opening the RSD Interview

- Eligibility Officers should take the opportunity at the beginning of the RSD Interview to create an **environment of trust and respect** in which the Applicant will have the best opportunity to tell his/her story as coherently and completely as possible.
- It is recommended that Eligibility Officers address introductory issues systematically at the beginning of each RSD Interview.

Checklist for Opening the RSD Interview

Introductions:

The Eligibility Officer should introduce him/herself, and introduce the interpreter and any other person in the interview room, by functional title.

Gender Issues:

Where staff resources do not permit assignment of an Eligibility Officer and/or Interpreter of the sex requested by the Applicant, the Eligibility Officer should explain this to the Applicant and should consider any factors indicating that the Interview should not proceed under the existing arrangement.

Interpretation in the RSD Interview:

The Eligibility Officer should confirm that the Applicant and the interpreter understand each other and that the Applicant is comfortable with the interpretation arrangement. The Applicant should be advised that any specific problems with the quality or accuracy of interpretation should be identified during the RSD Interview as they arise.

Explanation of RSD Interview Procedures:

The Eligibility Officer should explain the following procedural matters:

- The purpose of the RSD Interview and how it will proceed;
- The purpose and scope of use of notes taken by the Eligibility Officer;
- The Applicant's right to ask for a break during the RSD Interview, during which he/she will be asked to remain on UNHCR premises.

Confidentiality:

The Applicant should be reassured that all information disclosed in the RSD Interview, as in all other stages of the RSD process, will be treated as confidential by UNHCR, and will not be shared with the authorities of the country of origin without the Applicant's express direction and consent. The Eligibility Officer should fully explain the scope and conditions of any disclosure of information regarding the Applicant to third parties as set out in § 2.1 - *Confidentiality in UNHCR RSD Procedures*. The Applicant should also be advised that the interpreter is also under a strict oath of confidentiality.

Obligation to Tell the Truth:

The Applicant should be advised of the obligation to be truthful and to make the most complete disclosure possible about the facts that are relevant to the refugee claim. The Applicant should be told that if he/she does not know the answer to a question, or if clarification is required, he/she should say this to the Eligibility Officer. The Eligibility Officer should explain that misrepresentations during the RSD Interview may put in doubt the truthfulness of other evidence provided by the Applicant.

Duty to Cooperate:

The Applicant should be informed of his/her obligation to fully cooperate with UNHCR in all aspects of the procedures to examine the refugee claim.

Applicant's Fitness to Proceed:

The Eligibility Officer should ask whether the Applicant feels physically and psychologically fit for the RSD Interview. If the Applicant indicates that he/she does not feel well, the Eligibility Officer should ask follow up questions to assess the nature of the problem, and whether it would be appropriate to proceed with the RSD Interview or whether it is necessary to reschedule. In determining whether or how to proceed with an RSD Interview of an Applicant who appears to be suffering from mental illness or other emotional problems, Eligibility Staff should refer to the considerations set out in § 3.4 - *Applicants with Special Needs*.

Opportunity for Questions or Comments by Applicant:

The Applicant should be given the opportunity to make preliminary remarks or to ask questions before the RSD Interview.

4.3.6 Questioning the Applicant

- Questioning by the Eligibility Officer during the RSD Interview should facilitate the most complete and accurate disclosure of the facts that are relevant to the refugee claim. Wherever possible, Eligibility Officers should use **open-ended questions** to permit Applicants use their own words to describe the elements that they consider most important to their claim. Eligibility Officers should **avoid interrupting the Applicant** unnecessarily.
- Eligibility Officers should encourage Applicants to describe the events that are relevant to their claim in **chronological order**. This will permit the Eligibility Officer to fully appreciate the significance of facts presented and identify and to follow up on gaps and inconsistencies during the RSD Interview, thereby avoiding the need for Complementary RSD Interviews.
- Eligibility Officers should use the RSD Interview to **clarify incomplete or contradictory facts or statements**. Inconsistencies in the evidence provided by the Applicant, or between the evidence provided by the Applicant and other sources of relevant information should be pointed out to the Applicant, in a non-confrontational manner, **during the RSD Interview**. As a general principle, unless an Applicant has had the opportunity to explain inconsistencies or evidence that is otherwise not believable, the Eligibility Officer may not make a negative credibility finding in the RSD Assessment on facts that are material to the refugee claim.
- The recommendations above are not intended to provide comprehensive guidance on interviewing in UNHCR RSD Procedures. Eligibility Officers should have access to and be familiar with UNHCR tools and resources on effective interviewing techniques.



4.3.7 Interviewing Child Applicants

- Wherever possible, RSD Interviews of children should be carried out by **Eligibility Officers who have special training and knowledge** regarding the psychological, emotional and physical development and behaviour of children. UNHCR Offices should make every effort to develop this staffing capacity.
- As a general rule, RSD Interviews of children should be conducted in the presence of a **designated representative**, who may be the child's guardian or another appropriate adult who is trusted by the child. Decisions to appoint a designated representative should take into account the views of the child regarding the selection and need for a designated representative (see 3.4.5 - *Child Applicants (Under 18) / Unaccompanied & Separated Children*).
- Special emphasis should be placed on **putting the child at ease and developing a relationship of trust**. The environment and tone of the interview should be as informal as possible.
- Eligibility Officers should use simple and **age-appropriate language** to advise the child about the purpose of the RSD Interview and how it will proceed. The importance of being truthful, and providing as much information as possible, should be explained in a way the child can understand. In addition, the child should be assured that if he/she does not understand the question or does not know the answer, he/or she should say so.
- **Questioning the child on the factual elements of the claim** should be guided by the following considerations:
 - The child's age and stage of development during the interview and at the time of the relevant events;
 - The psychological impact the events related to the claim may have had on the child;
 - The child's possibly limited knowledge of conditions in the country of origin, and their significance for the determination of refugee status.
- Children may be unable or unwilling to provide the information that is necessary to determine their claim. **Where the child is very reluctant to discuss particular facts or events** it may be appropriate to postpone or cease questioning on the point. In many cases involving child Applicants it will be necessary to use other appropriate sources to obtain relevant information about the child's eligibility for refugee status, including family members, and country of origin information.
- The RSD Interview of child Applicants should include **regular breaks** during which the child should be permitted the appropriate degree of freedom to move around.



4.3.8 Recording the RSD Interview

- Eligibility Officers should maintain a **detailed transcript of the RSD Interview** which should record the following:

The RSD Interview Transcript

- Name of the Eligibility Officer conducting the RSD Interview
 - Name of the interpreter
 - Any third parties who were present
 - The date and time that the RSD Interview began and closed and any breaks, interruptions or adjournments
 - The precise questions asked by the Eligibility Officer and the responses provided by the Applicant and any witnesses
 - Relevant observations regarding the behaviour and demeanour of the Applicant at particular stages of the RSD Interview, as well as non-verbal communication
- In the RSD Interview transcript, Eligibility Offices should attempt to record the **precise words** used by an Applicant, and should avoid summarizing the Applicant's statements.
 - Wherever possible, the RSD Interview transcript should be recorded on a computer during the RSD Interview. Where it is not possible to record the transcript on a computer, Eligibility Officers should maintain a detailed and legible hand-written transcript.

4.3.9 Evidence by Witnesses

- Applicants **should be permitted to bring witnesses** to the RSD Interview to support elements of their claim. The witness should attend only to provide the evidence, and should not be in the interview room for the rest of the RSD Interview.
- As a general rule, the **evidence of witnesses should not be given in the presence of the Applicant**. The evidence of a witness should never be given in the presence of other witnesses or third parties.
- Before receiving the evidence of a witness, the Eligibility Officer should **establish the identity of the witness**, and should examine and copy identity documents of the witness for the file. The Eligibility Officer should also explain the confidentiality of UNHCR RSD procedures and the obligation to tell the truth.
- The evidence and examination of the witness during the RSD Interview should be **clearly recorded in the interview transcript** (see § 4.3.8 - *Recording the RSD Interview*).

4.3.10 Review of Original Documents in the RSD Interview

- The Eligibility Officer should examine the original documents to ensure that copies on the file are identical to the originals, and that a **legible and complete copy of every original is on the file**.
- When examining original documents, Eligibility Officers should take the opportunity to **inspect the following features of the documents** to identify evidence of tampering or other signs that the documents may not be authentic:

Inspecting Documents

- Quality and consistency of the paper of the document
- The numbering and sequence of pages
- Photographs and signatures against those of the Applicant
- Discoloration or smearing around dates or names
- Smudged or irregular stamps
- Separation of the photograph from the page, or blistering of lamination

- Any **irregularities in the documents** should be raised with the Applicant during the RSD Interview, and the Applicant should be given an opportunity to provide an explanation.
- Each UNHCR Office should maintain a file of information that might assist Eligibility Officers to assess the validity of documents. This file should be updated regularly and any new information should be brought to the attention of Eligibility Officers.
- Where it is not possible to verify the authenticity of a document, and there are no grounds to believe the documents are not authentic, they should generally be accepted.
- Where an Applicant is in possession of a document that is relevant to the determination of the refugee claim but has not brought it to the RSD Interview, or where the Applicant indicates that he/she is able to acquire a relevant document without personal risk or risk to others, he/she should be asked to return to the Office with the original document or best available copy. A Document Appointment should be assigned under established scheduling procedures (see § 3.5.1 - *General Scheduling Procedures*).



4.3.11 Closing the RSD Interview

Closing the RSD Interview

- ▶ Ensure that the Applicant has been given the **opportunity to present all elements of the refugee claim**;
- ▶ Ask the Applicant whether he/she would like to add anything to the information provided;
- ▶ Where the facts presented or the known conditions in the host country suggest that the Applicant may have protection concerns in the host country, it may be necessary to make inquiries regarding the Applicant's personal circumstances in the host country;
- ▶ **Read back elements of the RSD Interview transcript** that are most relevant to the determination of the claim. As a general rule, any part of the evidence presented in the RSD Interview that is unclear, or regarding which there were apparent difficulties with interpretation, should also be read back. Clarification or elaboration offered by the Applicant at this stage should be noted separately at the end of the transcript, but the original transcript should not be revised;
- ▶ Confirm and note documents or other information that the Applicant has agreed to provide following the RSD Interview, and the arrangements that have been made to provide it;
- ▶ Explain the **next steps in the RSD process**, including:
 - How and when the Applicant will receive the RSD decision
 - Consequences of a positive or negative RSD decision
 - Applicant's right to appeal a negative RSD decision and the appeal procedures
 - Family Unity procedures, where appropriate

4.3.12 Assigning Date for Notification of the RSD Decision

- At the end of the RSD Interview the **Eligibility Officer should assign a date on which the RSD decision will be issued** (see § 4.5 - *Timelines for Issuing RSD Decisions*).
- **Where the Applicant is required to come to the UNHCR Office to receive notification of the RSD decision**, the Applicant should receive an Appointment Slip with the date on which the decision will be issued.
- If it is not possible to issue the RSD decision on the scheduled date UNHCR staff should make every effort to minimize uncertainty or inconvenience for the Applicant. Wherever possible, the staff member concerned or a Reception staff member should contact the Applicant in advance to advise him/her that rescheduling is necessary.

4.3.13 Interview of Family Members/Dependants

- The Eligibility Officer should **confirm** that every accompanying adult family member/dependant of the Principal Applicant **has completed an RSD Application Form** and has **had an individual Registration Interview**.
- Wherever feasible, Eligibility Officers should take the opportunity to meet briefly with each adult family member/dependant of the Principal Applicant, to ensure that they understand the refugee criteria and to give them the opportunity to discuss any independent protection needs they may have.

A separate interview with a family member/dependant must be conducted in the following circumstances:

- If an adult family member/dependant did not have an individual Registration Interview;
- If the information provided in the RSD Application Form or at the Registration Interview of an accompanying family member/dependant, or any other information obtained during the examination of the Principal Applicant's claim, indicates that a person who is seeking derivative status may have an independent refugee claim, which should be examined through a separate RSD Interview.

- The Eligibility Officer may take the opportunity of the RSD Interview of the Principal Applicant to **examine eligibility of accompanying family members/dependants for derivative status** pursuant to the criteria and procedures set out in § 5 - *Processing Claims based on the Right to Family Unity*.
- It would generally be appropriate to **defer examination of eligibility for derivative status** to a separate Family Unity Interview after the status of the principal Applicant has been determined, in the following circumstances:
 - The determination of eligibility for derivative status requires review of complicated evidence or facts or complex legal issues (i.e. exclusion);
 - Not all individuals or evidence necessary for the determination of derivative status are available at the time of the Principal Applicant's RSD Interview;
 - The claim of the Principal Applicant is unlikely to be recognized.
- When interviewing family members/dependants of the Principal Applicant, Eligibility Officers should respect the **right of confidentiality** of the Principal Applicant and Applicants for derivative status in UNHCR procedures. **Interviews with the Principal Applicant and the Applicants for derivative status should be conducted separately** unless there are compelling reasons to indicate that this would not be appropriate or constructive. Should new evidence or inconsistencies that are material to the determination of the Principal Applicant's claim arise during an interview with family members/dependants, the Principal Applicant should generally be given the opportunity to clarify these aspects of the evidence in a Complementary RSD Interview (see § 4.3.6 - *Questioning the Applicant*). However, the Eligibility Officer should use the utmost discretion and sensitivity in **assessing the reliability of the evidence** and testing the credibility of the Principal Applicant, and should respect the obligation to preserve the confidentiality of the interview with the family member/dependant.

4.3.14 The RSD Assessment Form

- As soon as possible following the RSD Interview, the Eligibility Officer who conducted the RSD Interview should prepare the written decision using the **RSD Assessment Form (Annex 4-2)**. The Eligibility Officer should sign and date the RSD Assessment Form before referring the file to the review and approval procedures established by the Office.



4.4 Procedures for Review of RSD Decisions

4.4.1 General Principles

- UNHCR Offices should establish mechanisms for **review of the quality of first instance RSD decisions before they are issued**. Effective review of first instance decisions is of particular importance in UNHCR Offices where Applicants who are rejected in first instance are at risk of expulsion by the host authorities before they have the opportunity to exercise their right to appeal.
- As a **best practice**, every RSD Assessment should be reviewed by a UNHCR Protection staff member other than the Officers who are responsible to hear the claim in first instance and on appeal.
- Where it is not feasible to review all RSD Assessments, it is **strongly recommended** that the RSD Assessment for **every negative RSD decision be reviewed**.
- At a minimum, the RSD Supervisor must conduct **routine random reviews** of RSD Assessments prepared by each Eligibility Officer.
- All applications that are rejected on the basis of the application of the Article **1F exclusion clauses must be reviewed** (see § 4.8.3 - *Review and Approval of Exclusion Decisions*).
- Given the **training and supervision objectives** of the review of RSD decisions, UNHCR staff who are designated to review RSD decisions should have appropriate experience and proven competency in RSD.

4.4.2 Procedures for Revising the RSD Assessment or Decision

- When the Protection staff member who is designated to review RSD decisions detects substantive or procedural errors with the RSD Assessment, the file should be **returned to the Eligibility Officer who prepared the RSD Assessment**, with detailed comments regarding issues that are incorrectly or inadequately addressed, and directions for a complementary RSD Interview, if necessary. Any comments by the reviewing staff member should be attached to the RSD Assessment, or should be written on the text and initialled to clearly identify the individual who made the comments. All comments should be retained on the file.
- As a general rule, changes to the RSD decision during the review period should only be made by the Eligibility Officer who heard the claim and prepared the RSD Assessment, unless there is good reason to believe that this would not be appropriate.

RSD files should be referred to the RSD Supervisor in the following circumstances:

- The reviewing staff member is of the opinion that the RSD decision is erroneous or unsupported in the RSD Assessment, and the Eligibility Officer is unavailable to revise the RSD Assessment before the date of issuance of the decision;
- The Eligibility Officer is not willing to revise an RSD decision that is, in the opinion of the reviewing staff member, erroneous or unsupported in the RSD Assessment;
- The concerns regarding the conduct of the RSD Interview or the quality of the RSD Assessment are sufficiently serious that referral of the file to the Eligibility Officer who decided the claim is unlikely to restore the fairness, or perceived fairness, of the RSD process.

- In the circumstances outlined above, the RSD Supervisor should determine whether the RSD decision should be issued, and any appropriate follow up, including assigning the file to another Eligibility Officer for a Complementary RSD Interview.
- When a file is referred to another Eligibility Officer pursuant to the review procedures set out above, the RSD Assessment and all notes of the Eligibility Officer who originally heard the claim should be **retained on the file**.
- When a file has been returned to an Eligibility Officer or reassigned pursuant to RSD review procedures, the RSD decision should not be issued to the Applicant until the issues identified in the review have been adequately addressed, and the RSD Assessment is approved by a Protection staff member who is authorized to approve RSD decisions.
- Where, as a result of the review procedures, it is not possible to issue the decision on the assigned date, the date for issuing the decision should be postponed pursuant to the procedures set out in § 4.5 - *Timelines for Issuing RSD Decisions*.

4.4.3 Procedures for Consultation with UNHCR HQ on RSD Decisions

- UNHCR Offices must submit final decisions for **review and approval by UNHCR Headquarters** in the following types of cases, unless there is a special arrangement in place under agreement by DIP and the relevant Regional Office and Bureau:

RSD Decisions for which Review by Headquarters is Required:

- Decisions to **exclude** an individual from refugee protection (see § 4.8.3);
- Decisions to **cancel/revoke** the refugee status of persons recognized under UNHCR mandate, pursuant to cancellation procedures (see § 10.3.6);
- Decisions to terminate refugee status of persons recognized under UNHCR mandate, pursuant to **cessation** procedures (see § 11.2.4).

- Submissions should be directed to the **Legal Advisor in the appropriate Bureau, copying DIP** as appropriate.
- DIP should be copied on all submissions involving the **exclusion of children**, and exclusion decisions that raise **complex doctrinal issues or interpretative standards**, and will make the final recommendation in these cases. DIP should also be copied on all **decisions to cancel / revoke the refugee status** of any individual who was recognized as a refugee by UNHCR, and unless alternative arrangements are agreed to by DIP, the approval of DIP should be required to cancel mandate refugee status.
- In addition, UNHCR Offices **may submit certain types of cases to Headquarters for review and advice**. The advice of UNHCR Headquarters should only be sought after the Office has used all available resources within the Office to resolve the outstanding issue.

Requests for advice of Headquarters in determining individual cases should generally be reserved for the following circumstances:

- The UNHCR Office has been unable through its own efforts to obtain country of origin information that is required to assess the well-foundedness of a claim;
- The UNHCR Office requires legal assistance in interpreting the refugee definition, or its application to the particular facts of an individual claim;
- The UNHCR Office is deciding a claim that raises facts or issues with which the Office has not had previous experience, and which are likely to set a precedent for future claims of a similar nature.

Information to be included in requests to Headquarters for advice on individual claims:

- ▶ Where the decision on which advice is sought has been finalized by the UNHCR Office, a copy of the completed RSD Assessment Form, and the Office recommendation for the decision on the claim;
 - ▶ Where the advice of Headquarters is required to finalize the decision, the submission by the UNHCR Office requesting advice should include a thorough credibility assessment and analysis of the relevant issues and the recommendation of the UNHCR Office;
 - ▶ Copies of any supporting documentation provided by the Applicant, or other information that would be relevant to the issues on which advice is sought.
- All requests to Headquarters from UNHCR Offices for advice on the determination of individual RSD claims **should first be submitted by the RSD Supervisor** or another designated Protection staff member who should ensure that the request is submitted with all required information.

4.4.4 Procedures for Changing the RSD Decision after it is Issued

- **Review and revision of the RSD decision after it has been issued** to the Applicant may only be made pursuant to the following established procedures:
 - ▶ Appeal procedures (§ 7)
 - ▶ Re-opening of the RSD file (§ 9.2)
 - ▶ Cancellation/Revocation of refugee status (§ 10)
 - ▶ Cessation of Refugee Status (§ 11)
- Where a UNHCR staff member has reason to believe that an RSD decision issued by the UNHCR Office is incorrect, he/she should direct the file and any relevant information to the RSD Supervisor, who should determine appropriate follow up.

4.5 Timelines for Issuing RSD Decisions

- Once a date for issuing the RSD decision has been communicated to the Applicant, Eligibility Officers and Protection staff members who are responsible for reviewing RSD Assessments should work within established timelines to ensure that RSD decisions are issued on the assigned date. As a general rule, RSD decisions should be issued **within one month following the RSD Interview**.
- **Where an Application raises complex issues, or requires consultation** with third parties or additional research on matters that are central to the RSD decision, Eligibility Officers should be permitted to **assign a later date to issue the RSD decision**, which should not be later than two months from the RSD Interview. If a period longer than two months is required, the Eligibility Officer must obtain the approval of the RSD Supervisor, or another designated Protection staff member to assign a later date for issuing the RSD decision.
- **Where it is not possible to issue an RSD decision on the assigned date**, the Eligibility Officer should be permitted to postpone issuing the decision, on one occasion only, for a period not to exceed one month. If a longer postponement is necessary, or if additional postponements are sought, the Eligibility Officer should consult with the RSD Supervisor, or another designated Protection staff member, who should assess whether it is necessary and appropriate to postpone the decision for a longer period.
- Procedures relating to timelines and postponements of RSD decisions for claims determined on a priority basis are set out in § 4.6 - *Accelerated RSD Processing*.
- In any case where the issuance of an RSD decision must be postponed, UNHCR Offices should notify the Applicant of the postponement at the earliest occasion, and take all possible steps to minimize inconvenience to the Applicant.
- The RSD Supervisor should **monitor compliance by Eligibility Officers with established timelines** for preparing RSD Assessments. As lengthy delays between the RSD Interview and the writing of the RSD Assessment may adversely affect the quality of the RSD Assessment and/or the RSD decision, the RSD Supervisor should ensure that Eligibility Officers do not accumulate individual backlogs of pending RSD decisions (see § 4.2.3 - *Supervision of Eligibility Officers*).

4.6 Accelerated RSD Processing

4.6.1 General

- UNHCR Offices should develop Accelerated RSD Processing procedures to which Applicants can be referred when there are **compelling protection reasons** to process the claim on a priority basis. Measures for early identification of Applicants who should be considered for Accelerated RSD Processing should be incorporated into UNHCR procedures for reception and registration (see § 3.4 - *Applicants with Special Needs*). Referral to Accelerated RSD Processing may, however, be undertaken at any stage in RSD processing.
- Accelerated RSD Processing procedures should incorporate **reduced waiting periods** at each stage of the RSD procedures, and **shortened timelines** for the issuance of RSD decisions. All Applicants who are processed through Accelerated RSD Processing procedures **must have an RSD Interview**, at which a UNHCR Eligibility Officer will examine all facts or statements relevant to the refugee claim and prepare an individual **RSD Assessment**.

4.6.2 Oversight of Accelerated RSD Processing Procedures

- Procedures for Accelerated RSD Processing should include **an effective referral mechanism** and **appropriate controls**, including the requirement that all referrals to Accelerated RSD Processing be submitted for review and approval by the RSD Supervisor, or a designated Protection staff member who has supervisory responsibility in RSD procedures.
- The RSD Supervisor should be responsible for oversight of procedures for Accelerated RSD Processing and should ensure the effectiveness and integrity of the referral system.

4.6.3 Appropriate Cases for Accelerated RSD Processing

Categories of Applicants who should be considered for Accelerated RSD Processing:

- Applicants who are manifestly in need of protection intervention, including persons who may be subject to immediate refoulement, arbitrary arrest or detention in the host country, or who may have other serious legal or protection needs;
- Victims of torture or trauma (including victims of gender-based violence), who are suffering from ongoing mental or physical health problems;
- Women who are at risk in the host country;
- Elderly asylum seekers who are without support in the host country;
- Disabled asylum-seekers who are without necessary support in the host country;
- Asylum seekers who require urgent medical assistance;
- Certain child Applicants, in particular children who are unaccompanied or otherwise separated from their parents or other primary legal or customary caregivers (see § 3.4.5 - *Child Applicants (under 18) / Unaccompanied & Separated Children*).

UNHCR staff should **exercise discretion in identifying other Applicants** whose claims should be determined on a priority basis.

4.6.4 Manifestly Unfounded Applications

- Claims that appear to be manifestly unfounded (i.e. clearly fraudulent or manifestly outside of the scope of the refugee definition) should be **processed under normal RSD procedures**, and should not be referred to Accelerated RSD Processing procedures. As access to Accelerated RSD Procedures involves giving staffing and scheduling priority to certain categories of Applicants over other registered Applicants, it should be reserved for Applicants who have compelling protection needs.
- Under no circumstances should claims believed to be manifestly unfounded be decided on the basis of a document review alone (see § 4.3.1 - *The Applicant's Right to an Individual RSD Interview*).

4.6.5 Procedures for Accelerated RSD Processing

- UNHCR staff who identify Applicants whose claims should be determined on a priority basis should promptly refer the case to a Protection staff member who is authorized to approve cases for Accelerated RSD Processing. The staff member who refers the case should complete a **Referral Memo for Accelerated RSD Processing (Annex 4-3)**, which should outline the details of the Applicant's vulnerability in the host country. Copies of any counselling notes or available medical reports or other relevant documents should be attached to the Referral Memo for Accelerated RSD Processing.
- The Protection staff member who is responsible for reviewing referrals to Accelerated RSD Processing should **assess the protection needs of the referred Applicant**, if necessary through a meeting with the Applicant, and should determine whether referral to Accelerated RSD Processing is appropriate.
- If the designated Protection staff member approves the referral, he/she should add any additional relevant information, sign the Referral Memo for Accelerated RSD Processing, and make a **recommendation for the time limit within which the RSD Interview should be scheduled**. The cover of the file should be marked to indicate that the file is being processed under the Accelerated RSD Processing procedures.
- The RSD Interview for Applicants referred to Accelerated RSD Processing should be scheduled for the first available date within the time limit recommended in the Referral Memo for Accelerated RSD Processing.
- As a general rule, scheduled interviews by Applicants who have been approved for Accelerated RSD Processing **should not be rescheduled by UNHCR**. Where rescheduling is unavoidable, it should be done only in consultation with the Protection staff member who approved the referral to Accelerated RSD Processing, or another designated Protection Staff member. Changes to scheduled interview dates, either by UNHCR or at the request of the Applicant concerned should be noted on the Referral Memo for Accelerated RSD Processing.
- The **decision for claims heard under the Accelerated RSD Processing** procedures should generally be **issued within one week** of the RSD Interview, unless the Protection staff member who approves the referral indicates on the Referral Memo for Accelerated RSD Processing that a shorter or longer period would be appropriate.
- Where it is not possible to issue the RSD decision on the date specified in the Referral Memo for Accelerated RSD Processing, the Eligibility Officer who conducted the RSD Interview must consult with the Protection staff member who approved the referral, or another designated Protection staff member, to obtain authorization to defer the issuance of the RSD decision and to determine an appropriate alternative date.

4.6.6 Appeals by Applicants Rejected under Accelerated RSD Processing

- Applicants whose claims were determined under Accelerated RSD Processing but were rejected may appeal the negative RSD decision through the **ordinary appeal procedures** (see § 7 - *Appeal of Negative RSD Decisions*). The appeal application should not be processed on a priority basis.

4.7 RSD Procedures for Applicants in Detention

- Detained individuals who wish to apply for refugee status **have the right to access UNHCR RSD procedures**. The claims of detained asylum seekers should be adjudicated promptly, regardless of the reasons for the detention. Where Applicants are detained for alleged criminality, UNHCR Protection staff should consider the details of the charges and/or sentence to assess their relevance to the determination of the Applicant's eligibility for refugee status or protection needs of the Applicant in the host country.
- UNHCR Offices should establish **specific registration and RSD Adjudication procedures** for Applicants who are in detention.
- Each UNHCR Office should take **necessary measures in the host country** to ensure that detained asylum seekers are able to access RSD procedures, including:
 - Undertaking demarches with the host authorities to ensure that detained asylum seekers can contact UNHCR and that UNHCR staff are afforded necessary conditions for conducting fair and effective RSD;
 - Promoting the fullest possible access by UNHCR staff to asylum seekers in detention.
- Wherever possible, UNHCR Offices should seek alternatives to conducting Registration or RSD Interviews in detention facilities. Where there is no available alternative, UNHCR staff should be accompanied by a UNHCR interpreter or other independent and qualified interpreter, and should take every possible measure to ensure that interview conditions preserve, to the greatest extent possible, the **Applicant's right to confidentiality** in the RSD procedures.
- UNHCR staff and interpreters who conduct interviews in detention environments should receive **appropriate training** on interviewing detained Applicants and on making necessary and effective interventions with detaining officials.
- The appropriateness of **accelerated RSD processing** should be examined for Applicants who are detained (see § 4.6 - *Accelerated RSD Processing*).
- Every effort should be made to ensure that Applicants in detention are **fully informed** regarding the RSD process and procedures as well as the rights and obligations of refugee claimants, and that Applicants in detention have **sufficient time to prepare their claim**.
- Necessary arrangements should be made to notify Applicants who are in detention of the RSD decision. Rejected Applicants should be **notified of the reasons for the RSD** decision pursuant to the procedures set out in § 6.2 - *Notifying Applicants of Negative RSD Decisions*. Detained Applicants who are rejected in first instance should also be given the opportunity to file an appeal application and to present their appeal in accordance with the principles set out in § 7 - *Appeal of Negative RSD Decisions*.

4.8 The Application of the Exclusion Clauses

4.8.1 General Principles

- All UNHCR **Protection staff should be aware of the criteria for exclusion from refugee protection**, and should be trained to identify facts indicating that the applicability of the exclusion clauses should be examined in the particular case. Whether information suggesting that an individual may be excluded from refugee status becomes known during RSD procedures, or after an individual has been formally recognized as a refugee, UNHCR Offices should take appropriate steps to examine whether the exclusion clauses apply.
- Examination of the applicability of the exclusion clauses must be conducted on an individual basis, under procedures that incorporate **appropriate standards for due process**. The individual concerned should be informed of the considerations that have given rise to the exclusion examination and should have the opportunity to consider and respond to them.
- Wherever possible, UNHCR Offices should designate and provide **specialized training to designated Eligibility Officers** to adjudicate and review cases that raise exclusion issues, and to provide substantive and procedural support to other UNHCR staff in processing these cases.
- When the facts relating to the possible application of the exclusion clauses are known before the RSD Interview, the file should be assigned to an **Eligibility Officer who has experience and knowledge regarding the application of these clauses**. If the exclusion issues do not arise until during or after the RSD Interview, the Eligibility Officer should seek any necessary procedural or substantive direction from the RSD Supervisor or another Protection staff member who has appropriate knowledge and experience.
- If facts come to light after an individual has been recognized as a refugee that the exclusion criteria applied and the individual may have been incorrectly recognized, examination of the application of the exclusion clauses should be conducted through the **procedures for cancellation of Refugee Status** (see §10 - *Procedures for Cancellation of Refugee Status*).
- If an individual who has been properly recognized as a refugee, subsequently engages in conduct that falls within the exclusion clauses of Article 1 F (a) or (c), the refugee status should be revoked. UNHCR Offices should undertake the necessary examination to establish whether the conduct in question would bring the individual within the criteria for these exclusion clauses. The procedural standards for due process when re-examining refugee status in cancellation procedures would be generally relevant and applicable in procedures for **examining the appropriateness of revocation of refugee status** (see §10 - *Procedures for Cancellation of Refugee Status*).
- The recommendations that follow are intended to provide **procedural guidance** for examining the applicability of the exclusion clauses. For guidance on substantive issues relating to the interpretation and application of the exclusion clauses, Eligibility staff should refer to the detailed directions provided by DIP.

4.8.2 Procedures for Examining the Application of Article 1F

- The application of the exclusion clauses in Article 1 F of the 1951 Convention (**exclusion of persons who are undeserving of protection**) has the effect of excluding from eligibility for refugee status an individual who is otherwise determined to be in need of refugee protection.
- Because of the particularly serious implications for the individual concerned, and the complex criteria that are relevant to the determination, examination of the application of the exclusion clauses in Article 1 F should only be undertaken by UNHCR Protection staff who are **knowledgeable about the relevant evidence and principles**.
- Due process requires that the individual be **informed of considerations**, including any evidence that is relevant to the exclusion determination, **during the exclusion examination**, so that he/she has the opportunity to respond to the evidence. However, in exceptional circumstances, generally relating to the security of UNHCR staff or a witness or other source of information, it **may be necessary to limit full disclosure** of relevant evidence. The criteria and principles regarding limiting disclosure set out in § 6.2 - *Notifying Applicants of Negative RSD Decisions* are relevant to decisions to limit disclosure during exclusion examinations. Eligibility Officers should seek the guidance of the RSD Supervisor, or another Protection staff member who has knowledge and experience in exclusion cases, to determine the appropriate disclosure. Alternatives to withholding relevant information should be considered, including making partial disclosure, or disclosing the evidence without revealing the source, so that the individual concerned is not unduly denied the opportunity to challenge or explain information upon which the exclusion decision is based.
- The **application of Article 1 F exclusion clauses to children** requires an assessment of the maturity of the child, and his/her mental capacity to assume individual responsibility for the acts in question. The interview to examine these issues should be conducted by an Eligibility Officer who is also knowledgeable and experienced in interviewing children.

4.8.3 Review and Approval of Exclusion Decisions

- The principles and procedures set out in § 4.4 - *Procedures for Review of RSD Decisions* are relevant to the review of exclusion determinations made in RSD procedures or Cancellation procedures.
- Decisions to exclude an individual from refugee status should also be reviewed by the **RSD Supervisor** or the **Head of Office**. Once an exclusion decision has been finalized by the UNHCR Office it should be **submitted to the Senior Legal Advisor in the relevant Bureau for concurrence and copied to DIP as appropriate** before the individual is notified. Exclusion cases which raise complex doctrinal or interpretative issues relating to Article 1F of the 1951 Convention, or which involve children must be **submitted to DIP**, which will make the final recommendation. (See § 4.4.3 - *Procedures for Consultation with UNHCR Headquarters on RSD Decisions*).
- **Alternative review procedures** may be adopted in certain RSD operations where the Bureau and DIP determine that only cases of a specific type or exceptional nature need be referred to UNHCR Headquarters.

4.8.4 Notification of Exclusion Decisions

- Individuals who are determined to be excluded from refugee protection should be **informed in writing of the reasons for the exclusion decision**, in accordance with the principles and procedures set out in § 6.2 - *Notifying Applicants of Negative RSD Decisions*. As a general rule, notification of the exclusion decision should permit the individual concerned to know the considerations, including any evidence upon which the decision was based.
- In some cases, it may be **necessary and appropriate to limit disclosure** of the evidence that was relied upon, or other findings upon which the exclusion decision was made. The considerations and principles regarding limiting disclosure during the examination of exclusion cases set out above in § 4.8.2 - *Procedures for Examining the Application of Article 1F* are relevant to the disclosure of information in notification of exclusion decisions. As limiting disclosure of information that was material to an exclusion determination may affect the ability of the individual concerned to provide effective response or clarification in appeal procedures, the decision to limit disclosure should be made in consultation with the RSD Supervisor, or another designated Protection staff member.
- Where appropriate, UNHCR Offices may make more complete disclosure regarding the reasons for the exclusion determination through counselling by a qualified Protection staff member.

4.8.5 Appeal of Exclusion Decisions

- Applicants whose refugee claims are rejected because of the application of the exclusion criteria should have the opportunity to appeal the exclusion decision. The principles and procedures set out in § 7 - *Appeal of Negative RSD Decisions* are applicable to appeals from exclusion decisions.
- If, after an individual is determined to be excluded from refugee status in the final instance, reliable information comes to light to indicate that the **exclusion criteria were improperly applied or the exclusion decision may otherwise have been incorrect**, a closed file may be re-opened pursuant to the procedures set out in § 9.2 - *Re-Opening RSD Files*.

4.8.6 Confidentiality in Exclusion Cases

- Examination of the possible application of the exclusion clauses should not undermine the **right of the individual concerned to confidentiality in UNHCR RSD procedures**. Disclosure of any information about the individual, including the fact that the individual has registered with UNHCR for RSD, should only be made in accordance with UNHCR policies and standards relating to confidentiality (see § 2.1 - *Confidentiality in UNHCR RSD Procedures*).
- UNHCR staff should not approach the **authorities in the country of origin** to obtain information to assist the exclusion determination.
- UNHCR Offices may share information with the **host country authorities** regarding final RSD decisions of persons who were registered by UNHCR in the host country (see § 6.3 - *Notification of RSD Decisions to Third Parties*). However, UNHCR Offices should use discretion in determining whether it is appropriate to disclose the fact that an individual has been found by UNHCR to be excluded from refugee protection. The decision to disclose this information should give due weight to such factors as staff safety as well as the legitimate interest of the host authorities to receive information that would be relevant to national security, public safety and the prevention and suppression of criminal offences. These interests must be balanced against the right of the excluded individual to confidentiality in UNHCR procedures and to the protection afforded by other international human rights instruments.
- Given the potential implications of disclosure to third parties of information in exclusion cases for the security of UNHCR staff and the individual concerned, UNHCR Offices should seek the **advice of DIP and the relevant Bureau** in UNHCR Headquarters before disclosing information relating to UNHCR exclusion determinations in individual cases.
- Requests by international courts or tribunals for disclosure of information regarding excluded individuals should be referred to DIP.

4.8.7 Implications for Family Members/Dependants

- The right to family unity generally operates in favour of family members/dependants and not against them. Therefore, where the Principal Applicant is excluded, family members/dependants are **not automatically excluded** as well. Independent claims for refugee status by family members/dependants should be determined separately. Such claims are valid even where the fear of persecution is a result of the relationship to the excluded individual. Family members/dependants are only excluded from refugee protection if there are serious reasons for considering that they too are individually responsible for excludable crimes.
- Where family members/dependants have been recognised as refugees, however, the excluded applicant cannot then rely on the right to family unity to secure protection or assistance as a refugee.



UNIT 5

Processing Claims Based on
the Right to Family Unity

PROCESSING CLAIMS BASED ON THE RIGHT TO FAMILY UNITY

5.1 Derivative Refugee Status

5.1.1 General Principles

- Family members/dependants of a recognized refugee may apply for derivative refugee status in accordance with their **right to family unity**.
- Family members/dependants who are determined to fall within the criteria for refugee status in their own right should be granted refugee status rather than derivative refugee status.
- Individuals who obtain derivative refugee status enjoy the **same rights and entitlements as other recognized refugees**, and should retain this status notwithstanding the subsequent dissolution of the family through separation, divorce, death, or the fact that a child reaches the age of majority. Procedures relating to cancellation and cessation of refugee status will also apply to persons who have received derivative refugee status (see § 10 - *Procedures for Cancellation of Refugee Status*; § 11 - *Procedures for Cessation of Refugee Status*).
- RSD procedures in every UNHCR Office should ensure that the accompanying family members/dependants of Principal Applicants have been **fully informed** about the refugee criteria and the right to make an individual claim, if they have individual protection needs. Accompanying family members/dependants should also be advised of the criteria and procedures for obtaining derivative status. (See § - 3.2.6 - *Registration Interview of Family Members/Dependants*).
- Persons who may have **grounds to make an independent refugee claim** should not be discouraged from doing so solely because they may be eligible for derivative status under the right to family unity.

5.1.2 Persons Eligible for Derivative Status

- The **categories of persons** who should be considered to be **eligible for derivative status** under the right to family unity include:

Nuclear Family Members

- Spouse of the Principal Applicant (including all legally married spouses in polygamist situations, a person engaged to marry the Principal Applicant, common law spouses including same sex couples, spouses who have entered into a customary marriage);
- All unmarried children of the Principal Applicant who are under 18 years;
- The parents or primary caregivers of a Principal Applicant who is under 18 years, as well as the dependants of the adult parent or caregiver;
- The minor siblings of a Principal Applicant who is under 18 years.

For the purpose of assessing eligibility for derivative status, the age should be assessed as of the date on which the Principal Applicant was recognized.

- **Other family members and certain other individuals may also be eligible** for derivative status under the right to family unity if it is determined that a **relationship of social, emotional or economic dependency** exists between them and the Principal Applicant. Individuals who may fall within this category include:

Persons other than nuclear family members who may be eligible for derivative refugee status include:

- Dependant parents of an adult Principal Applicant;
- Married children of the Principal Applicant who remain dependant on the Principal Applicant, and the spouse of married children where the couple remains dependant on the Principal Applicant;
- Dependant children of the Principal Applicant who are over 18;
- Other dependant relatives, including brothers, sisters, aunts, cousins, etc. who were living with the Principal Applicant in the country of origin, or whose situation has subsequently changed in such a way as to make them dependant upon the Principal Applicant in the host country. In principle, such individuals should be part of household of the Principal Applicant;
- Foster children or other individuals who, though not related to the Principal Applicant, have a dependency relationship that is similar to the categories of family members described above.



- An assessment of the existence of a family or other dependency relationship is based on a **determination of fact** and requires a detailed examination of all available documents and other information regarding the personal circumstances of the Applicant for derivative status.
- UNHCR Offices should adopt a **flexible approach** when applying the criteria for derivative refugee status, and should take into account cultural norms or other special circumstances that may have affected the composition of the Principal Applicant's household unit.
- Determination of eligibility for derivative status by UNHCR Offices should not be based upon the criteria used by resettlement countries.

5.1.3 Persons not Eligible for Derivative Status

- **Family members/dependants of rejected Applicants**, are not eligible for derivative status. If the Principal Applicant appeals the first instance RSD decision, the persons seeking derivative status should be granted the same rights and protection as the Principal Applicant until the Appeal Application has been decided.
- **Persons who are excluded from obtaining refugee status** are also excluded from obtaining derivative refugee status. Applicants who have already been excluded under RSD procedures are therefore ineligible to apply for derivative status. Family members/dependants of the Principal Applicant who fall within the exclusion criteria would also be ineligible for derivative status. The principles and procedures to assess the application of the exclusion clauses set out in § 4.8 - The Application of the Exclusion Clauses should guide the determination of whether the exclusion clauses apply to Applicants for derivative status.
- Family members or other dependants who are **nationals of the host country or of another country** other than the Principal Applicant's country of origin are not eligible for derivative status, unless they fulfil the refugee criteria themselves. Resettlement submissions may preserve family unity even when the eligibility for derivative status would be limited.

5.1.4 Derivative Status Applications Involving Separated Families

- The criteria and procedures set out in this unit also apply to assess the eligibility of Applicants for derivative status **who arrive in, or are registered by UNHCR in the host country after the Principal Applicant has been recognized by the UNHCR Office.**
- The criteria for eligibility for derivative status apply in the examination for **Applications by family members/dependants of a Principal Applicant who is in another country of asylum.** Where the Principal Applicant has an RSD file with another UNHCR Office, the UNHCR Offices involved should coordinate to gather and share the information required to determine the composition of the family unit and the nature of the dependency relationship between the Principal Applicant and the Applicants for derivative status.

5.2 Family Unity Procedures

5.2.1 The Family Unity Interview

- Eligibility for derivative status under the right to family unity must be determined through a **Family Unity Interview**, with a Protection staff member, which may be conducted during the interviews relating to the Principal Applicant's RSD (see § 4.3.13 - *Interview of Family Members/Dependants*), or in a separate Family Unity Interview following recognition of the Principal Applicant. All persons identified by the Applicant as accompanying family members/dependants, including those who arrived after registration, should have a Family Unity Interview.
- The purpose of the Family Unity Interview is to obtain sufficient information **to assess the existence and nature of a family or dependency relationship** between the Principal Applicant and the Applicants for derivative status.



- Applicants should be advised to bring originals, or best available copies, of all **documents** in his/her possession to support the existence of the family relationship or other dependency relationship between the Principal Applicant and Applicants for derivative status (i.e. marriage or birth certificates etc).
- Wherever possible, the Family Unity Interview should be conducted **by the Eligibility Officer who is responsible to determine the claim of the Principal Applicant**. The Eligibility Officer who conducts the Family Unity Interview should be familiar with the information provided on RSD Application Forms and other relevant information provided by the Principal Applicant in the RSD procedures.

- Where the Applicants for derivative status are **nuclear family members**, the Eligibility Officer should examine documents supporting the existence of the family relationship, including birth certificates and marriage certificates. If the documents are accepted as valid, and are consistent with the information provided by the Applicants, it will generally not be necessary to interview further.
- **Where nuclear family members are not able to provide reliable supporting documentation**, the Eligibility Officer should question the family members regarding the family composition, the living circumstances in the country of origin and in the host country, to assess whether the existence of the family relationship can be accepted.
- When assessing applications for derivative status by **persons other than nuclear family members** Eligibility Officers should request details to determine whether there exists between them a relationship of significant social, emotional or economic dependency. Relevant details include:
 - The nature and duration of the relationship;
 - Living arrangements in the country of origin and in the host country;
 - Any financial, legal, or social responsibilities assumed by the Principal Applicant or the Applicant for derivative status for the other;
 - Any special needs or vulnerability of the Applicant for derivative status or the Principal Applicant, and the existence of a care arrangement between them.
- As in the determination of refugee claims generally, Eligibility Officers should adopt a **flexible approach regarding the requirement to provide documentary evidence** in applications for derivative status and should take into account the situation of the Applicant and the conditions in the country of origin and the host country.



5.2.2 Derivative Status Applications Involving Children

- As a general rule, **young children** who are applying for derivative refugee status **should not have a separate Family Unity Interview**, unless the Applicant for derivative status is a separated child (see § 3.4.5 - *Child Applicants (Under 18) / Unaccompanied & Separated Children*).

It might be necessary and appropriate to interview a child Applicant for derivative status in the following exceptional cases:

- Serious credibility issues arise in the Family Unity Interviews with the Principal Applicant or another family member/dependant regarding the composition of the household unit, or the legitimacy of the application for derivative status for the child;
 - There are reasons to believe that the child Applicant for derivative status may be in danger of exploitation or abuse;
 - The child Applicant for derivative status is joining the Principal Applicant in the host country, but one or both of the parents of the child have not been interviewed by UNHCR and are reportedly outside of the host country.
- When interviewing child Applicants for derivative status, Eligibility Officers should assess and take into account the maturity of the child and his/her ability to understand events that have occurred and the precise composition of the household unit.
 - When it is necessary to interview children in Family Unity Procedures, UNHCR staff should use **child-appropriate interview techniques** (see § 4.3.7 - *Interviewing Child Applicants*).
 - Applications for Family Unity that involve unaccompanied and separated children should be processed under the procedures for **Accelerated RSD Processing** set out in § 4.6. The procedures and principles set out in § 5.1.4 - *Derivative Status Applications Involving Separated Families* apply to applications for derivative status by separated children.

5.2.3 Documenting Family Unity Interviews and Assessments

- **It is generally not necessary to maintain a complete transcript for all Family Unity Interviews.** However, if an Application is based on a dependency relationship other than a nuclear family relationship, or the Family Unity Interview involves examination of complex facts or credibility issues, the Eligibility Officer should record a written transcript of the most significant parts of the interview.

The Assessment of Applications for Derivative status should include:

- The name of the Principal Applicant;
 - The basic bio-data of the Applicant for derivative status;
 - The nature of the relationship claimed;
 - A summary of the evidence presented to support the existence of the relationship, including documentary evidence;
 - The transcript of any parts of the Interview that were recorded;
 - A detailed explanation of any evidence that was not accepted;
 - A determination regarding the existence of a family or other dependency relationship that falls within the family unity principle.
- **Review of derivative status decisions** should be conducted in accordance with the procedures set out in § 4.4 - *Procedures for Review of RSD Decisions*.
 - Applicants whose claim for derivative status is rejected have the **right to appeal** the negative decision. Procedures for appeals of rejected claims for derivative status should be governed by the principles and procedures set out in § 7 - *Appeal of Negative RSD Decisions*.

5.2.4 Notification of Decision on Applications for Derivative Status

- Procedures and timelines in each UNHCR Office should promote prompt processing of claims for derivative status. The decision should be issued to the Principal Applicant as soon as possible without delay.
- The procedures for notification of negative decisions in applications for derivative status should be consistent with the procedures set out in § 6 - *Notification of RSD Decisions*.



UNIT 6

Notification of RSD Decisions

NOTIFICATION OF RSD DECISIONS

6.1 Procedures for Notifying Applicants of RSD Decisions

- Applicants should be **notified in writing** of the first instance RSD decision.
- Notification of **positive decisions** should inform the recognized refugee of the implications of recognition and provide instructions regarding any additional steps that will have to be taken with UNHCR or the authorities in the host country.
- Applicants whose claims are rejected should be informed of the basis for the negative decision. Notification letters for negative RSD decisions should be completed in accordance with the principles set out in § 6.2 - *Notifying Applicants of Negative RSD Decisions*, and using the model letter **Notification of Negative RSD Decision (Annex 6-1)**.
- **All positive and negative notification letters** should be reviewed and approved by the RSD Supervisor or another authorized UNHCR senior staff member before they are issued to Applicants.
- Notification of RSD decisions should be issued in English or French. Where the RSD procedures have been conducted in a language other than English or French, the Applicant should also receive an accurate and precise translation of the notification letter in the relevant language, or should have the opportunity to receive an oral translation of the notification letter by a qualified UNHCR interpreter or designated implementing partner.
- Wherever possible, notification letters should be **issued to the Applicant in person**, either through the attendance of the Applicant at the UNHCR Office, or through an appropriate arrangement with a designated implementing partner. Applicants should be required to present their UNHCR Asylum Seeker Certificate and any other identity documents in their possession to receive the notification letter.
- Where conditions in the country of origin or the individual circumstances of the Applicant do not permit an Applicant to travel easily or safely to the UNHCR Office, **reliable and confidential alternative methods to notify the Applicant** may be used, including mail delivery or delivery to a person duly appointed by the Applicant to receive the notification (see § 6.3 - *Notification of RSD Decisions to Third Parties*).
- The **date on which the Applicant receives notification** of the RSD decision should be stamped on the front of the notification letter. The date and manner of notification are relevant in **establishing the applicable appeal period** for a negative decision, and informing the Applicant of the deadline to file an appeal. This information must therefore be recorded on the **File Action Sheet** in the individual file as well as on any **central database** used by the UNHCR Office to track processing of individual RSD files. Where alternative methods of notification are used, an appropriate date on which the Applicant can be deemed to have received the notification should be determined and recorded.
- Wherever possible, Applicants who are illiterate, or who otherwise require assistance in RSD procedures, should have the possibility of meeting with a UNHCR staff member to receive counselling on the reasons for the RSD decision.
- Counselling on RSD decisions must be **provided by UNHCR staff members who have necessary training and are qualified to perform this role**. Wherever possible, counselling on the reasons for an RSD decision should be provided by Eligibility Officers or other Protection staff members who are involved in RSD.

6.2 Notifying Applicants of Negative RSD Decisions

- Wherever possible, Applicants whose claims are rejected should be **informed in writing of the reasons for the rejection**. Notification should permit rejected Applicants to make an informed decision about whether an appeal is appropriate and to focus appeal submissions on relevant facts and issues.
- UNHCR Offices should use the standard **Notification of Negative RSD Decision letter (Annex 6-1)** when notifying Applicants of the reasons for negative RSD decisions. When using this form, Eligibility Officers should select each of the listed grounds for rejection that are relevant to the decision in the Applicant's claim. Additional comments may be included in the appropriate spaces on the Notification of Negative RSD Decision letter where this would permit the Applicant to better understand how the reasons for rejection relate to the specific facts in the Applicant's claim.

As a best practice, the completed Notification of Negative RSD Decision letter should include sufficient details to permit the Applicant to know the following:

- Evidence submitted by the Applicant that was considered to be insufficient or was not accepted by the decision-maker, and a summary explanation of why evidence was rejected;
- The reason why the accepted facts do not make the Applicant eligible for refugee status.
- Where additional information regarding the reasons for the negative decision is provided on the Notification of Negative RSD Decision letter, procedures for review of the documents before issuance should ensure the accuracy and quality of the information provided.

Disclosure of information relevant to the RSD decision should be limited in the following circumstances:

- Disclosure of the information could jeopardize the security of UNHCR staff;
- Disclosure of the information could compromise UNHCR's ability to effectively carry out its mandate;
- Disclosure of a particular kind of information could jeopardize the availability, security or reliability of the source of the information (including family members who provide statements regarding a Principal Applicant).

- Where it is necessary to limit information relating to the basis of the negative decision in the written Notification of Negative RSD Decision letter, the rejected Applicant should, **wherever feasible and appropriate**, have the opportunity to meet with a UNHCR staff member to receive more detailed reasons for the rejection of his/her claim.



- At the time of notification of the negative RSD decision, the rejected Applicant should also be informed in writing, and in counselling as appropriate, of the following:
 - The implications of rejection of the refugee claim for Applicant's legal status in the host country;
 - The implications of the rejection for any assistance provided by UNHCR;
 - The right to appeal the negative RSD decision and the relevant appeal procedures, in particular the applicable appeal deadline (see § 7.1.2 - *Informing Rejected Applicants of the Right to Appeal*).

6.3 Notification of RSD Decisions to Third Parties

- Notification of UNHCR RSD decisions to third parties should be governed by the principles set out in § 2.1 - *Confidentiality in UNHCR RSD Procedures*. Accordingly, notification of an RSD decision may be issued to a third party, including a legal representative, **where the Applicant has expressly authorized** notification in this manner.
- The appropriateness of issuing **notification of an RSD decision to a child Applicant** directly should be decided on a case by case basis, taking into consideration the age, and maturity, and personal circumstances of the child. In claims by Applicants who are **unaccompanied or separated children**, the guardian of the child should be notified of the RSD decision.
- Positive RSD decisions and final negative RSD decisions may be shared with the **authorities in the host country**, without necessarily disclosing the reasons for the decision (see § 2.1.3 - *Disclosure to Host Country Authorities*). RSD decisions should be considered to be final when they have been decided on appeal, or when they have been decided in first instance and a reasonable period has passed after the time limit for filing an appeal has expired (see § 9.1 - *Closing RSD Files*). UNHCR Offices should take necessary measures to ensure that the host country authorities will respect the confidentiality of information shared. Where appropriate, UNHCR Offices should take additional steps to advise the host country authorities on human rights standards and instruments that should inform decisions regarding the treatment of rejected Applicants by the host country.



UNIT 7

Appeal of Negative RSD Decisions

APPEAL OF NEGATIVE RSD DECISIONS

7.1 The Right to Appeal

7.1.1 The Scope of the Appeal Right

- Every rejected Applicant has the **right to appeal a negative RSD decision**. The appeal should be determined by an Eligibility Officer other than the Officer who heard the claim in first instance. Access to appeal procedures should not be restricted for reasons relating to procedural misconduct by the Applicant during the RSD procedures or the merits of the claim.
- While the appeal application is pending, Applicants should continue to enjoy the rights accorded to them as registered Applicants for RSD.

7.1.2 Informing Rejected Applicants of the Right to Appeal

- Applicants should be informed of the right to appeal a negative RSD decision and the relevant procedures. At the end of the RSD Interview, Eligibility Officers should inform Applicants on the procedures to receive notification of the RSD decision, and the relevant appeal procedures (§ 4.3.11 - *Closing the RSD Interview*).
- At the time of notification of a negative RSD decision, rejected Applicants should also receive **information regarding the right to appeal** the RSD decision and the relevant procedures in the Office, including the Appeal deadline. An **Appeal Application Form (Annex 7-1)** should be provided to the Applicant upon notification (§ 6.1- *Procedures for Notifying Applicants of RSD Decisions*).
- Rejected Applicants should also receive sufficient information regarding the reasons for the rejection to permit them to determine whether an appeal is appropriate and to focus their submissions on issues that are relevant to the appeal application (see § 6.2 - *Notifying Applicants of Negative RSD Decisions*).

7.2 Procedures for Receiving Appeal Applications

- As a general rule, **applications for appeal should be made in writing**. Applicants should complete and sign an **Appeal Application Form** and submit it to the UNHCR Office that decided the claim in first instance, according to the appeal procedures established by that Office.
- Persons who wish to appeal a negative RSD decision should receive any necessary **procedural counselling and assistance by trained UNHCR staff**. Information or advice relating to the substantive elements of the RSD decision or the appeal should only be provided by UNHCR Protection staff members who are involved in RSD.
- Appeal applications that do not strictly conform to formal filing procedures may be accepted where the Applicant has clearly indicated an intention to appeal against the negative RSD decision. As a general rule, the intention to appeal should be communicated in writing.

- UNHCR Offices should establish a **time-limit** within which Applicants must submit the Appeal Application Form, and after which RSD decisions for which no appeal has been made should be considered to be final. As a general rule, the standard time limit **should not be less than 30 days** after the date on which the Applicant has been notified of the RSD decision (see § 6.1 - *Procedures for Notifying Applicants of RSD Decisions*).
- Where Applicants are required to attend at the UNHCR Office on an established date to receive notification the RSD decision, as a general rule, the appeal period should run from the date assigned to the Applicant for notification of the RSD decision (see § 4.3.12 - *Assigning Date for Notification of the RSD Decision*), unless the Office determines that another date would be appropriate.
- Where alternative methods of notification are used, an appropriate date on which the Applicant can be deemed to have received the notification should be determined and recorded. The appeal period should run from the date of deemed notification.
- Appeal procedures should be **sufficiently flexible** to permit filing of Appeal Application Forms after the deadline in appropriate cases. As a general rule, the files of rejected Applicants should not be referred for file closure within the six weeks following the expiry of the appeal deadline (see § 9.1 - *Closing RSD Files*).
- Similarly, for appeals received after the RSD file has been closed, if it is not possible to establish that the Applicant was duly notified of the negative RSD decision, or the relevant appeal deadline, the file should be referred to procedures to re-open the RSD file, and the file should generally be re-opened for the purpose of examining the appeal application (see § 9.2 - *Re-opening RSD Files*).

7.3 Assigning Appeal Files

- Appeal applications should be determined by a qualified **Protection staff member who was not involved in the adjudication or review of the RSD claim in first instance**. The procedures and principles set out in § 4.1 - *Assigning Files for RSD Adjudication* are applicable to the assignment of files for determination of appeal applications.
- Wherever possible, the appeal should be decided by an Eligibility Officer or other Protection staff member who has equivalent or greater experience with RSD than the Eligibility Officer who decided the claim in first instance.
- Where staffing resources in a UNHCR Office do not permit assignment of an appeal file to a Protection staff member who was not involved in the adjudication or review of the claim in first instance, an appeal may be decided by another qualified staff member who has the necessary protection experience and training (i.e. the Deputy Representative or Representative). Where necessary, the UNHCR Office should consult with other UNHCR Offices in the Region, and the relevant Bureau in UNHCR Headquarters, to make appropriate staffing arrangements for determining the appeal. These arrangements should not preclude the possibility of an Appeal Interview where it is not appropriate to determine the appeal through a paper review. The criteria for determining whether an Appeal Interview should be granted are set out below in § 7.4.1 - *Assessing whether an Appeal Interview is Necessary*.

7.4 Procedures for Determining Appeal Applications

7.4.1 Assessing Whether an Appeal Interview is Necessary

- The purpose of the appeal procedures is to re-examine the first instance RSD decision to assess whether it was based on a **reasonable finding of fact and a correct application of the refugee criteria**.
- Eligibility Officers should begin the appeal determination by conducting a **thorough review of the RSD file**, including the RSD Interview transcript and RSD Assessment, the Appeal Application Form, and any other information provided by the Applicant in support of the appeal.
- As a general rule, Applicants should be given the opportunity to present their appeal in person. However, **determination of the appeal through a paper review** may be appropriate if, after a thorough examination of the file, the Eligibility Officer is satisfied that each of the following conditions exist:
 - All relevant evidence has been presented
 - The determination of the facts, including decisions to accept or reject particular evidence, is supported by the RSD Interview transcript and RSD Assessment
 - The RSD decision reached is based on a clearly correct or incorrect application of the refugee criteria to the accepted facts

An Appeal Interview should be granted in the following circumstances:

- The negative RSD decision was based on **credibility findings** that were not adequately addressed during the RSD Interview and supported in the RSD Assessment;
- Evidence that was relevant to the determination of the claim was presented by the Applicant but was **not adequately considered in the RSD Interview** and the RSD Assessment;
- **New evidence** is raised in the appeal application that is relevant to the determination of the refugee claim. The Appeal Interview should be granted to assess the reliability of the evidence;
- The Appeal Application Form and/or the RSD Interview transcript and RSD Assessment, or other reliable evidence, indicate that a **breach of procedural fairness** is likely to have occurred, which could have limited the ability of the Applicant to establish his/her claim, including:
 - Inadequate interpretation
 - The Applicant's discomfort regarding the conduct or profile (ethnic, religious, gender etc.) of the Eligibility Officer or interpreter
 - Denial of the opportunity to present relevant evidence
 - Real or perceived concerns regarding the confidentiality of the RSD procedure
 - Inappropriate questioning

- Where an Appeal Interview is required, the Eligibility Officer should refer the file for scheduling under established procedures. As a general rule, applications for appeal should be processed in the order that they were filed. Where compelling protection grounds exist, **appeal applications may be determined on a priority basis** pursuant to the procedures set out in § 4.6 - *Accelerated RSD Processing*.
- Whether an appeal application is determined on the basis of a paper review or an Appeal Interview, UNHCR Offices should adopt appeal procedures to ensure that **appeal applications are processed in a fair, prompt and transparent manner**.

7.4.2 Conducting the Appeal Interview

- The Eligibility Officer should open the Appeal Interview by briefly reviewing the introductory points set out in § 4.3.5 - *Opening the RSD Interview*.

The Eligibility Officer should explain the following procedural issues relating to the appeal process:

- The Appeal Interview is being conducted because the Applicant has requested a review of the RSD decision;
- The purpose of the Appeal Interview is to examine the issues or concerns presented by the Applicant in the Appeal Application Form and to clarify other issues that are relevant to the determination of the refugee claim. The Appeal Interview will not re-examine all of the evidence that is relevant to the claim;
- If the appeal is denied, the Applicant's file with UNHCR will be closed.



- Before commencing the Appeal Interview, the Eligibility Officer should ensure that the Applicant understands the **general reasons why the refugee claim was rejected** in first instance.
- As a general rule, the Eligibility Officer should focus the Appeal Interview on issues that relate to the grounds for granting the Appeal Interview and on the specific information or concerns presented by the Applicant in the Appeal Application Form. The Eligibility Officer should not conduct a full RSD Interview unless this is necessary to decide the appeal. Evidence that was accepted in the RSD Assessment should not generally be re-examined in the Appeal Interview.
- The Eligibility Officer who conducts the Appeal Interview should maintain a detailed **Appeal Interview transcript**. The principles set out in § 4.3.8 - *Recording the RSD Interview* are relevant to the appeal procedures.

7.4.3 The Appeal Assessment

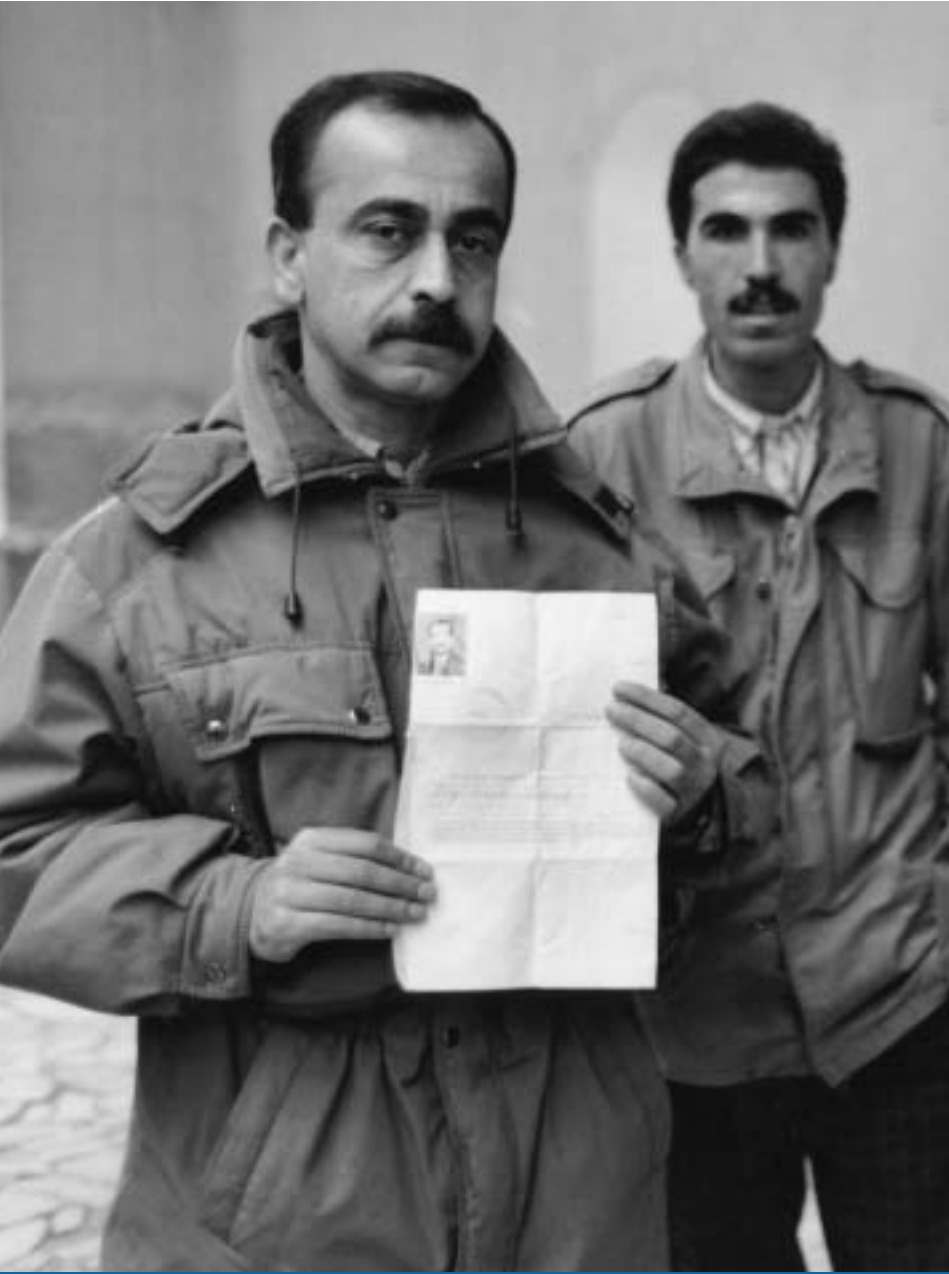
- The reasons for the determination of the appeal should be documented in an **Appeal Assessment Form**, which should be signed by the Eligibility Officer who decided the appeal.

7.4.4 Review of Appeal Decisions

- As a best practice, every Appeal Assessment should be reviewed by a UNHCR Protection staff member other than the Officers who decided the claim in first instance and on appeal. Where it is not feasible to review all Appeal Assessments, it is strongly recommended that every Appeal Assessment that overturns the first instance RSD decision be reviewed.

7.5 Notification of Appeal Decisions

- UNHCR Offices should establish timelines for the issuance of appeal decisions. Appeal procedures should promote fair and **prompt review and determination** of all appeals.
- Applicants should be **notified in writing** of the decision on their appeal. As a general rule, it is **not necessary to provide reasons for the appeal decision**. However, where detailed reasons for rejection were not provided to the Applicant upon notification of the RSD decision in first instance, Applicants who request it should have the possibility to know the reasons why their claim was rejected, either in writing or through counselling with a qualified UNHCR staff member.
- The files of Applicants who are rejected on appeal should be referred to procedures for closure of the file (see § 9.1 - *Closing RSD Files*).



UNIT 8

UNHCR Refugee Certificate

UNHCR REFUGEE CERTIFICATE

8.1 General Principles

- UNHCR Offices should issue a **UNHCR Refugee Certificate** to every individual who is determined in UNHCR mandate RSD procedures to meet the criteria for refugee status, including family members/dependants who are determined to be eligible for derivative refugee status.
- The UNHCR Refugee Certificate should attest to the fact the individual named in the document is a refugee, and as such, is a person who should be protected from forcible return to a country in which he/she would face persecution.
- UNHCR Offices should undertake any necessary **demarches with the relevant authorities in the host country** to explain the form and significance of the UNHCR Refugee Certificate and to promote recognition and acceptance of the document in the host country.

8.2 Procedures for Issuing UNHCR Refugee Certificate

8.2.1 Form of UNHCR Refugee Certificate

- UNHCR Refugee Certificates should be issued in the standard format (**Annex 8-1**). In addition to the attestation referred to in § 8.1 above, the document should contain the following information:

UNHCR Refugee Certificates

- The name by which the refugee is registered with UNHCR and other core bio-data including the date and place of birth, and nationality
 - The UNHCR registration number of the refugee
 - A photograph of the refugee to whom the UNHCR Refugee Certificate is issued
 - The reference number under which the document was issued by UNHCR
 - The date of issuance of the UNHCR Refugee Certificate;
 - The signature of a UNHCR staff member who is authorized to sign UNHCR Refugee Certificate
 - The address and contact information for the UNHCR Office that issued the document
- UNHCR Refugee Certificate should be issued in the language of the host country and the main working language of the UNHCR Office.

8.2.2 Oversight and Controls

- UNHCR Refugee Certificates should be prepared by **designated UNHCR staff** who should work under the **direct supervision** of the RSD Supervisor or another designated Protection staff member.
- Access to **templates for UNHCR Refugee Certificates** and circulation of UNHCR Refugee Certificates during preparation and review procedures should be strictly controlled (i.e. through numbering and logging procedures).
- Procedures for preparing and issuing UNHCR Refugee Certificates should include **effective review mechanisms** to ensure that the information they contain is accurate, and that they are issued only to individuals who have been found to meet the criteria for refugee status under UNHCR's mandate. Each UNHCR Refugee Certificate should be reviewed for accuracy by the RSD Supervisor or another designated Protection staff supervisor before it is signed and issued. Where responsibility for review is delegated, the RSD Supervisor should conduct regular and random reviews of UNHCR Refugee Certificates to monitor the effectiveness of supervision and controls.
- UNHCR Refugee Certificates should be signed by the Head of Office or a Protection staff member designated by the Head of Office.
- Each UNHCR Office, in consultation with UNHCR Headquarters as necessary, should employ the most effective techniques available to **prevent fraudulent production or tampering** of UNHCR Refugee Certificate, including using carefully controlled security paper, embossing, dry seals or a special photo pack.



8.2.3 Replacement of Lost or Stolen UNHCR Refugee Certificates

- **Replacement of lost or stolen UNHCR Refugee Certificates** should be carried out pursuant to established procedures. As a general rule, refugees who are seeking replacement of a lost or stolen UNHCR Refugee Certificate should be required to attend in person at the UNHCR Office and should be asked to provide a written and signed explanation of the circumstances of the loss, as well as an undertaking to return the original document to UNHCR if it is recovered.
- Before issuing a replacement UNHCR Refugee Certificate UNHCR staff should take necessary measures to confirm the identity of the individual making the request and their status as persons who have been determined by UNHCR to be eligible for refugee status. Standard procedures should require the retrieval of the registration record of the individual making the request, including the individual's photograph, as well as the Office record of the original UNHCR

Refugee Certificate (see § 8.3 - *Maintaining Office Records of UNHCR Refugee Certificates*). The individual making the request should also be asked to present any identity documents in his or her possession.

- Replacement of UNHCR Refugee Certificates should be subject to **effective review and approval procedures** by Protection staff who are designated to supervise the issuance of UNHCR documents.
- In any case where the identity of the individual making the request, or their status with UNHCR, cannot be confirmed by the UNHCR Office, or where there are reasons to doubt the legitimacy of the purpose for which the replacement UNHCR Refugee Certificate is sought, the request should be referred to the Protection staff member who is responsible to supervise the issuance of UNHCR Refugee Certificates.

8.3 Maintaining Office Records of UNHCR Refugee Certificates

- A copy of each UNHCR Refugee Certificate issued to an Applicant and any accompanying family member/dependant should be **retained on the appropriate individual file**.
- Each UNHCR Office should maintain a **central record of all UNHCR Refugee Certificates** issued by the Office, including replacements of lost or stolen UNHCR Refugee Certificates.



UNIT 9

Procedures for File
Closure / Re-opening

PROCEDURES FOR FILE CLOSURE / FILE RE-OPENING

9.1 Closing RSD Files

- Applicants who do not attend their RSD Interview and do not contact UNHCR to reschedule the RSD Interview within the six weeks following the date of the scheduled RSD Interview, should be deemed to have **abandoned the refugee claim**. Procedures for closing RSD files should include procedures for bringing forward and closing abandoned files.
- UNHCR Offices should establish procedures to permit Applicants to submit a formal **withdrawal of an RSD Application** and to request and receive appropriate counselling in this process. The RSD files of Applicants who withdraw their RSD Application under established procedures should be closed.
- If an **Applicant does not exercise the appeal right** within an established time limit, the RSD decision in first instance should be considered final and the file should be closed. In accordance with the requirement for flexibility in considering appeal applications that are received after the appeal filing deadline, files of rejected Applicants should not be referred for file closure within the six weeks following the expiry of the appeal deadline.
- Claims that are **rejected on appeal** should be considered to be final and should be referred to file closure procedures.
- If UNHCR receives reliable evidence to establish that an Applicant is **deceased** or has been legally **naturalized** in the host country or in a third country, the Applicant's file should be closed.
- **Administrative procedures** for closure of RSD files and appropriate storage requirements should be set out in the file management procedures of each UNHCR Office (see § 2.2.6 - *Storing and Archiving Closed RSD Files*).

9.2 Re-opening RSD Files

- UNHCR Offices should adopt procedures for processing Applications by individuals who have closed files with UNHCR to determine whether file re-opening is appropriate.
- Applicants whose claims **have been withdrawn before the first instance decision** and who subsequently seek to apply for RSD should have their RSD file re-opened and should be referred to first instance RSD procedures.
- Offices should adopt a flexible approach to the **re-opening of closed files that were considered to be abandoned** after the Applicant failed to attend the first instance RSD Interview or to contact the UNHCR Offices within the six weeks following the scheduled RSD Interview. Requests to re-open the file and to reschedule the missed RSD Interview should generally be granted unless an Applicant has missed several scheduled RSD Interviews without a valid explanation, and there is good reason to believe the Applicant is not acting in good faith. Given the potential protection implications of denying an RSD Interview to an Applicant who has registered with the UNHCR Office, decisions not to re-open the file should only be made in exceptional cases and only with the authorization of RSD Supervisor. The reasons for the decision not to reassign an RSD Interview should be clearly noted on the Applicant's file.

- As a general rule, Applications for RSD by persons whose refugee claims have been **duly examined and rejected under UNHCR RSD procedures, and whose files have been closed**, should not have their claim re-examined. This would include Applicants who have failed to exercise the right to appeal a negative RSD decision within an established period. However, in certain cases, it may be appropriate to re-open a closed file and to refer the individual to RSD procedures.
- In the case of **rejected Applicants who did not file an appeal application** and whose claims were subsequently closed, if the Office is not able to establish that the Applicant was duly notified of the negative decision and the relevant appeal deadline the file should be re-opened for the purpose of examining the appeal.

Appropriate Cases for Re-opening of Claims Rejected in Final Instance:

- There is reliable evidence of a **significant change in the personal circumstances** of the Applicant or the conditions in the Applicant's country of origin that may substantially affect eligibility for refugee status, including under criteria for a sur place claim;
- UNHCR receives **reliable and material new evidence** indicating that the claim may have been improperly decided. If the new evidence was available to the Applicant at the time of the previous RSD Interviews, he/she should provide a credible and reasonable explanation for having failed to provide it to UNHCR;
- There is **serious reason to believe that the claim was improperly decided** and/or that grounds for eligibility for refugee status were not adequately examined or addressed. If the Applicant did not exercise the appeal right, the file should generally not be re-opened unless the Applicant is able to provide a valid and credible explanation for having failed to do so.

In the cases referred to above, the file should be re-opened and referred to RSD procedures.

- Procedures for re-opening of RSD files of Applicants who were rejected in final instance, should include a **screening of the Application** by an Eligibility Officer or other member of the Protection staff, who should assess whether the established criteria for re-opening an RSD file are met, and make a recommendation. A recommendation to re-open a closed RSD file must be reviewed and **approved by the RSD Supervisor**, or another Protection staff member authorized to approve the re-opening.
- As a general rule, applications for re-opening should not be rejected without some form of screening procedure. Where, the volume of Applications for file re-opening received by a UNHCR Office exceeds the operational capacity to conduct effective screening, the UNHCR Office should assess all procedural or other factors that may be contributing to the high volume, and consult with the relevant Bureau and DIP to coordinate an appropriate response.



UNIT 10

Procedures for Cancellation
of Refugee Status

PROCEDURES FOR CANCELLATION OF REFUGEE STATUS

10.1 Cancellation of Refugee Status by UNHCR

- Cancellation procedures permit UNHCR to invalidate the refugee status of persons who, **at the time of recognition, were not entitled to refugee status**, either because they did not fall within the inclusion criteria or the exclusion criteria applied.
- Cancellation procedures should be **distinguished from cessation procedures which are intended to reassess refugee status that was properly conferred, but may no longer be appropriate** owing to a change in circumstances affecting the need for protection (see § 11 - *Procedures for Cessation of Refugee Status*). Cancellation procedures should also be distinguished from procedures for review and revision of an RSD decision before it is issued to the Applicant (see § 4.4 - *Procedures for Review of RSD Decisions*).
- Cancellation should be **distinguished from procedures for revocation of refugee status**, which could result in withdrawal of refugee status that was properly conferred, when subsequent to recognition a refugee engages in conduct that would bring him/her within the exclusion clauses of Article 1 F (a) or (c), which would make him/her undeserving of continued international refugee protection. The procedures set out below for cancellation procedures would generally apply to procedures for revocation of refugee status. UNHCR Offices should consult DIP guidelines on the application of the exclusion clauses, and seek additional guidance from DIP as required when examining the appropriateness of revocation of refugee status.
- If reliable information comes to light, after an individual has been formally recognized to be a refugee by UNHCR, indicating that the individual should not have been recognized, UNHCR should initiate procedures to re-examine the correctness of the RSD decision and to assess whether it is appropriate to cancel the refugee status.
- UNHCR procedures to cancel refugee status that was wrongly conferred are necessary to **preserve the integrity of recognition of refugee status by UNHCR**. However, given the significance of the procedures for the individual concerned, and the potentially very serious consequences of unjustified cancellation of refugee status, UNHCR cancellation procedures must incorporate the **standards of fairness and due process** that apply to RSD procedures.
- Cancellation procedures should not be viewed as a remedy for deficient RSD procedures, or a supplement to or replacement for effective procedures for review and appeal of RSD decisions.
- Cancellation of refugee status must be **determined on an individual basis** following the examination of the facts and circumstances relating to the individual concerned, during which he/she is given the opportunity to make relevant submissions (see § 10.3.3 - *The Cancellation Interview*).

10.2 Grounds for Commencing Cancellation Procedures

- A recognized refugee should be referred to cancellation procedures if there is good reason to believe that **recognition may have been granted erroneously as a result of** one or more of the following factors:
 - Misrepresentation or concealment by the individual concerned or a third party of facts that were material to the RSD determination, with or without fraudulent intent;
 - Misconduct by the individual, including threats or bribery;
 - Error of fact or law by UNHCR in applying the inclusion or exclusion criteria;
 - Misconduct or administrative error by UNHCR at any stage in the RSD procedures, including the wrongful issuance of UNHCR documents.
- Cancellation procedures **should not be commenced solely on the basis of a change of opinion regarding a credibility finding** about the facts on which the RSD decision was based. However, there may be cases where the credibility finding regarding material facts is inconsistent with new and reliable information, or is clearly contradicted by information that was on the RSD file. In such cases, a reassessment of the credibility finding may be necessary to determine whether the refugee decision was based on an error of fact.
- When examining the existence of grounds for Cancellation, the **relevant inquiry is whether an incorrect refugee determination was made**, rather than the intent of the persons whose words or actions led to the incorrect decision.
- The determination that grounds exist to refer an individual to Cancellation procedures should be made by the **RSD Supervisor**, who should provide **written authorization** to commence cancellation procedures.

10.3 Cancellation Procedures

10.3.1 Notice to the Individual in Cancellation Procedures

- Individuals who are referred to cancellation procedures should receive **notice of the reasons** for the commencement of cancellation procedures, as well as **information regarding the relevant procedures** in the UNHCR Office.
- The individual concerned should also be advised that in cancellation procedures he/she will have the opportunity to present any information relating to **current protection needs**, which will be examined by UNHCR staff. Procedures for assessing new evidence regarding eligibility for refugee status are set out below in § 10.3.4 - *Assessing New Evidence relating to the Refugee Criteria*.
- The requirement to notify the individual concerned, and to give the opportunity to reply to the information that has led to the cancellation procedure, are fundamental elements of fairness and due process. Cancellation procedures should include procedures and requirements for giving effective notice and for establishing that the individual has been duly notified.

- **If it is not possible to notify the individual concerned**, cancellation procedures should, in principle, not proceed. In such cases, the written authorization to commence cancellation procedures and all other documents relating to the cancellation should be retained on the individual file. The individual's status as a person with respect to whom cancellation procedures are authorized should be clearly noted on the File Action Sheet and any central database in which information about the individual is recorded.
- In exceptional cases, including cases where an individual has been indicted by a legitimate international criminal tribunal, the UNHCR Office may commence cancellation examination without providing advance notice to the individual concerned. Where there is **reliable and compelling evidence to support cancellation, but it is not possible to notify the individual concerned**, cancellation proceedings may be undertaken by a UNHCR Office, as an exceptional measure, and in accordance with established review and approval procedures.

10.3.2 File Assignment for Cancellation Procedures

- Files for cancellation procedures should be assigned to Protection staff who have **training and experience with RSD**. Wherever possible, cancellation files should be assigned to Protection staff who are authorized to review RSD decisions or who have supervisory responsibilities in RSD procedures.
- Cancellation procedures that are likely to involve examination of the **application of the exclusion criteria** should be assigned to Protection staff who have knowledge of the exclusion principles. The considerations set out in § 4.1 - *Assigning Files for RSD Adjudication* are relevant to the assignment of files in cancellation procedures.

10.3.3 The Cancellation Interview

- Every individual whose claim is examined pursuant to cancellation procedures must have **an individual Cancellation Interview**, in which he/she should be given the opportunity to respond to specific allegations or provide other evidence that is relevant to the decision whether or not to cancel refugee status. The individual should be given adequate time to prepare for the Cancellation Interview.
- The purpose of the Cancellation Interview is to gather sufficient information to permit an **assessment of the correctness of the decision to recognize refugee status** and to identify any reason why an individual who was improperly recognized in the past should continue to have refugee status.



- The Protection staff member who conducts the Cancellation Interview should be thoroughly familiar with the RSD file of the individual concerned, including the evidence upon which the cancellation proceedings are based.
- The principles and procedures for RSD Interviews, as set out in § 4.3 - *The RSD Interview*, are relevant and should be reflected in the procedures for conducting Cancellation Interviews. In particular, the Protection staff member who conducts the Cancellation Interview should keep a **detailed written transcript**. The principles and procedures set out in § 4.3.8 - *Recording the RSD Interview* should also be applied in Cancellation Interviews.
- At the Cancellation Interview, the individual should be given the **opportunity to present new evidence relating to the existence of a well-founded fear of persecution** in the country of origin at the time of the Cancellation Interview (see § 10.3.4 - *Assessing New Evidence relating to the Refugee Criteria*). The individual should also be informed of the right to appeal a cancellation decision.
- If an individual has been **duly notified** of cancellation proceedings (see § 10.3.1 - *Notice to the Individual in Cancellation Procedures*), **but does not attend the Cancellation Interview**, a determination of the appropriateness of cancellation of the individual's refugee status should be made on the basis of the available information.

10.3.4 Assessing New Evidence relating to the Refugee Criteria

- The Protection staff member who conducts the Cancellation Interview should consider new evidence regarding the individual's eligibility for refugee status at the time of the Cancellation Interview.
- Cancellation of refugee status and RSD adjudication are distinct procedures, to which distinct criteria apply. However, for reasons of consistency and efficiency, if the individual concerned provides information relating to his/her eligibility for refugee status at the time of the Cancellation Interview, the Protection Staff member should examine current protection needs and eligibility for refugee status.
- When conducting RSD adjudication in the context of cancellation procedures Protection staff should incorporate the procedural safeguards that are applicable in standard RSD procedures. Concurrent processing should not undermine the thoroughness or the reliability of the RSD. The individual should be given the necessary opportunity to prepare and present the claim. If the facts relating to the current RSD adjudication raise complex issues, or if research or other preparation is necessary to permit the Protection staff member to effectively question the individual, a **Complementary RSD Interview** should be scheduled.
- When RSD is undertaken concurrently with cancellation procedures **separate Assessments** should be prepared for the cancellation decision and the RSD decision. All RSD assessment should be prepared using the **RSD Assessment Form**. The principles and procedures set out in § 4.4 - *Procedures for Review of RSD Decisions* and § 6 - *Notification of RSD Decisions* should also apply.

10.3.5 The Cancellation Assessment

- In each case, the cancellation decision should be recorded in a cancellation Assessment, which should include the following:

The Cancellation Assessment

- Detailed transcript of the Cancellation Interview;
- Assessment of the reliability of evidence relevant to the grounds for cancellation and the credibility of the individual;
- A determination of whether grounds for cancellation have been established and, if so, a recommendation that refugee status should be cancelled.

10.3.6 Review of the Cancellation Decision

- Cancellation procedures in each UNHCR Office should include a mechanism for **review** of all cancellation decisions. The review and approval by the **RSD Supervisor** or the **Head of Office** should be required in all cases where a determination is made to cancel refugee status.
- When a decision is made in first instance by a UNHCR Office to cancel the refugee status of an individual, the RSD Supervisor should forward the Cancellation Assessment, and all other relevant information on the file, including the initial RSD Assessment, to the **Legal Advisor of the relevant Bureau and DIP at UNHCR Headquarters**.
- Unless alternative arrangements are agreed to by DIP, the **approval by DIP** is required to cancel the status of any individual who was recognized as a refugee by UNHCR.

10.3.7 Notification of the Cancellation Decision

- Individuals whose refugee status is cancelled by UNHCR must receive **notice in writing of the decision and the reasons** supporting the cancellation decision. The general principles and procedures set out in § 6 - *Notification of RSD Decisions* are also relevant in cancellation procedures.
- Notification of the cancellation decision should also inform the individual of the **consequences of cancellation** of refugee status, including:
 - Where reliable information exists, the known implications of cancellation of refugee status for the individual's legal status in the host country;
 - The effect of cancellation on assistance received by UNHCR, including processing for resettlement;
 - The cancellation of the status of individuals who received derivative status as a result of the recognition of the individual whose refugee status is cancelled (see § 10.5 - *Cancellation of Derivative Status*);

- The right to appeal the cancellation decision and the relevant procedures;
 - Procedures with respect to the return of documents issued by UNHCR at the time of recognition (see §10.6 - *Withdrawal of UNHCR Documents in Cancellation Procedures*).
- When the examination of the grounds for cancellation of refugee status is conducted at the same time as the RSD adjudication, it is important to avoid confusion regarding the person's status with UNHCR as a result of the two procedures. The decision in cancellation procedures should not be issued until the RSD decision has been made and the individual's current eligibility for refugee status is determined.
- If it is determined that an individual was incorrectly recognized in the past, but has **subsequently become eligible for refugee status**, the individual should generally be notified of the decision taken with respect to the cancellation of the original refugee status as well as the decision to recognize him/her as a refugee based on subsequent facts and developments. In such cases, it is not necessary to provide reasons for the cancellation and RSD decisions unless this is requested by the individual.
- In light of the serious implications of cancellation procedures, and potential confusion and uncertainty associated with these procedures, particularly when adjudication for RSD is undertaken concurrently, procedures for notification should, wherever possible, include the possibility to receive **counselling on the decision with UNHCR staff**. Notification should permit the individual to know the decision in each procedure but to clearly understand their status with UNHCR as a result of these procedures.

10.4 Appeal of Decisions to Cancel Refugee Status

- Individuals whose refugee status is cancelled by UNHCR have the **right to appeal the cancellation decision**. The appeal should be determined by a Protection staff member who was not involved in the determination of the initial refugee claim or the cancellation decision.
- While the appeal of the cancellation decision is pending, the individual's refugee status should remain valid.
- The principles and procedures set out in § 7 - *Appeal of Negative RSD Decisions* are relevant to, and should inform the development of appeal procedures for decisions to cancel refugee status.
- A final cancellation decision should result in the closure of the file. Cancellation would not prevent an individual from requesting a re-opening of the RSD file at a later date should a change in circumstances affect his/her need for refugee protection (see § 9.2 - *Re-Opening RSD Files*).

10.5 Cancellation of Derivative Status

- Cancellation of refugee status results in the cancellation of the derivative refugee status of family members/dependants of the individual concerned. The cancellation of derivative status should be noted on the appropriate individual file and on any central database used to record information regarding the family member/dependant.
- UNHCR Offices should, wherever possible, take steps to notify persons whose derivative status is cancelled and to inform them that the cancellation does not affect their right to apply for RSD should they have independent grounds to claim refugee protection.

10.6 Withdrawal of UNHCR Documents in Cancellation Procedures

- In the interest of maintaining the integrity of documentation issued by UNHCR to recognized refugees, UNHCR Offices should take **all feasible steps to withdraw UNHCR documentation issued** to individuals whose refugee status has been cancelled.
- At the time of notification of the cancellation decision, every individual whose refugee status is terminated should be requested to return the UNHCR Refugee Certificate or any other documentation that was issued by UNHCR upon recognition. Documentation issued by UNHCR to family members/dependants who obtained derivative status should also be returned to UNHCR.
- Wherever possible, the UNHCR Refugee Certificate held by refugees whose initial status was determined to be incorrect, but who were found to have become subsequently eligible for refugee status should be **amended to reflect the later date of recognition**.



UNIT 11

Procedures for Cessation
of Refugee Status

PROCEDURES FOR CESSATION OF REFUGEE STATUS

11.1 General Principles

- The 1951 Convention sets out circumstances under which **refugee status that was properly granted by UNHCR under its mandate may be terminated**, because the individual who was recognized as a refugee is no longer in need of refugee protection.

The cessation clauses can be divided into two broad categories:

- Those relating to a change in the personal circumstances brought about by the voluntary acts of the refugee;
 - Those relating to a change in the objective circumstances that were the basis of the recognition of refugee status.
- The paragraphs that follow are intended to provide procedural guidance on assessing the **application of the cessation clauses to individual refugees** in both categories, when reliable information comes to light to indicate that an individual may no longer be in need of refugee protection.
 - **Most commonly cessation is declared on a group basis.** Where general cessation is declared on a group basis because of fundamental and durable change in the country of origin, UNHCR Offices should **consult with UNHCR Headquarters** to develop and implement appropriate procedures.
 - Cessation of refugee status should be **distinguished from cancellation** of refugee status, which is intended to invalidate the refugee status of persons who, at the time of recognition, were not entitled to refugee status, either because they did not fall within the inclusion criteria or the exclusion criteria applied (see §10 - *Procedures for Cancellation of Refugee Status*).
 - UNHCR staff should be aware of the purpose of the cessation clauses and the circumstances that would make cessation of refugee status appropriate. Cessation should only be undertaken where the facts that would bring the individual within the cessation clauses have been established, and there do not exist other factors indicating the continued need for refugee protection.
 - Each UNHCR Office should implement procedures to ensure **fair, transparent and consistent application of the cessation clauses**. Given the significance of the Cessation procedures for the individual concerned, and the potentially very serious consequences of unjustified termination of refugee status, UNHCR Cessation procedures **must incorporate the highest standards of fairness and due process**.

11.2 Cessation Procedures

11.2.1 Notice to the Individual in Cessation Procedures

- The determination that grounds exist to refer an individual to cessation procedures should be made by the RSD Supervisor. Cessation files should be assigned to Eligibility Officers or other Protection staff who have experience in RSD.
- Cessation procedures should include **requirements for notice to the refugee** concerned of the nature and purpose of the Cessation procedures, and the reasons why UNHCR considers that the individual's refugee status should be terminated. The individual should be advised that if he/she has information to explain or challenge the facts upon which the cessation procedures have been commenced, or other information regarding the continued need for refugee protection, he/she may request a **Cessation Interview** with a UNHCR staff member to present this information.
- The principles and procedures set out in § 10.3.1 - *Notice to the Individual in Cancellation Procedures* are relevant, and should be reflected in individual cessation procedures. As a general rule, if it is not possible to notify the individual concerned, Cessation of refugee status in individual cases would not be appropriate. In exceptional circumstances (including cases where there is substantial and reliable evidence that an individual has re-established him/herself in the country of origin, or has acquired the rights of a national in a third country), refugee status may be terminated without notice, following established review and approval procedures.

11.2.2 Cessation Interviews

- Individuals who are notified of cessation procedures should be given a reasonable period of time, which should not be shorter than **30 days after the date of notification**, within which to request a Cessation Interview. Cessation procedures should be **sufficiently flexible** to permit the individual concerned to request a Cessation Interview or to make submissions in cessation procedures within a reasonable period after the deadline in appropriate cases.
- The Protection staff member who conducts the Cessation Interview should maintain a transcript of the interview. The procedures and principles set out in § 4.3.8 - *Recording the RSD Interview should be followed in Cessation Interviews*.
- If an individual has been duly notified of the Cessation procedures but does not request a Cessation Interview or present evidence relating to the need for continued international protection, within a reasonable period refugee status may be terminated.

11.2.3 The Cessation Assessment

- In each case, the cessation decision should be recorded in a **Cessation Assessment**, which should include the following:

Cessation Assessment

- A summary of the evidence that is relevant to the grounds for cessation, including an assessment of the reliability of the evidence and the credibility of the individual concerned;
- A determination of whether the accepted facts support a finding that the individual is no longer in need of refugee protection.

11.2.4 Review of Cessation Decisions

- Cessation procedures in each UNHCR Office should include a mechanism for review of all cessation decisions. The review and approval by the **RSD Supervisor** or the **Head of Office** should be required in all cases where a decision is made to terminate the refugee status of a person who was recognized pursuant to UNHCR's mandate.
- Following review procedures within the UNHCR Office, all first instance cessation decisions should be submitted for review to the Legal Advisor of the relevant Bureau at **UNHCR Headquarters who will consult with DIP, if necessary, and particularly when complex legal issues arise**. The submission should include the Cessation Assessment, the transcript or notes regarding a Cessation Interview (if one was conducted) and any other relevant documentation from the file.

11.2.5 Notification of Cessation Decisions

- Individuals whose refugee status is terminated pursuant to UNHCR cessation procedures must receive **notice in writing of the decision and the reasons** supporting the cessation decision. The general principles and procedures set out in § 6 - *Notification of RSD Decisions* are also relevant in individual cessation procedures.
- Notification of cessation of refugee status should also inform the individual of the **consequences of cessation**, including:
 - Where reliable information exists, the implications of cessation of refugee status for the individual's legal status in the host country;
 - The effect of cessation on assistance received by UNHCR, including processing for resettlement;
 - The status of individuals who received derivative status based on the refugee status that was terminated will also be terminated (see § 11.4 - *Cessation of Derivative Status*);
 - The right to appeal the cessation decision and the relevant procedures;
 - Procedures regarding the return of documents issued by UNHCR (see § 11.5 - *Withdrawal of UNHCR Documents in Cessation Procedures*).

11.3 Appeal of Cessation Decisions

- Individuals whose refugee status is terminated by UNHCR, pursuant to individual Cessation procedures, should have the right to appeal the cessation decision. The appeal should be determined by Protection staff member who was not involved in the preparation or review of the cessation decision. The principles and procedures set out in § 7 - *Appeal of Negative RSD Decisions* are relevant to, and should inform the development of appeal procedures in cessation cases.
- While the appeal of the cessation decision is pending, the individual's refugee status should remain valid.
- A final cessation decision should result in the closure of the file. Cessation of refugee status would not prevent an individual from requesting a re-opening of the RSD file at a later date should a change in circumstances affect his/her need for refugee protection (see § 9.2 - *Re-opening RSD Files*).

11.4 Cessation of Derivative Status

- Cessation of the refugee status of the Principal Applicant will extend to the derivative status accorded to the family members/dependants of the Principal Applicant. The cessation determination will not affect the right of the persons who had derivative refugee status to make an independent claim.
- The termination of the derivative status should be noted on the appropriate individual file and on any central database used to record information regarding the family member/ dependant.

11.5 Withdrawal of UNHCR Documents in Cessation Procedures

- In the interest of maintaining the integrity of documentation issued by UNHCR to recognized refugees, UNHCR Offices should take **all feasible steps to amend or withdraw UNHCR documentation issued** to individuals whose refugee status has been terminated under cessation procedures.
- At the time of notification of a cessation decision, individuals whose refugee status has been terminated should be requested to return the UNHCR Refugee Certificate or any other documentation that was issued by UNHCR upon recognition. Documentation issued by UNHCR to family members/dependants who obtained derivative status should also be returned to UNHCR.
- Where the individuals to whom the UNHCR Refugee Certificate was issued are not in possession of other identity documents, or where the Refugee Certificate may be required to document the refugee status held, it may be appropriate to permit the individuals to retain the UNHCR Refugee Certificate or other documents issued by UNHCR upon recognition. In such cases, the documentation should be clearly **amended to reflect the cessation of the refugee status**, and Offices should take and other necessary measures to prevent the improper use of the UNHCR Refugee Certificate.

UNIT 12

Annex

ANNEX

Annex 1-1 List of UNHCR Resources (November 2003)

Notice: The list below highlights the UNHCR policy resources and guidelines that are relevant to refugee status determination under UNHCR's mandate. All Protection Staff members who are responsible for RSD should have access to and be familiar with these documents. Managers should ensure that documents are disseminated to staff who are responsible for their implementation, and that the directions in these documents are reflected in the RSD procedures and practice in the UNHCR Office concerned.

Many of these documents can be found in the UNHCR Protection Manual. Most of the external documents can be found on the CD ROM Refword 2003 or on UNHCR's web site (www.unhcr.ch/refworld/). Internal documents are on KIMS CD ROM (last updated 2000) or on the Intranet.

GENERAL UNHCR RESOURCES

Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees (Re-edited January 2002).

Asylum Processes (Fair and Efficient Asylum Procedures), Global Consultations on International Protection, 2nd mtg, U.N. Doc. EC/GC/01/12 (31 May 2001).

Human Rights and Refugee Protection. Part 2: Specific Issues (RLD 6) Training Module (1996).

Human Rights and Refugee Protection. Part 1: General Introduction (RLD 5) Training Module (October 1995).

Collection of International Instruments and other Legal Texts Concerning Refugees and Displaced Persons (1995). (2 volumes).

Determination of Refugee Status (RLD 2). Training Module.

UNIT 1 • INTRODUCTION

Supervision and Oversight

The Role and Functions of the Inspector General's Office UNHCR/ IOM/65/2003, UNHCR/FOM/65/2003 (9 October 2002). (Internal).

UNHCR Manual, Chapter 2 "Organizational Structure and Responsibilities" Sections 1.2 – *Delegation*, 1.3 – *Accountability*, 1-4 *UNHCR's Organizational Structure*, 1.5 - *The Nature of Reporting Lines*, 9.5 - *Representative* (April 2003.)

Partnership: An Operations Management Handbook for UNHCR's Partners Appendix A1 - *Framework Agreement for Operational Partnership between UNHCR and Non-Governmental Organizations* (February 2003).

UNHCR Code of Conduct, 2002.

Disciplinary Proceedings and Measures, UNHCR/IOM38/02, UNHCR/FOM38/02 (30 May 2002). (Internal).

Management of Protection Activities – Responsibilities of UNHCR staff, UNHCR/IOM/25/2002, UNHCR/FOM/24/2002 (15 March 2002). (Internal).

UNIT 2 • GENERAL ISSUES

Confidentiality

Relations with International Criminal Tribunals, UNHCR/IOM/48/2002, UNHCR/FOM/44/2002 (August 2002). (Internal).

Confidentiality Guidelines, UNHCR/IOM/71/01, UNHCR/FOM/68/2001 (August 2001). (Internal).

Communications on Sensitive Individual Cases, UNHCR/IOM/116/88, UNHCR/FOM/108/88 (November 1988). (Internal).

Confidentiality of Official UNHCR Documents and Information, UNHCR/ IOM/59/1988, UNHCR/FOM/51/88 (April 1988). (Internal).

RSD File Management Procedures

UNHCR FOM 67/2000 Field Guide - Annex 3 - Managing Records Centres; Annex 4 – Identifying and Shipping Archives, UNHCR Archivist. (14 September 2000).

Office Security

UNHCR Manual, Chapter 2, Section 9.2(f). "Organizational Structure and Responsibilities" (April 2003).

Safety Guidelines for Handling Threats, Verbal Abuse and Intimidation from Refugees (April 2003).

UNHCR Security Policy, UNHCR IOM/68/2002, UNHCR FOM//64/2002 (26 November 2002). (Internal).

Safety Guidelines for Sensitive Individual Refugee Cases in an Urban Context Geneva (September, 2002).

UNHCR Handbook for Emergencies (2nd ed.) (June 2000).

Staff Stress and Staff Security: A Management Challenge for UNHCR, UNHCR/Inspection and Evaluation Service (January 1997).

Security Recommendations, UNHCR (1995)

Security Awareness – an Aide Memoir (1995).

Interpretation in UNHCR RSD Procedures

Interpreting in a Refugee Context (RLD 3). Training Module. June 1993

UNIT 3 • RECEPTION AND REGISTRATION IN RSD OPERATIONS

Reception and Registration Standards

UNHCR Handbook for Registration: Procedures and Standards for Registration, Population Data Management and Documentation (Provisional Release - October 2003).

Identity Documents for Refugees and Asylum Seekers: Guidance on Issuing Identity Documents to Persons of Concern. (Project Profile/PGDS Working Draft 2003)

Executive Committee, *Conclusion on Reception of Asylum seekers in the Context of Individual Asylum Systems* (No. 93 (LIII) of 2002).

Executive Committee, *Conclusion on Registration of Refugees and Asylum Seekers* (No. 91 (LII) of 2002).

Asylum Seekers with Special Needs

Refugee Women

Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response (May 2003).

UNHCR Commitment to Refugee Women, Memorandum from the High Commissioner (December 2001).

Guidelines on the Protection of Refugee Women (July 1991).

Child Applicants

Inter-agency Guidelines on Unaccompanied and Separated Children, IRC, ICRC, Save the Children-UK, UNHCR, UNICEF, and World Vision (to be issued 2003).

Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response, Chapter 5 (May 2003).

Separated Children in Europe Programme: "Statement of Good Practice", Save the Children and UNHCR (October 2000).

Refugee Children: Guidelines on Protection and Care (1994).

UNHCR Policy on Refugee Children (August 1993).

Action for the Rights of the Children (ARC) Resource Packs, Foundations: International Legal Standards (2002); *Child and Adolescent Development* (2001); *Working with Children* (2001), UNHCHR, Save the Children, UN Children's Fund, and UNHCR.

Action for the Rights of the Children (ARC) Resource Packs, Critical Issues: Separated Children (2002); *Child Soldiers* (2000); *Abuse and Exploitation* (2002), UNHCHR, Save the Children, UN Children's Fund, and UNHCR.

Other Asylum Seekers with Special Needs

Older people in disasters and humanitarian crises: Guidelines for Best Practice, UNHCR, Help Age International-UK (2003).

Refugees and HIV/AIDS, Executive Committee of the High Commissioner's Programme, Standing Committee, 20th mtg., U.N. Doc. EC/51/SC/CRP7 (February 2001).

Older Refugees: Looking Beyond the International Year of Older Persons, Executive Committee of the High Commissioner's Programme, Standing Committee, 17th mtg., U.N. Doc. EC/50/SC/CRP8 (February 2000).

The Situation of Older Refugees, Executive Committee of the High Commissioner's Programme, Standing Committee, 48th Sess., U.N. Doc. EC/48/SC/CRP39 (August 1998).

UNHCR Policy Regarding Refugees and Acquired Immune Deficiency Syndrome (AIDS), UNHCR/IOM/78/98, UNHCR/FOM/84/98 (December 1998) (Internal – Cooperation Framework external).

Mental Health of Refugees, World Health Organization with UNHCR (1996).

Assisting Disabled Refugees. A Community-Based Approach (2nd ed.) (May 1996)

Draft UNHCR Guidelines on Evaluation and Care of victims of Trauma and Violence (December 1993)

UNHCR Policy and Guidelines Regarding Refugee Protection and Assistance and Acquired Immune Deficiency Syndrome (AIDS), UNHCR/IOM/82/92, UNHCR/FOM/81/92 (November 1992) (Internal – Guidelines external).

UNIT 4 • ADJUDICATION OF REFUGEE CLAIMS

RSD Interviewing

Interviewing Applicants for Refugee Status (RLD 4). Training Module. UNHCR Geneva, 1995.

Inclusion Criteria

Guidelines on International Protection: "Internal Flight or Relocation Alternative" within the context of Article 1 A (2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, UNHCR, HCR/GIP/03/04 (July 2003).

Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response, Chapter 8 UNHCR (May 2003).

Guidelines on International Protection: "Membership of a Particular Social Group" within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, UNHCR (May 2002).

Guidelines on International Protection: Gender-Related Persecution within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, UNHCR (May 2002).

Interpreting Article 1 of the 1951 Convention Relating to the Status of Refugees UNHCR (April 2001).

Note on Burden and Standard of Proof in Refugee Claims, UNHCR Position Paper (December 1998).

Exclusion

Guidelines on International Protection: Application of the Exclusion Clauses: Article 1F of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, UNHCR, HCR/GIP/03/05 (September 2003).

Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees (September 2003).

Note on the Interpretation of Article 1E of the 1951 Convention, UNHCR (October 2001) (internal).

Review of RSD Decisions

Requests by UNHCR Field Office for Advice on Matters relating to the Determination of Refugee Status of Individual Applicants, UNHCR/IOM/47/91, UNHCR/FOM/48/91 (May 1991) (Internal).

UNIT 5 • PROCESSING CLAIMS BASED ON THE RIGHT TO FAMILY UNITY

Family Unity and Refugee Protection, Global Consultations on International Protection/Second Track: (Draft) (October 2001).

Family Reunification in the Context of Resettlement and Integration, UNHCR Background Note for the Annual Tripartite Consultations on Resettlement (June 2001).

Family Protection Issues, Executive Committee of the High Commissioner's Programme, Standing Committee, 15th mtg., U.N. Doc. EC/49/SC/CRP14 (June 1999).

The Reunification of Refugee Families, UNHCR/IOM/52/83, UNHCR/FOM/49/83 (18 July 1983) (Internal – Note external).

Note on Family Reunification, Executive Committee of the High Commissioner's Programme, Sub-Committee of the Whole on International Protection, 32nd mtg., U.N. Doc. EC/SCP/17 (August 1981).

UNIT 8 • UNHCR REFUGEE CERTIFICATE

Personal Documentation of Refugees, UNHCR/IOM/64/83, UNHCR/FOM/60/83 (22 August 1983) (internal).

UNHCR Handbook for Registration, Project Profile and PGDS, UNHCR Geneva (Provisional Release - September 2003).

UNIT 10 • PROCEDURES FOR CANCELLATION OF REFUGEE STATUS

UNHCR Guidelines on the Cancellation of Mandate Refugee Status, UNHCR (draft to be issued 2004).


Background Note on the Cancellation of Refugee Status, UNHCR (draft to be issued 2004).

UNIT 11 • PROCEDURES FOR CESSATION OF REFUGEE STATUS

Guidelines on International Protection: Cessation of Refugee Status under Article 1C(5) and (6) of the 1951 Convention relating to the Status of Refugees (the "Ceased Circumstances" Clauses) (February 2003).

Guidelines on the Application of Cessation Clauses, UNHCR/IOM/17/99, UNHCR/FOM/17/99 (April 1999) (Internal – Guidelines external).

Annex 2-1 Interpreter Undertaking of Confidentiality and Impartiality

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES		NATIONS UNIES HAUT COMMISSARIAT POUR LES RÉFUGIÉS
UNHCR INTERPRETER UNDERTAKING OF CONFIDENTIALITY AND IMPARTIALITY		
Name of Interpreter:		
<p>In addition to my agreement to abide by the principles set out in the <i>UNHCR Code of Conduct</i>, I make the following undertakings in respect of the performance of my role as a UNHCR interpreter in mandate Refugee Status Determination (RSD) procedures:</p>		
<p><u>Obligation of Confidentiality</u></p> <p>I undertake not to disclose or discuss any information about asylum seekers, refugees, colleagues or other work related matters that come to my knowledge as a result of my role as an interpreter with UNHCR. I understand and accept that my obligation to maintain the confidentiality of information I have received in UNHCR continues beyond the termination of my assignment with UNHCR.</p>		
<p><u>Obligation of Impartiality</u></p> <p>I undertake to carry out my responsibilities and to conduct myself at all times, both in and outside of UNHCR premises, in a manner that is fully consistent with my obligation of impartiality as a UNHCR interpreter. In particular:</p>		
<ul style="list-style-type: none"> ➤ I will, to the best of my abilities, provide accurate and complete interpretation in UNHCR RSD procedures; ➤ I will provide interpretation services in UNHCR RSD procedures in a neutral and non-judgemental manner; ➤ I will refrain from engaging in advocacy on behalf of asylum seekers and refugees; ➤ I will not accept payment or favour from or on behalf of asylum seekers and refugees; 		

- I will not engage in contact or exchanges with asylum seekers and refugees or other third parties that could undermine, or be perceived to undermine, either my impartiality as an interpreter or the fairness and integrity of UNHCR procedures.
- I will carry out my responsibilities in a manner that is consistent with UNHCR standards for cultural, gender and age sensitivity in UNHCR procedures.

Duty to Report

I undertake to inform the UNHCR staff member for whom I am providing interpretation services, and to report to my direct supervisor any facts or incidents that could undermine, or be perceived to undermine my impartiality or effectiveness in the performance of my responsibilities. Specifically, I agree to report without delay:

- Any ties, professional or personal, I have with an asylum seeker or refugee in relation to whom I have been assigned to provide interpretation services;
- Any employment, association or private interest I have which could be inconsistent with, or be perceived to be incompatible with, my role as a UNHCR interpreter;
- Any other factors that could adversely affect my competence to provide interpretation services that have been assigned to me.

Consequences of Breach of Interpreter Undertakings

I understand that this signed *UNHCR Interpreter Undertaking of Confidentiality and Impartiality* will be maintained on my personnel file, and that failure to comply with the undertakings above, without reasonable excuse, will amount to misconduct and may result in disciplinary proceedings against me and/or legal action.

I have read, understand and accept each of the undertakings set out above.

Signature of Interpreter:.....

Date:.....

Place:.....

Annex 3-1 UNHCR RSD Application Form

United Nations High Commissioner for Refugees



UNHCR
The UN Refugee Agency

RSD Application Form

Space for
Photograph

UNHCR Office: Principal Applicant Derivative Status

RSD File#: Reg. #:

Arrival Date (dd/mm/yyyy): Reg. Date (dd/mm/yyyy): Special Needs:

Reg. Staff: Interpreter:

Linked RSD Files:

Registration Information Sheet

Parts A to H must be completed for every adult and child Applicant, including family members and other dependants who are accompanying a Principal Applicant.

Part A – Basic Bio Data

1. Full Name (<i>Underline main name</i>):	
2. Other Names used:	
3. Father's Name:	4. Mother's Name:
5. Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female	6. Nationality:
7. Date of Birth (dd/mm/yyyy): <input type="text"/> (If not known give estimated year of birth):	
8. Place of Birth:	
9. Marital Status: <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Engaged <input type="checkbox"/> Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed	
10. Spouse's Name (if applicable):	
11. Religion:	12. Ethnicity:
13. Full Address of Last Place of Residence in Home Country:	
14. Present Address & Contact Numbers:	

Part B – Education (Highest Level)

Name of Institution	Place/Country	From (mm/yyyy)	To (mm/yyyy)	Qualification Obtained
		--/--	--/--	
		--/--	--/--	

Part C – Occupation (Most recent in the home country)				
Name of Employer	Place/Country	From (mm/yyyy)	To (mm/yyyy)	Job Title
		--/---/---	--/---/---	
		--/---/---	--/---/---	

Part D – Identification Documents / Other Documents Provided				
Document Type, Number	Place of Issue	Date of Issue (dd/mm/yyyy)	Date of Expiry (dd/mm/yyyy)	Original Provided?
		--/---/---	--/---/---	<input type="checkbox"/> Yes <input type="checkbox"/> No
		--/---/---	--/---/---	<input type="checkbox"/> Yes <input type="checkbox"/> No
		--/---/---	--/---/---	<input type="checkbox"/> Yes <input type="checkbox"/> No
		--/---/---	--/---/---	<input type="checkbox"/> Yes <input type="checkbox"/> No
		--/---/---	--/---/---	<input type="checkbox"/> Yes <input type="checkbox"/> No

Documents Obtained Illegally:
If any of the documents listed above were not issued legally, please explain how they were obtained.

Missing Documents:
If you are missing identity documents or other documents that are relevant to your claim, please explain why you do not have these documents.

If you are missing documents, will you be able to obtain these documents in the future? If not, please explain why.

Part E – Applicant's UNHCR Registration History		
1. Have you already been registered by UNHCR? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes , where were you registered?	Registration #:	Date of registration: (dd/mm/yyyy):
		--/---/---
2. Have you ever applied for refugee protection with UNHCR or a Government? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If Yes ,		
Where?	When?	Decision and/or status obtained:

Family/Household Composition					
If the Applicant is applying as a dependant/family member of a Principal Applicant, and the information in Parts F to H is identical to the form of the Principal Applicant, the registration number of the Principal Applicant may be provided instead of completing Parts F to H. Reg. No of Principal Applicant _____					
Part F – Family Members and Dependants Accompanying the Applicant					
Full Name	Individual Registration #	Relationship to Applicant	Sex (M/F)	Date of Birth (dd/mm/yyyy)	
01				---/---/----	
02				---/---/----	
03				---/---/----	
04				---/---/----	
05				---/---/----	
06				---/---/----	
07				---/---/----	
08				---/---/----	
09				---/---/----	
10				---/---/----	
Part G – Close Family Members and Dependants in Home Country					
Full Name	Relationship to Applicant	Date of Birth (dd/mm/yyyy)	Citizenship	Occupation	
		---/---/----			
		---/---/----			
		---/---/----			
		---/---/----			
		---/---/----			
Part H – Non-Accompanying Family Members and Dependants Living Outside Home Country					
Full Name	Relationship to Applicant	Date of Birth (dd/mm/yyyy)	Address	Status there	Citizenship
		---/---/----			
		---/---/----			
		---/---/----			
		---/---/----			

Additional Information for Mandate RSD			
Parts I to K must be completed for every Adult Applicant, by children who are applying as Principal Applicants and every unaccompanied or separated child.			
Part I – Details of Travel			
1. Date of Departure from Home Country (dd/mm/yyyy): <u> / / </u>			
2. Means of Travel out of Home Country:			
3. Exit Point from Home Country:			
4. Countries of Transit:	Period		Travel Document Used
	From (mm/dd/yyyy)	To (mm/dd/yyyy)	
	<u> / / </u>	<u> / / </u>	
	<u> / / </u>	<u> / / </u>	
5. Entry point in Host Country:			
6. Date of arrival in Host Country (dd/mm/yyyy): <u> / / </u>			
7. Have you been to Host Country before? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes , please provide date and duration of stay:			
Part J – Sex of Interviewer / Language(s) of Interview			
Do you have a preference to be interviewed by a staff member and interpreter of a particular sex? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If yes , indicate which sex: <input type="checkbox"/> Male <input type="checkbox"/> Female			
What language(s) do you prefer for UNHCR interviews? _____			

**Declaration*****To be signed by the Applicant***

I declare the information I have supplied on and with this form is complete, correct and current in every detail.

I understand that if I have given false or misleading information, my application for refugee status may be refused, or, if I have been recognized as a refugee, the recognition may be cancelled.

I undertake to inform UNHCR of any significant changes to my circumstances while my application is being considered, including any changes to my address and contact numbers, the arrival or departure of members of my household or other changes in the composition of my household.

Signature of Applicant: _____

Date: _____

Place: _____

Annex 3-2 Registration Form for Unaccompanied and Separated Children

REGISTRATION FORM FOR UNACCOMPANIED AND SEPARATED CHILDREN

ICRC ID No. _____

Other ID No. _____
(Please specify organisation)

PHOTO

Unaccompanied child

Separated child

Please Note:

- A **separated** child is any person under the age of 18, separated from both parents, or from his/her previous legal or customary primary care giver, but not necessarily from other relatives. An **unaccompanied** child is any person who is under the age of 18, separated from both parents, or from his/her previous legal or customary primary care giver and **also** his/her relatives.
- If the child does not remember his/her address, please note other relevant information, such as descriptions of mosques, churches, schools and other landmarks.

Please fill out this form with a ballpoint pen. (1 form per child except for siblings under point 2.)

1. Identity of the child

Personal ID document type and no. _____ Sex M F

Full name (as expressed locally) _____

Also known as (nickname) _____

Names(s) given to the child by others after separation from parents? Yes No

Date of birth/age _____ Place of birth _____

Nationality _____ Country _____

Ethnic group _____

Language(s) spoken _____

Distinguishing physical characteristics _____

Father's full name _____

Alive Dead don't know

Mother's full name _____

Alive Dead don't know

If father and/or mother believed dead, please give details _____

Other persons familiar to the child _____

1

Address of the child before separation (i.e. where the child grew up) _____
 _____ Tel. no. _____

Person(s) with whom child lived _____

2. Siblings (brothers/sisters) accompanying the child

A. Full name _____
 Date of birth/age _____ Place of Birth _____ Country _____
 Current address _____
 _____ Tel. no. _____

B. Full name _____
 Date of birth/age _____ Place of Birth _____ Country _____
 Current address _____
 _____ Tel. no. _____

3. Current care arrangement of the child

a. Children's centre b. Foster family (please specify nationality) _____
 c. Other (please specify) _____
 Full name of institution/person(s) responsible _____
 Address _____
 _____ Tel. no. _____
 Date this care arrangement commenced _____
 Place foster family intends or is likely to return to or resettle in:
 Address _____ Country _____

4. History of separation

Date of separation _____ Place of separation _____ Country _____
 Circumstances of separation _____

 List additional movements between place of initial separation and current location _____

2

5. In case the child has been evacuated

By whom / through which organisation? _____ Date _____

Reason(s) for evacuation _____

From where? _____ To where? _____

6. Additional protection concerns

Has the child been associated with an armed force or armed group? Yes No

Child headed household Yes No

Disabled child Yes No

Medical Yes No

Street child Yes No

Girl mother Yes No

Abuse situation Yes No

Other (please specify) _____

Further information _____

Immediate action required? Yes No

7. Wishes of the Child

Person's child wishes to find

Father Mother Brother Sister

Other (please specify) _____

A. Full name and relationship _____

Last known address _____

_____ Country _____ Tel. no. _____

B. Full Name and relationship _____

Last known address _____

_____ Country _____ Tel. no. _____

C. Full Name and relationship _____

Last known address _____

_____ Country _____ Tel. no. _____

Is the child in contact with/has heard from any relative(s)? (please give details) _____

Does the child want family reunification? Yes, as soon as possible Yes, later No

3

12. Place and date of interview _____

13. Information obtained from:
the child guardian other (please specify) _____


14. Name of interviewer and organisation _____

15. Organisation in charge of tracing the child's family (please specify name, address and contact numbers) _____

16. Signature of the child (if old enough) _____


5

Annex 3-3 UNHCR Asylum Seeker Certificate

<p>UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES</p> <p>[address of Country Office]</p> <p>Telephone: Fax: E-mail:</p>		<p>NATIONS UNIES HAUT COMMISSARIAT POUR LES RÉFUGIÉS</p> <p>[adresse de la Délégation]</p>
Reference number:	Date of Issue:	
UNHCR ASYLUM SEEKER CERTIFICATE		
<p>Name of Applicant: UNHCR Registration no.: Date of birth: Place of birth: Nationality: Date of entry in (host country): Place of entry:</p>	<div style="border: 1px solid black; padding: 10px; width: fit-content; margin: 0 auto;"> <p>photograph (with UNHCR stamp)</p> </div>	
<u>To WHOM IT MAY CONCERN</u>		
<p>This is to certify that the above-named person, national of [insert country of nationality], is an asylum seeker whose claim for refugee status is being examined by the Office of the United Nations High Commissioner for Refugees. As an asylum seeker, [he/she] is a person of concern to the Office of the United Nations High Commissioner for Refugees, and should, in particular, be protected from forcible return to a country where [he/she] claims to face threats to [his/her] life or freedom, pending a final decision on [his/her] refugee status. Any assistance accorded to the above-named individual would be most appreciated.</p>		
<p>Questions regarding the information contained in this document may be directed to the Office of the United Nations High Commissioner for Refugees at the address above.</p>		
<p>(Signature of designated UNHCR Officer)</p>		
<p>This document is valid until: (period of validity not to exceed one year from date of issue)</p>		
<p>This document is only valid in the original when bearing official UNHCR stamp.</p>		

Annex 4-1 Authorization to Act as Legal Representative

**UNITED NATIONS
HIGH COMMISSIONER
FOR REFUGEES**



**NATIONS UNIES
HAUT COMMISSARIAT
POUR LES RÉFUGIÉS**

**AUTHORIZATION TO ACT AS
LEGAL REPRESENTATIVE**
To be Completed by the Applicant

Name of Applicant:
Date of birth:
RSD File no.:

This is to certify that is acting as my legal representative for all matters relating to my application for refugee status with the United Nations High Commissioner for Refugees.

I hereby authorize UNHCR to disclose to the above-named individual information or documents that I have provided directly to UNHCR, and to inform the above-named individual of decisions taken by UNHCR regarding my application for refugee status.

This Authorization is valid until a final determination in my refugee claim has been made by UNHCR, or the date upon which I give notice to UNHCR that the person named above is no longer authorized to act as my legal representative.

Applicant's Signature:
Date:

Annex 4-2 RSD Assessment Form

RSD PROCEDURAL STANDARDS	RSD ASSESSMENT FORM
UNHCR	
RSD ASSESSMENT FORM	
UNHCR OFFICE:	FILE NO.:
INTERVIEWER/ELIGIBILITY OFFICER:	DATE OF INTERVIEW(S):
INTERPRETER:	
APPLICANT'S BASIC BIO-DATA	
<i>(REFER TO RSD APPLICATION FORM FOR COMPLETE BIO DATA)</i>	
FULL NAME:	NATIONALITY AS STATED:
	IF STATELESS, PLACE OF FORMER HABITUAL RESIDENCE:
DATE OF BIRTH:	ETHNICITY:
SEX:	RELIGION:
Part I- SUMMARY OF THE CLAIM	
I-1 Please summarize below the reasons provided by the Applicant for leaving the country of nationality or habitual residence and for fearing return to that country.	
<p><small>RSD Procedural Standards Annex 4-2. All information contained herein is confidential and privileged. This document is intended only for the use of UNHCR personnel and others who have been specifically authorized to receive it. Dissemination, distribution or copying, without UNHCR's consent is strictly prohibited.</small></p>	

RSD PROCEDURAL STANDARDS RSD ASSESSMENT FORM p. 3

Part II - CREDIBILITY ASSESSMENT

II-1 Are the Applicant's statements internally consistent and sufficiently detailed on material points?
If no, please explain, referring to relevant examples. Yes No

II-2 Are the Applicant's statements consistent with other evidence submitted by the Applicant (i.e. documents, evidence of family members or other witnesses)?
Please explain, referring to the relevant statements / evidence. Yes No

II-3 Are the Applicant's statements as to his/her experiences and profile consistent with country of origin information, including generally known facts? Please explain, referring to specific country of origin information. Yes No

II-4 Has the Applicant provided all available evidence in support of the refugee claim, or provided a reasonable explanation for his/her failure to do so?
Please explain. Yes No

II-5 If applicable, identify any other relevant credibility indicators, including any observations during the interview.

CONCLUSION ON CREDIBILITY ASSESSMENT

II-6 Taking into consideration the principle of the benefit of the doubt, were the Applicant's statements on the material elements of the claim credible? Yes No
Please specify which material elements of the claim were found to be credible / not credible.

RSD Procedural Standards Annex 4-2 All information contained herein is confidential and privileged. This document is intended only for the use of UNHCR personnel and others who have been specifically authorized to receive it. Dissemination, distribution or copying, without UNHCR's consent is strictly prohibited.

RSD PROCEDURAL STANDARDS RSD ASSESSMENT FORM p. 3

Part III – INCLUSION ASSESSMENT - 1951 CONVENTION / 1967 PROTOCOL

SUBJECTIVE "FEAR"

III-1 Does the Applicant have a subjective "fear" of return to his/her country of nationality or habitual residence?

Yes No

OBJECTIVE BASIS

III-2 Considering the country of origin information, and the individual circumstances of the Applicant, including relevant past experience, is there a reasonable possibility that the Applicant would experience harm or an intolerable predicament if returned to the country of nationality or habitual residence now?

Yes No

Please explain, specifying the harm / intolerable predicament and referring to COI and relevant details of the Applicant's experiences.

(IF THE ANSWER TO QUESTION III-2 "OBJECTIVE BASIS" IS NO, YOU MAY PROCEED TO QUESTION III-10.)

PERSECUTION

III-3 Is the harm / predicament identified a form of persecution?
Please explain.

Yes No

III-4 If no individual act identified would amount to persecution, would all of the acts feared, when considered together, constitute harm sufficiently serious as to establish cumulative grounds for persecution?
Please explain.

Yes No

RSD Procedural Standards Annex 4-2 All information contained herein is confidential and privileged. This document is intended only for the use of UNHCR personnel and others who have been specifically authorized to receive it. Dissemination, distribution or copying, without UNHCR's consent is strictly prohibited.

<small>RSD PROCEDURAL STANDARDS</small>	<small>RSD ASSESSMENT FORM p. 4</small>
III-5 Is the State the agent of the harm feared?	Yes No
III-6 If the Applicant fears harm by a non-State agent, would the State be unwilling and/or unable to provide effective protection? Please explain.	Yes No
III-7 Does he/she have the possibility to return to any part of the country of nationality or habitual residence, where he or she could reasonably live without fear of persecution or undue hardship? Please explain.	Yes No
 <u>REASONS FOR PERSECUTION</u>	
III-8 Does the harm feared by the Applicant relate to one or more of the grounds in the 1951 Convention/1967 Protocol?	Yes No
<input type="checkbox"/> race specify: <input type="checkbox"/> religion specify: <input type="checkbox"/> nationality specify: <input type="checkbox"/> membership of a particular social group specify: <input type="checkbox"/> political opinion specify:	
III-9 If yes, is gender a relevant element in the context of the grounds listed above?	Yes No
 <u>CONCLUSION ON INCLUSION UNDER 1951 CONVENTION / 1967 PROTOCOL</u>	
III-10 Does the Applicant meet the inclusion criteria in the 1951 Convention/1967 Protocol?	Yes No
<small>RSD Procedural Standards Annex 4-2 All information contained herein is confidential and privileged. This document is intended only for the use of UNHCR personnel and others who have been specifically authorised to receive it. Dissemination, distribution or copying, without UNHCR's consent is strictly prohibited.</small>	

RSD PROCEDURAL STANDARDS

RSD ASSESSMENT FORM p. 6

Part IV - Inclusion Assessment - Other International Protection Needs*(To be completed only if the Applicant does not meet the criteria for inclusion in Part III)*

IV-1 If the Applicant does not fulfil the inclusion criteria of the 1951 Convention, is he/she outside his/her country of nationality or habitual residence and unable to return there owing to serious and indiscriminate threats to life, physical integrity or freedom resulting from generalized violence or events seriously disturbing public order?

If yes, please explain.

Yes No

IF APPLICANT DOES NOT MEET INCLUSION CRITERIA IN EITHER PART III OR IV PROCEED TO PART VI

RSD Procedural Standards Annex 4-2 All information contained herein is confidential and privileged. This document is intended only for the use of UNHCR personnel and others who have been specifically authorized to receive it. Dissemination, distribution or copying, without UNHCR's consent is strictly prohibited.

RSD PROCEDURAL STANDARDS RSD ASSESSMENT FORM p. 3

Part V - EXCLUSION ASSESSMENT
(THIS PART MUST BE COMPLETED IF APPLICANT MEETS INCLUSION CRITERIA IN EITHER PART III OR PART IV)

V-1 Is there any indication that the Applicant may have been associated with events that could bring him/her within the application of the exclusion clauses in Article 1F(a), (b) or (c) of the 1951 Convention?

Yes No

If **no**, please proceed to Part VI.
 If **yes**, please continue.

V-2 Does the conduct with which the Applicant appears to be associated constitute a **crime against peace, a war crime, or a crime against humanity** - Art. 1F(a)?

Yes No

If **yes**, please explain, providing details of the acts in question. Specify the legal basis. Describe the evidence which points to the Applicant's involvement with these acts and refer to any relevant COI.

V-3 Does the conduct with which the Applicant appears to be associated constitute a **serious non-political crime committed prior to entering the country of refuge** - Art. 1F(b)?

Yes No

If **yes**, please explain, providing details to support the assessment of the nature of the act (as both a "serious crime" and having a "non-political" nature, as well as time and place). Describe evidence indicating that the Applicant committed the acts in question, including relevant COI.

V-4 Does the conduct with which the Applicant appears to be associated constitute **acts contrary to the purposes and principles of the United Nations** - Art. 1F(c)?

Yes No

If **yes**, please explain, providing details of the acts in question. Describe evidence indicating that the Applicant is guilty of those acts, including relevant COI. Indicate whether the Applicant was in a position of power in a State or State-like authority.

(IF THE ANSWER TO ALL THREE QUESTIONS UNDER V-2, V-3 AND V-4 IS NO, PLEASE PROCEED TO V-8. IF THE ANSWER TO ONE OR MORE OF THESE QUESTIONS IS YES, PLEASE CONTINUE)

RSD Procedural Standards Annex 4-2 All information contained herein is confidential and privileged. This document is intended only for the use of UNHCR personnel and others who have been specifically authorized to receive it. Dissemination, distribution or copying, without UNHCR's consent is strictly prohibited.

RSD PROCEDURAL STANDARDS RSD ASSESSMENT FORM p. 8

V-5 Was the Applicant individually responsible for the acts in question, either by committing the acts directly, or by making an important contribution to the commission of the acts, or by failing to prevent the commission of the acts when he/she was in a position to do so?
Please explain. Yes No

V-6 Are there grounds for rejecting individual responsibility of the Applicant (i.e. lack of mental element; in the case of a minor Applicant, age of criminal responsibility; defences; expiration)?
Please explain. Yes No

V-7 Does the serious nature of the excludable act outweigh the risk to the individual upon return? **Please explain.** Yes No

CONCLUSION ON THE EXCLUSION ASSESSMENT

V-8 Are there serious reasons for considering that the Applicant has committed acts within the scope of Article 1F(a), (b) or (c) of the 1951 Convention? Yes No

Please check the relevant ground:

1 F(a) Crime against peace, a war crime, or a crime against humanity

1 F(b) Serious non-political crime prior to entering the country of refuge

1 F(c) Acts contrary to the purposes and principles of the United Nations.

RSD Procedural Standards Annex 4-2 All information contained herein is confidential and privileged. This document is intended only for the use of UNHCR personnel and others who have been specifically authorized to receive it. Dissemination, distribution or copying, without UNHCR's consent is strictly prohibited.

RSD PROCEDURAL STANDARDS RSD ASSESSMENT FORM p. 10

PART VI - RECOMMENDATION


In light of the foregoing assessment, it is recommended that:

- the Applicant meets the criteria set out in Art. 1 A of the *1951 Convention relating to the Status of Refugees and its 1967 Protocol*, and should be recognized as a refugee.
- the Applicant is outside of his/her country of nationality or habitual residence and is unable to return there owing to serious and indiscriminate threats to life, physical integrity or freedom resulting from generalized violence or events seriously disturbing public order. The Applicant should be recognized as a refugee pursuant to UNHCR's mandate.
- the Applicant does not meet the criteria for international refugee protection under UNHCR's mandate, and the claim should be rejected.
- the Applicant is excluded from international refugee protection pursuant to Art. 1 F of the *1951 Convention* and the claim should be rejected.

Name and Signature of Eligibility Officer:		Co-signature of Reviewing Officers:	
DATE:		DATE:	

RSD Procedural Standards Annex 4-2 All information contained herein is confidential and privileged. This document is intended only for the use of UNHCR personnel and others who have been specifically authorized to receive it. Dissemination, distribution or copying, without UNHCR's consent is strictly prohibited.

Annex 6-1 Notification of Negative RSD Decision


<p>UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES</p> <p>[address of Country Office]</p>		<p>NATIONS UNIES HAUT COMMISSARIAT POUR LES RÉFUGIÉS</p> <p>[adresse de la Délégation]</p>
<p>Name of Applicant: UNHCR Registration no.: Date of Notification:</p>		
<p>Notification of Negative RSD Decision</p>		
<p>Dear (Name of Applicant):</p>		
<p>We regret to inform you that after a thorough assessment of your refugee claim, and careful consideration of all available information, UNHCR has determined that you are not eligible for international refugee protection under UNHCR's mandate. The decision that you are not eligible for international refugee protection has been based on the following determinations:</p>		
<p><i>Select each paragraph that has been determined to apply to the Applicant. As a best practice, after each ticked paragraph, provide a brief explanation of the specific facts in the Applicant's claim that were relied upon to reach the conclusion stated in the relevant paragraph. Paragraphs that are not relevant to the reasons for the decision should be deleted.</i></p>		
<p><i>Eligibility Officers should be guided by the factors set out in the RSD Procedural Standards § 5.2 – Notifying Applicants of Negative RSD Decisions to determine whether it is necessary and appropriate to limit disclosure of certain types of information.</i></p>		
<p><input type="checkbox"/> You are not outside of your country of origin and are therefore not eligible for refugee status.</p>		
<p><input type="checkbox"/> You have more than one nationality and have not established that you are unable to obtain effective protection in all of the countries of which you are a national.</p>		
<p><input type="checkbox"/> You are not considered to be in need of refugee protection because you now have rights and obligations in the country in which you have taken up residence that are the same as the rights of enjoyed by persons who are nationals of that country.</p>		
<p><input type="checkbox"/> The reasons you have provided for being unwilling or unable to return to your country of origin are not related to the criteria for refugee status under UNHCR's mandate.</p>		

- The information you provided in support of your claim was not sufficiently detailed, and you did not provide a reasonable explanation for failing to provide information that was relevant to your claim.
- The information you provided to UNHCR was not considered to be reliable on points that are material to your claim, for the following reasons:
 - Substantial inconsistencies were found within the information you provided relating to your claim.
 - Substantial inconsistencies were found between the information you provided and available sources of information about your country of origin.
 - The information you provided was not believable or convincing.
- The harm you fear is not of the nature and/or seriousness as to constitute a form of persecution.
- The authorities in your country of origin are able to provide effective protection from the harm you fear.
- You are able to live in another part of your country of origin without fear of persecution and could reasonably return to live in this area without undue hardship.
- The Office has determined that you have committed or contributed to committing certain serious acts and are therefore excluded from international refugee protection.

If you believe that this decision has been reached because of an error, you may apply to have this decision reconsidered on appeal. To request an appeal, you must complete the attached **Appeal Application Form** and return it to the UNHCR Office within 30 days from the date on which notification of this decision was issued to you, as noted at the top of this letter.

For further information on the procedures for making an appeal with this Office, (summarize the relevant procedures in the UNHCR Office or indicate how the Applicant can obtain information about the procedures to file an Appeal.)

Annex 7-1 Appeal Application Form

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES		NATIONS UNIES HAUT COMMISSARIAT POUR LES RÉFUGIÉS
--	---	--

UNHCR FORM 2017	REGISTRATION No.:	
	RSD FILE No:	
	DATE OF NOTIFICATION OF DECISION:	
	DATE APPEAL APPLICATION RECEIVED:	

**APPEAL APPLICATION FORM
FOR
REFUGEE STATUS DETERMINATION**

In the space provided, please explain why you believe that the decision reached in your refugee claim is wrong. If you believe that any of the facts relied upon by UNHCR in reaching the decision in your refugee claim are incorrect, please explain why you believe this and provide the correct facts. Provide any relevant information that was not previously presented to UNHCR, and explain why the information was not provided before. You may also indicate on the Appeal Application Form any issues or incidents relating to the procedures for processing your refugee claim that you believe affected your ability to present your claim.

Name of Applicant: _____

Date of Birth: _____

Reasons for Appeal

I declare that the information I have provided above is true and complete to the best of my knowledge.

Signed: _____ Date: _____

Annex 8-1 UNHCR Refugee Certificate

<p>UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES</p> <p>[address of Country Office]</p> <p>Telephone: Fac: E-mail:</p>		<p>NATIONS UNIES HAUT COMMISSARIAT POUR LES RÉFUGIÉS</p> <p>[adresse de la Délégation]</p>
Reference number:	Date of Issue:	
UNHCR REFUGEE CERTIFICATE		
<p>Name of Applicant: UNHCR Registration no.: Date of birth: Place of birth: Nationality:</p>	<div style="border: 1px solid black; padding: 10px; width: fit-content; margin: 0 auto;"> <p>photograph <small>(with UNHCR stamp)</small></p> </div>	
<u>TO WHOM IT MAY CONCERN</u>		
<p>This is to certify that the above-named person, has been recognized as a refugee by the United Nations High Commissioner for Refugees, pursuant to its mandate. As a refugee, [he/she] is a person of concern to the Office of the United Nations High Commissioner for Refugees, and should, in particular, be protected from forcible return to a country where [he/she] would face threats to his or her life or freedom. Any assistance accorded to the above-named individual would be most appreciated.</p>		
<p>Questions regarding the information contained in this document may be directed to the United Nations High Commissioner for Refugees at the address above.</p>		
<p>(Signature of designated UNHCR Officer)</p>		
<p><i>This document is only valid in the original when bearing official UNHCR stamp.</i></p>		

Photographs

Unless other wise indicated, photographs from UNHCR photo archives.

- Cover Page :** A. Hollmann (1999), S.Johansen (1980), A.Hollman (1993),
B. Press (1994), A.Hollmann (1998)
- Divider Unit 1 :** R. Chalasani (1998)
- Divider Unit 2 :** H. J. Davies (1995)
- Divider Unit 3 :** R. Chalasani (2001)
- Divider Unit 4 :** S. Hopper (2003)
- Divider Unit 5 :** R. LeMoyne (1996)
- Divider Unit 6 :** A.Hollmann (1994)
- Divider Unit 7 :** H. J. Davies (2002)
- Divider Unit 8 :** A.Hollmann (1994)
- Divider Unit 9 :** A. Hollmann (1998)
- Divider Unit 10 :** A. Hollmann (1998)
- Divider Unit 11 :** P.Moumtzis (1993)
- p 2-1 :** A. Hollmann (1993)
- p 2-9 :** A. Hollmann (1998)
- p 2-11 :** R. Redmond (2001)
- p 2-17 :** A. Hollmann (1997)
- p 3-1 :** S. Errington (1997)
- p 3-2 :** P.Benatar (2001)
- p 3-4 :** A. Hollmann (1998)
- p 3-8 :** R. Chalasani (1996)
- p 3-9 :** A. Hollmann (1998)
- p 3-10 :** A. Hollmann (1988)
- p 3-11 :** A. Hollmann (1998)
- p 3-13 :** A. Hollmann (1993)
- p 3-14 :** Project Profile
- p 3-16 :** Project Profile
- p 3-23 :** B. Press (1999)
- p 3-24 :** A. Hollmann (1993)
- p 3-25 :** B. Press (1993)
- p 3-26 :** R. LeMoyne (1995)
- p 3-26 :** T. Bolstad (1996)
- p 4-6 :** Project Profile
- p 4-10 :** A. Hollmann (1998)
- p 4-11 :** D. Dahmen (1979)
- p 4-13 :** E. Lauwers (1999)
- p 4-16 :** A. Hollmann (1999)
- p 5-3 :** A. Hollmann (1993)
- p 5-5 :** E. Lauxers (1999)
- p 5-6 :** B. Clarke (1998)
- p 6-3 :** S. Hopper (2003)
- p 7-4 :** L. Gubb (1991)
- p 8-2 :** L. Taylor (2001)
- p 10-3 :** S. Hopper (2003)
- p 4-10 :** A. Hollmann (1998)