



Refugee Eligibility Committee



BASIC INFORMATION FOR ASYLUM-SEEKERS AND REFUGEES

**SOMALILAND
June, 2008**

INTRODUCTION

The Constitution of Somaliland (Article 10.1) confirms that Somaliland will continue to honour the international obligations entered into by Somalia. The Republic of Somalia ratified both the 1951 and 1969 Conventions, which state inter alia that, STATES are primarily responsible for providing international protection, assisted by UNHCR as necessary.

The purpose of this information leaflet is to provide asylum-seekers and Refugees information pertaining to procedures for application of refugee status in Somaliland and the policy of the Somaliland Government on refugees and asylum-seekers in the country.

REFUGEE ELIGIBILITY COMMITTEE (REC)



Somaliland has a Refugee Eligibility Committee (REC) under the Ministry of Interior, which works with UNHCR to register applications for refugee status. The REC was established in 2003 and is chaired by the Director General of the Ministry of Interior.

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR)



The office of the United Nations High Commissioner for Refugees (UNHCR) is a non-political, humanitarian organisation, created by the UN General Assembly in 1950. The mandate of UNHCR is to provide international protection to refugees and seek durable solutions to their plight. UNHCR has been given the mandate to provide international protection to refugees globally and to oversee the implementation of the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol.

WHO IS A REFUGEE?



A refugee is a person who was forced to leave his/her home country because he or she faced threat to his/her life or freedoms and was not able to receive the protection of the

government. The reasons for such a threat are usually linked to race, religion, nationality, membership of a particular social group or political opinion.

STEP1: REGISTRATION BY SOMALILAND AUTHORITIES (REC)



Registration of applications for asylum in Somaliland is conducted by the Government of Somaliland. Asylum-seekers are therefore required to present their applications to the Refugee Eligibility Committee (REC) in the Ministry of Interior (MOI), Hargeisa.

Once the applicant approaches the REC, the REC gives an appointment for registration interview.

On the interview date, the Principal Applicant must bring along all his/her accompanying family members.

The REC then takes a photograph of the Principle applicant, a family photo and then proceeds to interview the Principal Applicant.

The information given by the applicant is recorded in the Asylum-seeker registration form.

After the interview, the REC makes and retains copies of all documents presented by the applicant, and returns the originals to the applicant.

The REC then provides a REC file number to the asylum-seeker for future reference. The applicant must provide this number every time he/she approaches or writes to REC or UNHCR.

Finally the REC issues the applicant with an “asylum-seeker letter” duly signed by the REC Chairperson and sends the duly completed and signed application forms to UNHCR for Refugee Status Determination (RSD).

An asylum-seeker letter is issued for the period of six months and is extended upon expiration. If you do not extend your asylum-seeker letter for more than three months after the expiration of its validity, your case will be considered as abandoned and thus closed.

STEP2. REGISTRATION BY UNHCR

The determination of Refugee Status in Somaliland is conducted by UNHCR in Hargeisa.

Once UNHCR receives the registration forms from the REC, UNHCR schedules RSD interview based on available RSD Officers. A schedule for interview (a list of file number only and not names) is posted outside the Office informing those referred for RSD for an appointment for registration.

RECEPTION AT UNHCR

All applicants attending an interview must arrive at UNHCR office before 10:00 am. Try not to be late for the Interview, because it may be difficult to re-schedule your appointment.

Applicants are received by a Receptionist at the UNHCR gate from 08:00 -12:00noon. All individuals granted access are checked by security before entering UNHCR Office and are escorted to the waiting area.

Applicants coming with children are advised to carry with them some food for children as the interviews may take long.

REFUGEE STATUS DETERMINATION INTERVIEW

The RSD interviews are conducted by a UNHCR Protection Officers. UNHCR RSD procedures are explained verbally at the beginning in order to address any queries before the interview starts. The main applicant/head of family will be interviewed personally by the Protection Officer who gathers from the applicant all information, which is relevant to the applicant's claim for refugee status.



- ***This interview is your opportunity to tell UNHCR Officers the reasons for coming to Somaliland.***
- ***Bring all documents that you have that could be relevant to your claim.***
- ***During the interview you must give a precise, true, consistent and complete description of the reasons for seeking-asylum in Somaliland. You will also be asked to explain why you cannot return to your home country and what could happen to you personally if you were to return to your country.***
- ***Be prepared to talk about events that are painful and embarrassing for you. You will have to talk about all the important facts during your interview so that your case can be assessed fairly.***
- ***Do not invent anything during the interview, stick to the facts, be consistent and do not listen to people who give you false advice. Only answer a question you have understood during the interview. If necessary, ask for the question to be repeated.***
- ***During the interview you will be provided with a qualified interpreter. If you face any difficulties with the interpretation during the interview, please inform the UNHCR Officer conducting the interview at the very start.***
- ***The information, which you provide during the interview, will be treated confidentially within UNHCR, and will not be shared with the authorities of your home country or any other authorities without your agreement.***

At the end of the interview, the applicant is informed to collect his/her decision, normally two – four weeks after the interview.

If the decision is positive, a “recognition letter” is signed by the Head of Office or Officer in Charge.

If the decision is negative, a “rejection letter” is signed by the Protection Officer and placed in a sealed envelope along with an appeal form and appeal information sheet.

All decision notices/lists (with only file numbers) are posted outside the Office and Refugee Social Welfare Centre. Upon seeing their REC number in the notice/list, the Principle applicants should approach UNHCR to collect their decisions from 8am to 12pm, Sunday through Thursday (except public holidays).

6. APPEALS



Rejected applicants have a right to appeal against a negative decision.

Rejected asylum-seekers wishing to appeal must complete an appeal form and present it to UNHCR within **30 days** of notification of the rejection decision.

Your appeal should be in written form and should contain new facts which were not provided by you during the interview and which in your opinion are good reasons for receiving refugee status. You should also explain why you did not make this information available earlier in your first interview. You may not necessarily be recalled for an appeal interview so please make sure that your appeal letter contains all the new important facts that you wish to highlight.

If the appeal is rejected, an appeal “rejection letter” is prepared and signed by the Head of Sub-Office or Officer in Charge.

If the appeal is accepted, a refugee “recognition letter” is signed Head of Sub-Office or Officer in Charge and issued to the appellants.

Please note, that once you receive a final rejection on appeal, you have been determined not to be a refugee and therefore are no longer of concern to UNHCR and your asylum letter will be cancelled.

FILE CLOSURE

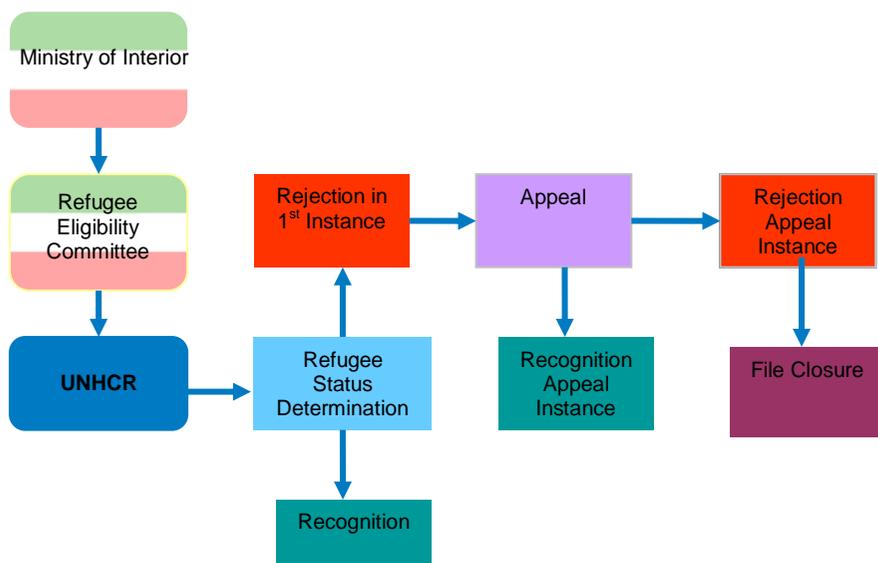
All files are closed after appeal rejection or if the applicant has not applied to appeal within 60 days from the date of notification of the rejection decision.

A file may also be closed where the applicant has abandoned the case, i.e., failed to attend for interview on two appointments or has not contacted the office within the period of 3 months.

FILE REOPENING

If an RSD file has been closed, and the applicant requests that it be re-opened (or wishes to submit an appeal after the 60 day period), he/she is asked to put the request, and the reasons, in writing.

SCHEME OF ASYLUM PROCEDURES IN SOMALILAND



RIGHTS AND OBLIGATIONS OF ASYLUM-SEEKERS AND REFUGEES

Refugees and asylum-seekers are required to respect the laws and regulations of their country of asylum and they should conform to measures taken by the authorities to maintain public order. Being under UNHCR's international protection does not exempt you from observing the laws of the land. Failure to respect the laws of Somaliland will expose you to prosecution under Somaliland law.

Rights of Asylum-seekers

- Right to have asylum application processed in a fair and transparent manner,
- Right of appeal for review to UNHCR on an application for asylum being rejected by UNHCR
- Right not to be deported (*refouled*) to the country of origin pending a decision on the application for asylum,
- Freedom of movement
- Freedom from arbitrary arrest, wrongful detention and torture,
- Access to courts of law,

Rights of Refugees

- Right not to be deported (*refouled*) to the country of origin while refugee status still subsists
- Right to basic health and primary education
- Right to engage in wage-earning employment and self employment
- Freedom of movement
- Freedom from arbitrary arrest, wrongful detention and torture,
- Access to courts of law,

Obligations of Asylum-seekers and Refugees

- To respect and adhere to Somaliland laws
- To abstain from subversive activities against the country of origin
- Asylum-seekers have the obligation to present themselves to the Ministry of Interior upon arrival in Somaliland and declare intent to seek asylum
- Asylum-seekers have the obligation to tell the truth and cooperate with the Government and UNHCR in processing their applications and upon being informed of a decision to such application

MATERIAL ASSISTANCE TO REFUGEES

It is important to note that UNHCR's mandate is to provide legal protection to refugees and not material assistance.

With the assistance of Governments, UNHCR also seeks durable solutions for refugees.

UNHCR however does provide assistance to "refugees" on humanitarian basis depending on the financial situation.

Material assistance is not provided to ***new arrivals or asylum-seekers*** approaching the Office.

Likewise, persons whose applications for refugee status have been rejected to the satisfaction of UNHCR are not provided any assistance by UNHCR.

DURABLE SOLUTIONS FOR REFUGEES

There are three durable solutions to a refugee's problem namely, voluntary repatriation when feasible to the country of origin, local integration in the country of asylum and resettlement to a third country.



Resettlement is the least desirable solution to the refugee's plight and is only pursued for very limited cases as a last resort and when neither voluntary repatriation nor local integration is

possible. Resettlement is also only pursued when deemed appropriate in the interest of a refugee.

Committing fraud or any misrepresentation in the resettlement process will result in the closure of a refugee's resettlement file and may even result in cancellation of refugee status

COMPLAINTS PROCEDURE



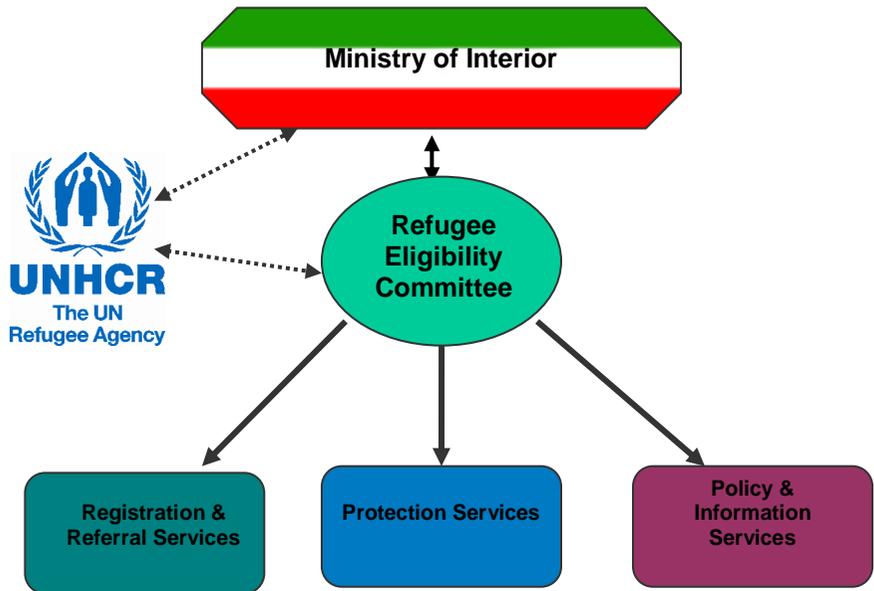
Please note that all the services provided by UNHCR, REC and Social Welfare Centre are FREE OF CHARGE.

Any request by UNHCR staff, REC member, security guards or UNHCR implementing partners for monetary compensation or other favours from applicants must be reported through the complaints boxes installed in UNHCR reception area and in Social Welfare Centre.

Keys to the complaints box will be held only by the Protection Officer and the Head of the office. Please note that only substantive complaints are going to be investigated thoroughly and persons found to be spreading any malicious or unfounded accusations against UNHCR staff and its partners or REC members will face serious consequences, including possible prosecution. Note that this may also negatively impact on your resettlement considerations.

All complainants should clearly identify themselves, if not by name, if preferred, by file reference numbers. All contact information must be submitted as well. Please note that UNHCR is not able to effectively investigate or follow up on anonymous complaints.

COORDINATION STRUCTURE BETWEEN UNHCR AND GOVERNMENT OF SOMALILAND



UNHCR CONTACTS



For more information on UNHCR operations in Somaliland
please contact UNHCR Office in Hargeisa, Somaliland:

Tel. (252-2) 566205
(252-2) 566206

For operations globally visit UNHCR website
www.unhcr.org.

