



COP 2006 – Switzerland and Liechtenstein



**COUNTRY OPERATIONS PLAN**

**SWITZERLAND**

**AND**

**LIECHTENSTEIN**

**2006**

**SUBMITTED BY THE LIAISON SERVICE FOR SWITZERLAND AND LIECHTENSTEIN**

## Part I - Executive Summary

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1. 2005, Switzerland is likely to enter in the final approval stage of the revision of the asylum law. There is a chance that both chambers of the Parliament approve new legislation that announces however to be far more restrictive than the current regime. In addition, depending on the outcome of a people's vote in June 2005, Switzerland may become a party to the Dublin agreement.
2. Despite a sharp fall in numbers of new asylum-seekers in 2004, the political climate will remain difficult and refugee protection in Switzerland is likely to deteriorate even further. The general political debate will continue to focus on abuses and the problems around return of rejected asylum-seekers. Due to their responsibilities in the Swiss federation (social assistance, coercive measures, execution of deportation) the Cantons often do support the more restrictive line taken by the new minister. With a tough line at the national and cantonal level and a generally humanitarian foreign policy supportive to UNHCR, the Liaison Unit (LU) is more and more confronted with a dichotomy between international promises and actual delivery at the national level.
3. In this context, advocating for the maintenance of a fair and effective asylum system on the basis of UNHCR's supervisory function and pursuant to the Agenda for Protection clearly represents the key objective for UNHCR in Switzerland. Also, LU believes that the civil society needs to be more involved and informed of the causes of people fleeing their countries as well as UNHCR's activities in general. Therefore, LU's aim is to mobilise, strengthen and enhance the effectiveness of all actors in favor of respect and protection of refugees and to combat any signs of xenophobia and racial discrimination.
4. On the expert's level, organising a national Symposium together with the Swiss Refugee Council is only the most prominent example of UNHCR's intention to build dialogue, platforms and partnerships. For the public at large, LU will use all communication tools (internet, newspapers, radio, TV and special events) in an attempt to provide the general public with non biased information about asylum seekers statistics, UNHCR's views on legislative change and any matters of concerns to refugee protection. In this regard, it should be noted that the media are still fairly positive towards asylum.
5. Over the past years, the LU has been effectively functioning like a regular UNHCR representation despite the uniqueness of its situation at HQ in Geneva. It has reinforced its presence in various fora (NGO and government sector), improved its monitoring capacity and in the ongoing asylum law revision, UNHCR's voice is crucial. The LU should therefore be considered for the purpose of this exercise as a field office and not part of the HQ structure. This should be reflected by a number of measures related to staffing.
6. The post of the Associate Protection Officer, P-2 financed by the Swiss government should be abolished as of 31 December 2005 in line with a likely entry into force of the revised asylum law on 1 January 2006 which will replace the airport procedure by a regular reception center procedure thus voiding the UNHCR's veto role and its implication in the RSD procedure. Moreover, it is proposed to modify the job description of the Counselling Assistant into a Senior External Affairs Assistant (G-6), which would reflect the reduced number of individual cases approaching HQs and respond to the increased need for networking with the local media, with local NGOs and handle better effective individual case/counselling management. This would also enhance LU's capability to engage more with the media and the general public. Finally as already requested in the COP 2005, LU proposes to change the job description of the Senior Secretary into a Senior Administrative/Finance Assistant (G-

5) in order to better reflect the actual duties performed after the introduction of MSRP. Finally, thanks to the support of the Government of Liechtenstein, the JPO post of External Relations Officer will be funded in 2006 for a new two-year period.

#### **UNHCR's role and operational environment:**

1. UNHCR's role and operational environment in Switzerland is limited due to the Geneva based LU and the small number of staff. However, as set out above, LU Switzerland defined national objectives in order to ensure that the current restrictive trend, which has characterized the Swiss asylum system for the last two years, does not further develop and that it is reversed in some areas.
2. Apart from a limited number of issues where the Swiss Asylum Law foresees UNHCR's formal consultations, LU seeks to improve practical modalities in order to implement its supervisory function at different levels, in particular with the Federal Office for migration (FOM) formally known as Federal Office for Refugees (FOR) and the Asylum Appeal Court (AAC).
3. In view of the above, UNHCR LU for Switzerland and Liechtenstein fully shares the conclusions of the European Representatives meeting convened by the Europe Bureau in February 2004 defining three themes of action: (1) Strengthening asylum, (2) Partnership, (3) Preparedness and Solutions. In this environment, UNHCR's objectives are to:
  - Ensure access to the territory and to asylum procedures for those seeking asylum, as well as a fair application of the 1951 Geneva Convention, including the refugee definition and the provisions concerning socio-economic rights for refugees;
  - Continue Lobbying for the recognition of persecution by non-state agents in the Swiss eligibility practice within the current context of the revision of the Asylum Law, which already foresees the change of practice. Equally, the non recognition of the reasonableness criterion in the application of the concept of internal flight alternative will remain a target;
  - Continue a constructive dialogue with the authorities at the federal level with a view to developing and implementing voluntary repatriation programs. The FOR in close association with the Swiss Agency for Development and Cooperation Affairs has developed innovative return programs targeting large groups of refugees and asylum-seekers, for instance originating from Kosovo, Sri Lanka, Afghanistan and Angola. UNHCR's role in the development of these programs is (1) to indicate the categories of persons still in need of international protection and (2) to provide the country of origin information to ensure a safe return and reintegration of returnees;
  - Increase its emphasis on public awareness in order to encourage the protection and integration of refugees in Switzerland, in particular in areas where there is a need for a better understanding of the refugee cause, through media campaigns and direct contacts with key players at all levels. To this effect the post of Associate External Affairs Officer and the External Affairs Assistant (see below) will be crucial for attaining these objectives.

- Taking into account the results and lessons learnt from the first joint campaign OSAR/UNHCR carried out for the 2003 and 2004 World Refugee Day, improve planning, coordination and quality control in order to maximize impact within the general public and in particular children and teenagers. Targeted activities will focus on their specific needs, as they constitute our primary audience.

**Assumptions:**

- Measures to counter irregular migration are likely to further restrict access to the asylum procedure for asylum-seekers in Switzerland;
- There are no indications for a major refugee influx in 2006;
- Given the general situation prevailing in Kosovo and in particular given the seriousness of the march 2004's incidents forced returns of minorities should be delayed until 2006;
- Switzerland may join in 2005 the Schengen/Dublin mechanism and hence develop stronger links with the Union on asylum and related issues;
- Switzerland will continue to put emphasis on negotiating readmission agreements with countries of origin or transit in order to tackle the issue of the return of rejected asylum seekers;
- The notion of non state agents of persecution is still not applied in manner consistent with international refugee. Therefore pressure will continue to be exercised on Swiss authorities to officially adopt the change of practice.
- The UDC/SVP will continue to gain political strength through the popular initiatives and given the role of the Federal Council member, Mr. Blocher.
- Strong political pressure will be maintained on Federal Council and by extension on the FOM by political parties to tighten asylum procedure in the hope of reducing costs and improving the procedure of returning rejected asylum seekers.
- UNHCR will likely continue to notice a deterioration of working relationships at ministerial level but will maintain its good working relationship with the FOM, the Swiss Asylum Appeals Commission and the Federal Department of Foreign Affairs as well as with all asylum related NGOs and in particular with OSAR.
- The Government of Liechtenstein continues to fund the post of Assistant External Affairs Officer for the period starting 1 May 2005 and ending on 31 April 2007.

**Constraints:**

- The right wing party UDC/SVP will continue to become a leading political party and, hence the continued pressure on asylum and aliens policies;
- There will be political pressure to decrease public spending (social assistance etc.) on asylum-seekers and refugees, in order to counter the perception of an overly attractive Swiss asylum system;
- The revision of the Aliens Act results in a broadening of the reasons for detaining asylum-seekers and introducing carrier sanctions;
- The revision of the Asylum Law may lead to an increased number of inadmissibility decisions due the lack of identity documents and through the introduction of a strict Safe Third Country notion;
- The Federal Office for Refugees increases the use of accelerated procedures by introducing them in registration centers for asylum-seekers therefore increasing the risk of non-entrée en matière decisions;
- The contract between the Canton of Zürich and the Swiss Red Cross guaranteeing the presence of the latter in the airport transit zone should be cancelled by the canton as of 1<sup>st</sup> January 2006 unless alternative solution are found.

- **Goals:**
- **Asylum seekers have access to fair, efficient and effective asylum procedures and are treated in accordance with international standards**
- **The rights of refugees are respected, and effective durable solutions are found for them**
- **Public Opinion is receptive to the protection and solution needs of refugees**

- **Goal 1: Asylum seekers have access to fair, efficient and effective asylum procedures and are treated in accordance with international standards**

• <i>Principal Objectives</i>	• <i>Related Outputs</i>	• <i>Performance indicators</i>	• <i>Time Frame</i>
<ul style="list-style-type: none"> <li>• To negotiate and obtain legal representation inside transit zones and all reception centers. Hence supporting CPT's recommendation.</li> </ul>	<ul style="list-style-type: none"> <li>• UNHCR to organize meetings with authorities (cantonal and federal/FOR) and NGOs in order to negotiate the presence of legal counselors within reception centers.</li> </ul>	<ul style="list-style-type: none"> <li>• Organized presence of legal counselors inside all reception centers including at the international Zurich Airport.</li> </ul>	<ul style="list-style-type: none"> <li>• 2006 continuous</li> </ul>
<ul style="list-style-type: none"> <li>• To enhance the quality of decisions on admissibility procedure.</li> </ul>	<ul style="list-style-type: none"> <li>• Regular meetings are held with key FOM and Airport Police chiefs to identify and address areas of difficulty.</li> </ul>	<ul style="list-style-type: none"> <li>• Although impossible to quantify due to lack of physical monitoring, improving access to the asylum procedure for asylum seekers arriving in Switzerland.</li> </ul>	<ul style="list-style-type: none"> <li>• 2006 continuous</li> </ul>
<ul style="list-style-type: none"> <li>• Adoption and implementation of legal positions in accordance with UNHCR standards, including in the determination of refugee status.</li> </ul>	<ul style="list-style-type: none"> <li>• Legal practitioners and decision-making authorities are provided with accurate and up-to-date advice on UNHCR positions papers.</li> </ul>	<ul style="list-style-type: none"> <li>• Asylum decisions are increasingly in line with UNHCR standards and policies</li> </ul>	<ul style="list-style-type: none"> <li>• 2006 continuous</li> </ul>
<ul style="list-style-type: none"> <li>• To enhance the quality of refugee status determination and bring asylum policies (particularly on detention, gender and minors) and asylum support arrangements more in line with UNHCR's guidelines.</li> </ul>	<ul style="list-style-type: none"> <li>• The LS will continue to monitor the quality of the credibility assessments, which are part of Swiss decision making in the first (and second) instance. It will continue to sensitize the authorities to the fact that a fair credibility assessment forms an integral part of a fair procedure.</li> </ul>	<ul style="list-style-type: none"> <li>• Interventions of LS are taken into account and will contribute to an improvement in prevailing practices.</li> </ul>	<ul style="list-style-type: none"> <li>• 2006 continuous</li> </ul>

<ul style="list-style-type: none"> <li>• Provide UNHCR's comments on any new draft of the Asylum Law and Aliens Law or provide input, presentations at the Parliament level.</li> </ul>	<ul style="list-style-type: none"> <li>• Obtain the latest drafts on the Asylum and Aliens Laws in order to provide extensive comments and lobbying by UNHCR.</li> </ul>	<ul style="list-style-type: none"> <li>• Timely production of UNHCR comments and lobbying.</li> </ul>	<ul style="list-style-type: none"> <li>• Continuous 2006</li> </ul>
<ul style="list-style-type: none"> <li>• Although unlikely, should the procedure still be in place in 2006, provide UNHCR positions in a timely manner within the Swiss Airport procedure in order to effectively prevent refoulement should UNHCR still be part of this procedure.</li> </ul>	<ul style="list-style-type: none"> <li>• Associate Protection Officer to thoroughly examine rejected cases submitted by the FOR, provide expert advice on each rejected case with reference to UNHCR's positions and so hindering possible refoulement.</li> </ul>	<ul style="list-style-type: none"> <li>• Always meet the deadline of 48 hours.</li> </ul>	<ul style="list-style-type: none"> <li>• 2006 continuous or until termination of the agreement with the FOR.</li> </ul>
<ul style="list-style-type: none"> <li>• UNHCR will seek to ensure that readmission agreements and practices include the required safeguards in relation to access to asylum procedures and do not leave asylum seekers in limbo or threatened by indirect refoulement.</li> </ul>	<ul style="list-style-type: none"> <li>• UNHCR to monitor readmission procedures through regular meetings with FOR.</li> </ul>	<ul style="list-style-type: none"> <li>• Setting up of regular meetings with FOM.</li> </ul>	<ul style="list-style-type: none"> <li>• 2006 continuous</li> </ul>

<ul style="list-style-type: none"> <li>• <b>Goal 2: The rights of refugees are respected and effective durable solutions are found for them</b></li> </ul>			
<ul style="list-style-type: none"> <li>• <b>Principal Objectives</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Related Outputs</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Performance indicators</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Time Frame</b></li> </ul>
<ul style="list-style-type: none"> <li>• If not reopened in 2005, Swiss government to reopen resettlement quota and maintain resettlement possibilities for emergency resettlement cases.</li> </ul>	<ul style="list-style-type: none"> <li>• Lobby with all decision-making authorities.</li> </ul>	<ul style="list-style-type: none"> <li>• Reactivation of the Swiss resettlement quota.</li> </ul>	<ul style="list-style-type: none"> <li>• 2006</li> </ul>

<ul style="list-style-type: none"> <li>• <b>Goal 3: Public Opinion is receptive to the protection and solution needs of refugees</b></li> </ul>			
<ul style="list-style-type: none"> <li>• <b>Principal Objectives</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Related Outputs</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Performance indicators</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Time Frame</b></li> </ul>

<ul style="list-style-type: none"> <li>• UNHCR's image is recognized, respected and viewed as relevant. The general public is better educated on global refugee issues and on the protection needs of refugees.</li> <li>• Reduced xenophobia and increased tolerance, better understanding of the difference between economic migrants and refugees.</li> <li>• To ensure that the authorities become familiar with UNHCR's positions on draft EU Directives and on European harmonization issues.</li> <li>• To influence the formulation and implementation of asylum policies and practices in accordance with UNHCR and other international standards.</li> <li>• By taking example on the 2004 first Bern Asylum Symposium, to launch with OSAR the second Asylum Symposium.</li> </ul>	<ul style="list-style-type: none"> <li>• Regional, national and international media use UNHCR as a principal source for information on refugee and asylum issues.</li> <li>• OSAR to continue organizing public awareness activities in schools throughout Switzerland with UNHCR's support. Against this background, public activities will be carried out around the celebration of the World Refugee Day. Posters, brochures, information leaflets, education packs are widely distributed to government, media, educational institutions and the general public. Public awareness activities at the grassroots level (i.e. Refugee Day, exhibitions, and participation in seminars/conferences in the regions).</li> <li>• Senior government officials are regularly informed of UNHCR's position on EU issues. Emphasis is placed on the need to preserve best practices in the harmonization process.</li> <li>• Disseminate UNHCR's and other relevant positions aiming at improving current legislation, practices and implementation of asylum policies.</li> <li>• Successful organization of the second Asylum Symposium to be held in Bern.</li> </ul>	<ul style="list-style-type: none"> <li>• Reducing number of newspaper articles with negative comments regarding asylum seekers and refugees.</li> <li>• Improved perception of general public (difficult indicator to be assessed).</li> <li>• Regular emails are sent to senior government officials. Regular briefings/ meetings are organized EU Directives and on European harmonization issues.</li> <li>• Timely dissemination of all relevant asylum-refugee documents.</li> <li>• At least 200 participants will attend the Symposium</li> </ul>	<ul style="list-style-type: none"> <li>• Ongoing project</li> <li>• Ongoing project</li> <li>• Ongoing project</li> <li>• 2006 continuous</li> <li>• November 2006</li> </ul>
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• **Theme 2: Partnerships**

- **Goals:**
- **UNHCR is seeking to increase the political and financial support from the Liechtenstein and Swiss governments, organizations and individuals for refugees in both countries as well as for the work of UNHCR globally.**
- **Partnerships with NGOs and refugees, civil society building capacity in refugee related matters**

- **Goal 1: UNHCR is seeking to increase the political and financial support from the Liechtenstein and Swiss governments, organizations and individuals for refugees in both countries as well as for the work of UNHCR globally.**

• <i>Principal Objectives</i>	• <i>Related Outputs</i>	• <i>Performance indicators</i>	• <i>Time Frame</i>
<ul style="list-style-type: none"> <li>• Enhance cooperation with the Swiss NGO network for seeking increased political and financial support from government, organizations, corporations and individuals towards refugees in Switzerland and abroad.</li> <li>• Continue to coordinate with PSPA the ZALMAI photographic exhibition “Return, Afghanistan” produced by UNHCR and supported by the Swiss Ministry of Foreign Affairs. Contribute in liaising with other UNHCR Offices regarding the traveling of the exhibition to as many countries as possible.</li> </ul>	<ul style="list-style-type: none"> <li>• Meetings with organizations, corporations and foundations are organized. Attractive and positive presentations of UNHCR’s work are made.</li> <li>• Increases awareness to general public as well as reminding governments of the need for international assistance for the reconstruction of Afghanistan, as it will most likely no longer be a funding priority for the vast majority of industrialized countries.</li> </ul>	<ul style="list-style-type: none"> <li>• Greater possibility to carry out private fund raising activities in Switzerland and Liechtenstein for UNHCR.</li> <li>• As many viewers possible see exhibition across the world, with a particular emphasis with industrialized countries.</li> </ul>	<ul style="list-style-type: none"> <li>• Continuous 2006</li> <li>• Continuous 2006</li> </ul>

<ul style="list-style-type: none"> <li>• <b>Goal 2: Partnerships with NGOs and refugees, civil society building capacity in refugee related matters.</b></li> </ul>			
<ul style="list-style-type: none"> <li>• <b>Principal Objectives</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Related Outputs</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Performance indicators</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Time Frame</b></li> </ul>
<ul style="list-style-type: none"> <li>• Empower NGOs dealing with refugee and asylum matter in line with the Agenda for Protection Goal 3.3</li> </ul>	<ul style="list-style-type: none"> <li>• Enable a better relationship with the Swiss authorities and ensure that their views are taken into consideration when discussing changes in the asylum legislation.</li> </ul>	<ul style="list-style-type: none"> <li>• The views of the NGOs dealing with asylum matters are respected and ideally integrated to any new legislative modifications.</li> </ul>	<ul style="list-style-type: none"> <li>• Continuous 2006</li> </ul>

<ul style="list-style-type: none"> <li>• <b>Theme 3: Preparedness and Solutions</b></li> </ul>			
<ul style="list-style-type: none"> <li>• <b>Goal 1: Enhancing mechanism for solutions orientated activities</b></li> </ul>			
<ul style="list-style-type: none"> <li>• <b>Principal Objectives</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Related Outputs</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Performance indicators</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Time Frame</b></li> </ul>
<ul style="list-style-type: none"> <li>• In the spirit of the Agenda for Protection continue to explore improvement with regard to the return of rejected asylum seekers, repatriation programs and other related asylum matters</li> </ul>	<ul style="list-style-type: none"> <li>• Formulate new solutions for asylum seekers and refugees at large.</li> </ul>	<ul style="list-style-type: none"> <li>• Production of new and concrete examples of possible avenues for innovative ways to streamline and enhance the Swiss asylum system.</li> </ul>	<ul style="list-style-type: none"> <li>• Continuous 2006</li> </ul>