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A photograph of a building's glass facade with the word 'DEPARTURES' in large, white, 3D block letters. The letters are mounted on the glass and are slightly out of focus, creating a sense of depth. The background shows a grid of window panes and some greenery outside.

POST-DEPORTATION RISKS:
A COUNTRY CATALOGUE
OF EXISTING REFERENCES

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POST-DEPORTATION RISKS: A COUNTRY CATALOGUE OF EXISTING REFERENCES¹

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¹ We thank Anouk Donse, Amnesty International and the Dutch Council for Refugees for sharing their knowledge and input on the draft version of this catalogue.

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INTRODUCTION

Any government who deports people needs to be sure about the impact of their decision. Despite mounting pressure to increase deportation rates, little is known about what happens after deportation. What happens to people when they arrive as deportees at the police posts of airport in countries of origin? What dynamics are at play when deportees are interviewed by local police officers at the airport? What obstacles do deportees face when they encounter local authorities in their quest for new identity documents? Are deportees able to travel domestically if not in possession of a national ID? What challenges and risks do deportees and their families face in the weeks and months after their deportation? What are the long-term effects of deportation on people's migration aspirations?

The purpose of this country catalogue is to raise awareness about post-deportation risks and to feed into a debate about post-deportation monitoring.² Although the decision to forcibly return a person can constitute *refoulement*, information is not currently systematically collected about the human rights situation of returned persons. Also, deporting states largely ignore the impact of deportation proceedings (such as for example the choice of emergency travel documents, the scheduling of return flights and deportees' access to means of communication prior to return flights) on deportees' reception and arrival conditions.

WHAT IS A POST-DEPORTATION RISK?

Ninna Nyberg Sorensen and Maybritt Jill Alpes have divided post-deportation risks into three forms, namely a) inhumane and degrading treatment, b) insecurities in the hands of state agents and c) economic and psychosocial risks.³ When a deportation entails a risk of persecution, torture or other forms of inhumane and degrading treatment, it amounts to *refoulement*, as defined by the 1951 Convention Relating to the Status of Refugees and Article 3 of the European Convention of Human Rights. In other cases, deportees might face insecurities in the hands of state agents, which do not live up to the threshold of *refoulement*. Deportees are for example vulnerable during identification interviews at airports in countries of arrival, during application processes for new ID documents, as well as during domestic travel prior to their re-documentation.⁴ Besides these risks, deportees are also vulnerable to economic and psychosocial harm, such as loss of social networks, homelessness, unemployment, no access to necessary medical care, separation from family members in immigration countries and mental health challenges, such as depression and suicide.

WHO CAN BECOME SUBJECT TO POST-DEPORTATION RISKS?

As Nyberg Sorensen and Alpes have pointed out, post deportation risks depend on different types of readmission procedures and specific profiles of returnees.⁵

² For two initiatives that have run pilot projects in this field, see <http://postdeportation.org> and <http://www.refugeelegalaidinformation.org/post-deportation-monitoring>

³ Alpes, M. J., and Nyborg Sorensen, N., (2016), *Post-deportation risks: People face insecurity and threats after forced returns*, Policy Brief, DIIS. http://pure.diis.dk/ws/files/677576/Post_Deportation_Risks_WEB.pdf

⁴ See also: Amnesty International, *Uitgezet – Mensenrechten in het kader van gedwongen uitzetting*, July 2017.

⁵ http://pure.diis.dk/ws/files/677576/Post_Deportation_Risks_WEB.pdf

- Failed asylum seekers, for example, can be at risk upon return if asylum is associated with treason, when countries prosecute against the use of fraudulent documents in asylum applications abroad, or when deportees were politically active during their time abroad.
- People who are returned to other EU member states under the Dublin III Regulation might see themselves cut off from social networks and – depending on their country of return – without access to reception facilities and subject to detention.
- People who are returned under EU readmission agreements to countries of transit, rather than of nationality can – depending on countries of return – risk detention and secondary deportation without access to procedural safeguards.
- People who are returned to transit countries after decisions of non-admission at Europe’s external borders do not always fulfill entry requirements in these places.
- People who are returned to their countries of nationality after decisions of non-admission can – depending on countries’ exit laws - face criminal prosecution for having attempted to migrate through irregular means.⁶

METHODOLOGY

In order to identify post-deportation risks and risk countries, this country catalogue draws on different countries of origin reports, international reports by the UN High Commission for Human Rights, the UN Special Rapporteur’s on the human rights of migrants, as well as reports by national and international civil society organizations, such as Human Rights Watch and Amnesty International. To access these relevant sources, thematic and country specific keyword searches on databases, such as www.refworld.org and www.ecoi.net were carried out. Used keywords were: return conditions, position on return, returnee, failed asylum seeker, deportee, non-admitted, non-admission.

While the listed countries are a result of these keyword searches, EUROSTAT data was used to make sure that countries of specific relevance for returns from the Netherlands were all included in the catalogue. Country-specific searches were carried out for the top ten nationality groups to which Dutch authorities issue the most removal orders, decisions of non-admission and first instance negative asylum decisions. In order to gauge how much attention Dutch authorities pay to post-deportation risks, Dutch country of origin reports were checked for all of the countries for which this catalogue contains references to post-deportation risks. The main focus of investigation was on return-related risks that are not generally or not yet part of refugee status determination processes. The located resources are cited in chronological order.

Because of the country catalogue’s methodology, all referenced post-deportation risks are limited to risks that occur in the days, weeks and months after the forced return. An enquiry into the long-term effects of deportations into the socio-economic well being, as well as the migration aspirations of deportees and their families requires a different research methodology. Because the country catalogue references only already documented risks, the summaries of post-deportation risks are in some, but not all cases specific to certain groups of returnees or limited to returns to autonomous or federal territories within a given country. It was not possible to include all specific groups or autonomous territories within countries of return. Because of the specific focus on post-deportation risks, rather than general grounds for asylum applications, this country catalogue includes references to sources within a time scale of 10 years. Even if potentially outdated, references to older sources can still serve as valuable indicators about which countries and which return risks require further investigations in the future.

⁶ Alpes, M. J., Airport casualties: Non-admission return risks at times of externalized and internalized migration control, September 2015, *Social Sciences*, 4(3): pp. 742-757, available at: <http://www.mdpi.com/2076-0760/4/3/742>

DISCLAIMER

This country catalogue seeks to raise awareness about post-deportation risks by compiling existing references. References do not aim to document in an exhaustive or conclusive manner whether or not people should be granted asylum, but rather seeks to unravel a broad range of potential risks and sources of vulnerability for individuals upon return. The focus of the catalogue is thus on return risks, rather than on risks for specific groups of people. The length of listed resources for each country depends on the density of documented information on post-deportation risks, rather than the importance of returns to this country. Because of the 10 year time frame, not all referenced sources represent the latest state of affairs in all countries.

The country catalogue only lists references to sources that contain information about potential post-deportation risks. It is not possible to conclude that a lack of a reference suggests there are no risks. Instead the below summaries and references are to be understood as starting points for further and more systematic research into what happens after deportation.

WHAT DO WE LEARN FROM THIS CATALOGUE?

Because of its methodology, this country catalogue lists above all references to risks that people face in the hands of state agents upon return. Most references concern post-deportation risks for rejected asylum seekers and for people who are returned after decisions of non-admission. By consulting a broad range of international sources, this country catalogue illustrates gaps in what deporting authorities in Europe know about what happens to deportees in countries of origin. Governments currently do not systematically investigate what happens after they return people to countries of transit and nationality. Based on the below entries for each country, one can conclude that there is above all a lack of information about:

- what happens to deportees when they are received by state officials at airports upon arrival;
- how specific emergency travel documents effect the security of deportees, both upon arrival at the airport and during later application processes for national identity documents;
- possibilities for safe domestic travel in the absence of valid national identity documents;
- the implementation of exit laws in countries of origin and transit;
- the fate of people who are returned to transit countries, rather than their countries of nationality.

COUNTRY GUIDE

AFGHANISTAN

- *Country of Origin Information, Home Office The Netherlands*, (November 2016): When applying for (new) documents, a lot of corruption is involved. Official procedures cannot be relied upon.⁷
- *The Refugee Support Network*, (April 2016): The report 'After Return' indicates both direct and indirect post return risks. It shows that 10 out of 25 deported Afghan youth had become the target of attacks related to their original asylum application or their returnee status, while 12 out of 25 had been exposed to bomb blasts or suicide attacks in the 18 months following their forced return. The report also references the case of two forced returnees being killed for having spent time in Europe.⁸
- *UN High Commissioner for Refugees*, (April, 2016): Young people with Western connections and mannerisms are at risk of being mistaken for collaborators with the government and the international community. The UNCHR has stressed that forced returnees from Western countries have been tortured or killed by Anti-Government Elements.⁹

ALBANIA

- *Federal Office for Migration and Asylum Germany*, (2015): The Office considers the possibility that

⁷ Ministerie van Buitenlandse Zaken, Algemeen Ambtsbericht Afghanistan, Den Haag november 2016, p. 55, available at: <https://www.rijksoverheid.nl/documenten/ambtsberichten/2016/11/15/algemeen-ambtsbericht-afghanistan>

⁸ Gladwell C. et al., After Return - Documenting the experience of young people forcibly removed to Afghanistan, Refugee Support Network, April 2016, available at: <http://www.refugeesupportnetwork.org/resources/after-return>

⁹ UN High Commissioner for Refugees (UNHCR), UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan, 19 April 2016, HCR/EG/AFG/16/02, page 41, available at: <http://www.refworld.org/docid/570f96564.html>

See also: Bureau of Investigative Journalism, From Kent to Kabul: The Former Asylum Seeking Children Sent Back to Afghanistan, 17 July 2015, available at: <http://labs.thebureauinvestigates.com/from-kent-to-kabul/>.

See Also: PRIO, Can Afghans Reintegrate after Assisted Return from Europe?, July 2015, available at:

<https://www.prio.org/Publications/Publication/?x=8692>. A former Afghan army soldier who applied for asylum while he attended a military training in the USA was granted asylum by the Board of Immigration Appeals (BIA). The BIA was reported to have held that the fact that the former soldier had attended training in the USA would put him at risk on return to Afghanistan, as the Taliban would likely impute pro-government opinions to him. Reuters, Former Afghan Soldier Who Fled U.S. Training Granted Asylum: Lawyer, 30 June 2015, available at: <http://www.reuters.com/article/us-usa-afghanistan-asylum-idUSKCN0PA2XT20150630>

See also: An Afghan asylum-seeker deported from Australia was reportedly accused of being a spy and tortured when he was captured by the Taliban and it was discovered he had pictures from Australia on his phone. The Saturday Paper, Taliban Tortures Abbott Government Deportee, 4 October 2014, available at: <https://www.thesaturdaypaper.com.au/news/politics/2014/10/04/taliban-tortures-abbott-government-deportee/14123448001068>.

See also: An Afghan-Australian man travelling between Ghazni province and Kabul was reportedly killed by the Taliban after being singled out on a bus and accused of being a foreigner. The Guardian, Sayed Habib Musawi 'Tortured, Killed by Taliban Because He Was Australian,' 30 September 2014, available at: <http://www.theguardian.com/world/2014/sep/30/sayed-habib-musawi-tortured-killed-by-taliban-because-he-was-australian>.

“labour migrants who have returned to Albania could face considerable hardship”.¹⁰

- *UN Special Rapporteur on human rights of migrants, (2012)*: Reports at one border crossing point of the “wilful destruction of Albanian returnees’ documents by the authorities of the readmitting country”. According to the UN Special Rapporteur “no procedure appears to be in place whereby reported complaints of misconduct, ill treatment or abuse by authorities of the returning country are recorded and subsequently shared for follow-up and investigation”.¹¹
- *Country of Origin Information, Home Office The Netherlands, (May 2007)*: Illegal border crossings are considered a criminal offence and are sanctioned with a fine or a prison sentence of up to 2 years, as stated in art. 34 of the Albanese Criminal Code.¹²

ALGERIA¹³

- *Immigration and Refugee Board of Canada, (August 2014)*: The Algerian law 09-01 (25 February 2009) provides a penalty for “illegal exit” for both citizens and foreign nationals of two to six months in prison, a fine, or a combination of the two penalties. The Centre of International Studies of the University of Cambridge states that “a returnee [...] faces a six month prison sentence on these grounds alone if he or she is returned, unless he or she has a valid passport with a valid exit visa stamp in it”. The Australia Refugee Review Tribunal (RRT) notes that “failed asylum seekers may draw the attention of the Algerian authorities, and particular concerns have been raised about persons suspected of having links to Islamic movements facing hostile treatment on return to Algeria.” The Tribunal also notes “that a returnee may face hostile treatment on return due to the authorities’ perception that the person may have been involved in terrorism.”¹⁴
- *Migration Policy Centre, (June 2013)*: In 2009 Algeria introduced the law 09-01 that criminalizes emigration.¹⁵ Art. 175 bis 1 states that any Algerian or non-national resident who leaves the national territory in an illicit manner, using falsified documents, usurping someone else’s identity or by any other

¹⁰ Germany: Federal Office for Migration and Asylum, Information Centre Asylum and Migration Briefing Notes, 19 January 2015, available at: <http://www.refworld.org/docid/54cf905f4.html>

¹¹ UN Human Rights Council, Report of the Special Rapporteur on human rights of migrants, Mission to Albania, April 2012, p.14, available at: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-24-Add1_en.pdf

¹² Ministerie van Buitenlandse Zaken, Thematisch Ambtsbericht Mensenhandel: Albanië, Den Haag May 2007, p. 12, available at: <https://www.rijksoverheid.nl/documenten/ambtsberichten/2007/05/11/albanie-2007-05-11-mensenhandel>

¹³The most recent Dutch country of origin report on Algeria dates from 2005 (and a thematic report from 2009). The report states that generally there is no risk for returnees who applied for asylum abroad. Only in the case when the returnees abroad supported openly (or logistically helped) organizations that are prohibited in Algeria, they would face prosecution. Returnees will be questioned upon return in order to identify the person and to check whether they did not perform their military service. Returnees risk detention for several days. See: Ministerie van Buitenlandse Zaken, Algemeen Ambtsbericht Algerije, Den Haag June 2005, pp. 50-51, available at: <https://www.dienstterugkeerenvertrek.nl/Landeninformatie/algerije/>

¹⁴ Immigration and Refugee Board of Canada, Algeria: Treatment of failed refugee claimants returned to Algeria; whether low-ranking police officers or members of the security forces would be subject to any reprisals from state authorities (2007-July 2014), 11 August 2014, available at: https://www.ecoi.net/local_link/285780/403413_en.html

¹⁵ Loi n° 09-01 du 25 février 2009 modifiant et complétant l'ordonnance n° 66-156 du 8 juin 1966 portant Code pénal.

fraudulent means, is punishable by a prison sentence from two to six months and/or a fine from 20.000 DA to 60.000 DA. The same sanctions are applicable to any person who leaves the territory outside of official border posts.¹⁶

- *Human Rights Watch*, (October 2008): Reported concerns about the treatment of deportees from the U.K. who were suspected, but not necessarily convicted, of being involved with terrorism.¹⁷
- *Amnesty International*, (2007): According to Amnesty International, returnees suspected of involvement in terrorism-related activities can be subject to imprisonment, detention and/or physical violence.¹⁸

ARMENIA¹⁹

- *Defence for Children*, (2017): Many children who are forcibly returned to Armenia suffer from psychiatric problems. They end up in great poverty and without financial means they don't have access to health care. The children are seen and treated as different and they are bullied or beaten up at school.²⁰ The Dutch State doesn't monitor the forcibly returned children.²¹
- *Country of Origin Information, Home Office The Netherlands*, (April 2016): Ethnic Armenians who return to Armenia but don't have a social network (anymore) will encounter problems in finding a job and having access to medical care.²²
- *US State Department*, (2015): Armenians are required to obtain exit visas in order to leave the country.²³
- *Article 329 of the Criminal Code of the Republic of Armenia*: This article concerns Illegal state border crossing. Paragraph 1 states: crossing the guarded state border of the Republic of Armenia without

¹⁶ Migration Policy Centre (MPC), June 2013, MPC - Migration Profile - Algeria. Available at: http://www.migrationpolicycentre.eu/docs/migration_profiles/Algeria.pdf

¹⁷ Human Rights Watch, NOT THE WAY FORWARD: THE UK'S DANGEROUS RELIANCE ON DIPLOMATIC ASSURANCES, October 2008, available at: <http://www.hrw.org/sites/default/files/reports/uk1008web.pdf>

¹⁸ Amnesty International, United Kingdom - Deportations to Algeria at all costs, 26th February 2007, on the story of Mustapha Taleb, available at: <https://www.amnesty.org/download/Documents/64000/eur450012007en.pdf>

¹⁹ The Dutch country of origin report states that generally there is no risk for returnees who applied for asylum abroad. See: Ministerie van Buitenlandse Zaken, Algemeen Ambtsbericht Armenië, Den Haag April 2016, p. 53, available at: <https://www.rijksoverheid.nl/documenten/ambtsberichten/2016/04/25/armenie-2016-04-25>

²⁰ Defence for Children, "Ik wil terug naar Nederland", Monitoring van teruggekeerde gewortelde kinderen in Armenië, 2017, pages 34-35, available at: <https://www.defenceforchildren.nl/images/69/5067.pdf>

²¹ Ibid., page 6.

²² Ministerie van Buitenlandse Zaken, Algemeen Ambtsbericht Armenië, Den Haag April 2016, p. 54, available at: <https://www.rijksoverheid.nl/documenten/ambtsberichten/2016/04/25/armenie-2016-04-25>

²³ United States Department of State, 2015 Country Reports on Human Rights Practices - Armenia, 13 April 2016, available at: <http://www.refworld.org/docid/571612a415.html>

relevant documents or permits is punished with a fine of 100-200 minimal salaries or imprisonment for up to 3 years.²⁴

- *CARIM East*, (2013): Many returnees have problems with their travel documents and hence are in need of legal assistance upon return.²⁵
- *Country of Return Information (CRI) project*, (2009): Armenians with dual nationality who are accused, upon entry to Armenia, of evading military service obligations are mostly immediately detained and later found guilty of draft evasion. Penalties include jail time or a substantial fine.²⁶

CAMEROON²⁷

- *US State Department*, (2015): Reported that sometimes the right to leave Cameroon for foreign travel was impeded.²⁸
- *Researcher, Migration Law Section (Free University Amsterdam)*, (2015): Although imprisonment is no longer systematic, deportees may nonetheless face detention, monetary extractions and threats of imprisonment upon arrival. Even if deportees have a laissez-passer, police officers may still ask the deportees to “regularize their situation” by paying CFA Franc 150,000, plus a further 50,000 for the costs of detention (approximately €300 in total).²⁹ Cameroon criminalizes attempts to emigrate through irregular means. The offense of “attempting to emigrate illegally” is based on national law defining how nationals and foreigners are legally permitted to exit and enter the country (Law 1990/043), as well as on a definition of fraud in the Cameroonian Criminal Code.³⁰ Cameroonians who are prosecuted for this offence, in case of non-admittance at a foreign border for the use of fraudulent documents, will normally be provisionally detained for one or two weeks – unless they buy themselves out (€ 30 - € 2000) and may further face convictions to one month imprisonment, or a longer, suspended, conviction of two to six months, and/or to fines of 20.000 (€ 30) - 200.000 CFA (€ 300). In case of boarding denials, the

²⁴ Adopted on 18 April 2003 and in force since 01 August 2003. Unofficial translation available at: <http://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=527766599>

²⁵ *CARIM East*, Return Migration and Reintegration Issues: Armenia, March 2013, page 9, available at: <http://www.carim-east.eu/media/CARIM-East-RR-2013-03.pdf>

²⁶ *Country of Return Information (CRI) Project*, Country Sheet - Armenia, February 2009, p. 19/ 20, available at: <http://www.refworld.org/docid/49fafa532.html>

²⁷ The most recent Dutch country of origin report on Cameroon dates from 2004 and states that in principle there is no risk for returnees who applied for asylum abroad. People who are escorted back to Cameroon are temporarily held in detention upon return in order to research their nationality and identity. See: Ministerie van Buitenlandse Zaken, Algemeen Ambtsbericht Kameroen, Den Haag May 2004, p. 40, available at: <https://www.rijksoverheid.nl/zoeken?trefwoord=kameroen+ambtsbericht&periode-van=&periode-tot=&onderdeel=Alle+ministeries&type=Alle+documenten>. The 2010 thematic report on human trafficking does not post-deportation risks.

²⁸ United States Department of State, 2015 Country Reports on Human Rights Practices - Cameroon, 13 April 2016, available at: <http://www.refworld.org/docid/5716128d4.html>

²⁹ Alpes, M. J., Airport casualties: Non-admission return risks at times of externalized and internalized migration control, September 2015, *Social Sciences*, 4(3): pp. 742- 757, available at: <http://www.mdpi.com/2076-0760/4/3/742>

³⁰ Loi n° 1990/043 du 19 décembre 1990, Conditions d'entrée, de séjour et de sortie du territoire camerounais CMR-120.

punishment will be slightly less severe and amount to three to six months imprisonment and fines of 50.000 (€ 75) – 150.000 CFA (€225). Even returnees who are not issued with arrests warrants during the time of their criminal prosecution, are de facto detained for one week prior to their release. Detention conditions at the airport, at the judicial police and at the court house are degrading and inhumane, with no access to water, food and beds.³¹

CHINA

- *Country of Origin Information, Home Office The Netherlands*, (March 2016): In 2015, China amended its laws to criminalize and punish illegal exit.³² The UNCHR, Amnesty International and Human Right Watch all warn about the risks that forcibly returned Uyghurs face, namely inhuman treatment, unfair trial, persecution, torture and disappearances.³³ Chinese authorities suspect Uyghur returnees of treason when they return to China and treat returnees as political prisoners.³⁴
- *Amnesty International & VluchtelingenWerk Nederland*, (April 2013): When an Uyghur has fled the country he is seen as a political enemy of China and the Communist Party. If he returns to China there is a high chance that he will be exposed to interrogations, ill-treatment, prosecution or to labour camps.³⁵
- *Country of Origin Information, Home Office The Netherlands*, (December 2012): Forcibly returned Uyghurs are at a high risk of being arbitrarily detained, of having unfair trials and even of being tortured.³⁶ Returned asylum seekers from Tibet and Xinjiang are upon return routinely questioned about their stay abroad. This investigation can be continued by the police in their city of origin.³⁷
- *Australian Refugee Review Tribunal*, (May 2007): Research has not come to definite conclusions on the treatment of failed asylum seekers returning to China. Personal profiles, such as individuals with media visibility, Falun Gong practitioners, underground Christians, political dissidents or politically active Uyghurs, are at a higher risk. Risks can include having one's asylum request recorded in one's dossier, which then impedes the person's access to (government) employment or further education.³⁸

³¹ Alpes, M. J., Airport casualties: Non-admission return risks at times of externalised and internalised migration control, September 2015, *Social Sciences*, 4(3): pp. 742- 757.

³² Ministerie van Buitenlandse Zaken, Thematisch Ambtsbericht Oeigoeren in China, Den Haag March 2016, p. 36, available at: <https://www.rijksoverheid.nl/documenten/ambtsberichten/2016/03/03/oeigoeren-in-china-2016-03-03>

³³ Ibid., pp. 45-46.

³⁴ Ibid., p. 47.

³⁵ Amnesty International & VluchtelingenWerk Nederland, *Geen Weg Terug – Risico's bij gedwongen terugkeer van Oeigoeren*, April 2013, p.7, available at: <https://www.amnesty.nl/actueel/geen-weg-terug-risicos-bij-gedwongen-terugkeer-van-oeigoeren>

³⁶ Ministerie van Buitenlandse Zaken, *Algemeen Ambtsbericht China*, Den Haag December 2012, p. 75, available at: <https://www.rijksoverheid.nl/documenten/ambtsberichten/2012/12/11/china-2012-12-11>

³⁷ Ibid, p. 85.

³⁸ Australia: Refugee Review Tribunal, *China: 1. What are the likely consequences for ship jumpers upon return to China? 2. What are the likely consequences for a failed asylum seeker upon return to China?* 15 May 2007, CHN31786, available at: <http://www.refworld.org/docid/4b6fe18517.html>

CONGO (DRC)

- *Country of Origin Information, Home Office The Netherlands*, (May 2016): Returnees risk being questioned upon return by the Agence Nationale de Renseignements (ANR).³⁹
- *The Bill Clinton Foundation for Peace (FBCP)*, (2016): The Foundation has documented a case of a deportee who was expelled from Great Britain and is being detained in sub-human conditions in Kinshasa. The reason for his expulsion from Great Britain is not known but once he had arrived in his country he was considered to be a combatant.⁴⁰
- *UN High Commissioner for Refugees (UNHCR)*, (September 2014): Congolese refugees who have attempted to return to their homes in North Kivu, South Kivu and adjacent areas in the Democratic Republic of Congo have reportedly found their homes and land occupied by former militia members or families of different ethnic backgrounds. Other obstacles to return, beyond the security and human rights situation in the areas of origin, include the risks posed by remaining unexploded ordnance.⁴¹
- *Country of Origin Information, Home Office U.K.*, (November 2012): According to an interview with a representative of the Inspectorate General of Justice in June 2012, travelling on a false passport is illegal in Congo and punished with a prison sentence of up to five years.⁴² In Congo, asking for asylum abroad is framed as treason. Upon arrival in Congo, returnees are systematically interviewed by both the DGM (Congolese Migration Directorate) at the airport and at times by the ANR (National Intelligence Agency) in Kinshasa. Returnees systematically face searches, monetary extortions (between 25.000 and 6.000 U.S. Dollar) and extortions of belongings. It has been reported that officers of the DGM can at times wear the uniform of the ANR. During their detention, returnees do not have access to a lawyer or their family. According to sources interviewed by British authorities, returnees that belong to the opposition movement are at risk of disappearing. When the UN mission MONUSCO has tried to intervene on behalf of individual mistreated returnees, Congolese authorities have reportedly attempted to deny their detention.⁴³
- *Still Human Still Here*, (2012): Returning Congolese are likely to be interviewed by DGM (Congolese Immigration Directorate) officials and subjected to systematic searches and extortion of their private belongings, e.g. shirts, pants, shoes, watches, lighters, as well as money if for example the vaccination certificate isn't valid. This may continue in the parking area, after leaving the passenger zone of the airport, as individuals from the security forces rightly or wrongly believe that returnees have a lot of money and goods with them. Extortions and threats can take place outside of the airport building after an

³⁹ Ministerie van Buitenlandse Zaken, Algemeen Ambtsbericht Democratische Republiek Congo, Den Haag May 2016, p. 91, available at: <https://www.rijksoverheid.nl/documenten/ambtsberichten/2016/05/19/algemeen-ambtsbericht-democratisch-republiek-congo-2016-05-19>

⁴⁰ The Bill Clinton Foundation for Peace, Press Release No. 184/FBCP/CEI/2016, available at: https://fr-fr.facebook.com/permalink.php?story_fbid=1159429974143732&id=182365755183497

⁴¹ UN High Commissioner for Refugees, UNHCR Position on Returns to North Kivu, South Kivu and Adjacent Areas in the Democratic Republic of Congo Affected by on-going Conflict and Violence in the Region – Update 1, September 2014, available at: <http://www.refworld.org/docid/5400755a4.html>

⁴² United Kingdom: Home Office, Democratic Republic of the Congo: Report of a Fact Finding Mission to Kinshasa Conducted between 18 June - 28 June 2012, November 2012, page 11, available at: <http://www.refworld.org/docid/538871264.html>

⁴³ Ibid., page 33.

initial release. And according to Still Human Still Here, returnees who are suspected to be political opponents are subject to ill-treatment.⁴⁴

- *Justice First*, (2011): According to Justice First, ransoms are paid for the 'unofficial' release of returnees and can amount to several thousands of dollars. A returnee without identity papers is reportedly suspected of being a spy or a political opponent.⁴⁵ Justice First has presented evidence on returnees who have been forced to sign a document at N'djili airport to say they had left the airport without a problem and cases of subsequent harassment and arrest at returnees' homes.⁴⁶

EGYPT

- *Migration Policy Centre*, (2013): In Egypt, a law was passed on the 5th of May 2005 (Law n° 88) that foresees that a migrant who attempts to exit Egypt in an irregular manner or the person who assists him/her is punished with a prison sentence of up to 6 months and/or a fine of 200 to 1,000 Pound. These sentences are more than four times higher (i.e. 2-5 years prison sentence and 1,000-5,000 pounds fine) if the migrant or violator comes from a country in conflict with Egypt or from a country with which political relations have been cut.⁴⁷
- *Country of Origin Information, Home Office The Netherlands*, (June 2012): Christians who return to Egypt after a failed asylum application can be shortly questioned upon return.⁴⁸
- *Australian Refugee Review Tribunal*, (2011): Rejected asylum seekers who have been active as human rights activists' or who belong to unauthorised religious groups have reportedly faced harm or detention upon their return to Egypt.⁴⁹
- *Amnesty International*, (2007, 2011): Deportees suspected (even if not convicted) of involvement in terrorism risk torture upon return to Egypt.⁵⁰
- *The Irish Refugee Documentation Centre*, (2009): Several transfers of Egyptian nationals from abroad have been carried out in collaboration with US, European and Arab governments. In some cases, the return has followed an extradition request by the Egyptian authorities. In others, the return has been the

⁴⁴ Still Human Still Here, A commentary on the May 2012 Democratic Republic of Congo Operational Guidance Note, June 2012, p. 18, available at: <http://www.refworld.org/docid/4ff152712.html>

⁴⁵Justice First, Unsafe Return. Refoulement of Congolese asylum seekers, a report compiled by Catherine Ramos, 24 November 2011, pages 14- 17, available at: <http://justicefirst.org.uk/wp-content/uploads/UNSAFE-RETURN-DECEMBER-5TH-2011.pdf>

⁴⁶ Ibid., pages 13 and 19.

⁴⁷ Migration Policy Centre, MPC Migration Profile Egypt, June 2013, available at: http://www.migrationpolicycentre.eu/docs/migration_profiles/Egypt.pdf

⁴⁸ Ministerie van Buitenlandse Zaken, Thematisch Ambtsbericht - Christenen in Egypte, Den Haag June 2012, p. 49, available at: <https://www.rijksoverheid.nl/documenten/ambtsberichten/2012/06/25/egypte-2012-06-22-thematisch-ambtsbericht>

⁴⁹ Australian Government, Refugee Review Tribunal, Country Advice Egypt EGY38929, July 2011, available at: http://www.ecoi.net/file_upload/1930_1337188921_egy38986.pdf

⁵⁰ Amnesty International, Egypt – Systematic abuses in the name of security, April 2007, available at: <https://www.amnesty.org/en/documents/mde12/001/2007/en/>. And see: Amnesty International, Time for Justice: Egypt's corrosive system of detention, April 2011, p. 16 available at: <https://www.amnesty.org/en/documents/mde12/029/2011/en/>

result of what the US authorities call renditions - the transfer of people between countries without due legal process - or of a failed asylum claim. All these returns have violated the principle of non-refoulement and have been carried out despite documentation provided by national and international nongovernmental organizations to highlight the high risks of torture and other abuses that face those threatened with forcible return.⁵¹

ERITREA⁵²

- *Country of Origin Information, Home Office The Netherlands*, (February 2017): Returnees who did not perform their military service and who had left the country illegally are required upon return to sign the letter of remorse form B2/4.2. Returnees who sign this form confirm that they committed an offence by not performing the military service and that they accept appropriate punishment. The Eritrean government states that there will be no punishment for a returnee if he didn't commit another crime. Drawing on an UN report, the Dutch country of origin report confirms that forced returnees are usually arrested, detained and exposed to abuse and torture.⁵³
- *HRW Researcher for Eritrea* (June 2014): According to the researcher from Human Rights Watch, merely having been outside the country can subject Eritrean deportees (and their families in Eritrea) to scrutiny, reprisals and harsh treatment.⁵⁴
- *Office of the High Commissioner for Human Rights*, (2014): The OHCHR and U.S. State Department have reported on systematic denials after 2008 of exit visas and passports to men below 54 and women below 47 years.⁵⁵
- *UN Special Rapporteur on the Situation of Human Rights in Eritrea*, (May 2013): Particularly at risk are individuals of national service age, suspected or actual opponents of the government and adherents of religions not recognized by the state. According to the UN Special Rapporteur on the situation of human rights in Eritrea, failed refugee claimants who are repatriated to Eritrea "usually disappear upon their return".⁵⁶

⁵¹ Ireland: Refugee Documentation Centre: Egypt: Information on failed asylum seekers, 3 September 2009, Q10738, available at: <http://www.refworld.org/docid/4aa60a426.html>

⁵² Due to the extreme dangers in the country, The Netherlands announced in 2012 that they would not forcibly return anyone to Eritrea. See: <https://www.rijksoverheid.nl/actueel/nieuws/2012/01/27/nederland-stuurt-asielzoekers-uit-eritrea-niet-terug>

⁵³ Ministerie van Buitenlandse Zaken, Algemeen Ambtsbericht Eritrea, Den Haag February 2017, pp. 79-81, available at: <https://www.rijksoverheid.nl/documenten/ambtsberichten/2017/02/07/algemeen-ambtsbericht-eritrea-februari-2017>

⁵⁴ Declarations of Felix Horne, HRW Researcher for Eritrea: Norway minister threatens to deport Eritrean migrants, The Guardian, June 2014, available at: <http://www.theguardian.com/global-development/2014/jun/27/norway-deport-eritrean-migrants-asylum-seekers-immigration>

⁵⁵ Office of the High Commissioner for Human Rights, Eritrea: Human Rights Council Working Group on the Universal Periodic Review. Eighteenth session. Geneva, 27 January - 7 February 2014. US Department of State, (2008), Country Reports on Human Rights Practices, above footnote 4.

⁵⁶ United Nations, Human Rights Council, Report of the Special Rapporteur on the Situation of Human Rights in Eritrea, Sheila B. Keetharuth, 28 May 2013, (A/HRC/23/53), para. 45, available at: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.53_ENG.pdf

- *Eritrea: Proclamation No. 164/2011*, (April 2011): Eritrea requires that its nationals apply for exit visas when seeking to leave the country.⁵⁷
- *UK Upper Tribunal*, (2011): Lawful exit from Eritrea is restricted to medical purposes or for highly trusted government officials and their families to attend studies abroad.⁵⁸ The great majority of failed asylum seekers are likely to be perceived as having left illegally and this would mean a real risk of persecution or serious harm.⁵⁹
- *UN High Commissioner for Refugees*, (April 2009): Given the efficiency and reach of the State intelligence apparatus, the UNHCR considers that there is a reasonable possibility that those in possession of exit visas obtained through bribery would be identified as having illegally left the country. Eritrean authorities suspects returnees of having sought asylum, participating in diaspora-based opposition meetings or otherwise posing a (real or perceived) threat to the Government, particularly where they have exited the country illegally. Upon arrival, forcibly returned Eritreans are reportedly held *incommunicado*, in over- crowded and unhygienic conditions, with little access to medical care, sometimes for extended periods of time.⁶⁰
- *Amnesty International*, (Reports from 2004, 2007, 2008 and 2013): In a forcible return case from the United Kingdom, a rejected asylum-seeker was detained by the Eritrean authorities the day after arrival.⁶¹ On 14 May 2008, German immigration authorities forcibly returned two rejected asylum-seekers to Eritrea. They were reportedly detained at Asmara airport upon arrival and were being held *incommunicado*, and believed to be at risk of torture or other ill- treatment.⁶² Amnesty and the UNHCR have reported that a significant majority of forcibly returned Eritreans face arbitrary arrests, detention without charge lasting anything from a few days to a few years, ill-treatment, torture or sometimes death at the hands of the authorities.⁶³

⁵⁷ Proclamation No. 24/1992 issued to regulate the issuing of travel documents, entry and exit visa from Eritrea, and to control residence permits of foreigners in Eritrea, 1992, available at: <http://www.unhcr.org/refworld/docid/3ae6b4e014.html>. It strictly prohibits departure from Eritrea without an exit visa (Article 12). Violation of the exit provisions can lead to sentencing upon conviction of up to five years imprisonment or a fine of up to 10,000 Bir (now ca. 15.000 Nakfa) or to both imprisonment and a fine (Article 29.2).

⁵⁸ MO (illegal exit - risk on return) *Eritrea v. Secretary of State for the Home Department*, CG [2011] UKUT 00190 (IAC), United Kingdom: Upper Tribunal (Immigration and Asylum Chamber), 27 May 2011, page 1, available at: http://www.refworld.org/cases,GBR_UTIAC,4e0214652.html

⁵⁹ *Ibid.*, page 2.

⁶⁰ UN High Commissioner for Refugees (UNHCR), UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Eritrea, April 2009, pp. 33- 35, available at: <http://www.refworld.org/docid/49de06122.html>

⁶¹ Amnesty International, Eritrea: Fear of torture/incommunicado detention/forcible return: Miskir Semerab Goitom, 29 November 2007, available at: <http://www.amnesty.org/en/library/info/AFR64/010/2007/en>

⁶² Amnesty International, Eritrea/Germany: Fear of torture or ill-treatment/incommunicado detention/forcible return, AFR 64/002/2008, 29 May 2008, available at: <https://www.amnesty.org/en/documents/document/?indexNumber=AFR64%2f002%2f2008&language=en>

⁶³ Amnesty International, Eritrea: 20 Years of independence, but still no freedom, 2013, pp. 30- 32, available at: <https://www.amnestyusa.org/sites/default/files/afr640012013.pdf> And UN High Commissioner for Refugees (UNHCR), UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Eritrea, April 2009, p. 33- 35, available at: <http://www.refworld.org/docid/49de06122.html>

GEORGIA⁶⁴

- *Country of Return Information (CRI) Project*, (August 2007): Under Article 344 of the Criminal Code of Georgia, crossing the border illegally is punished by a fine or imprisonment from 3 to 5 years.⁶⁵ Article 190 of the Code of Administrative Offences states that “violation of regime at border checkpoints will be fined with amount of 50-100 GEL (Lari)”.⁶⁶ Impact of former illegal exit for a returnee depends on the gravity of the offence which he/she committed. If a returnee has committed a criminal offence, and his/her illegal crossing is found out, under article 344, he/she may be imprisoned and subsequently tried. However, pursuant to article 71 of the Criminal Code of Georgia, limitation for criminal responsibility for a minor crime (that is, crime maximum punishment for which it does not exceed 5 years) expires after 6 years from the moment of its committal. Therefore, if illegal exit from the country took place 6 years ago, it will not have legal consequences on a returnee.⁶⁷

GUINEA

- *Country of Origin Information, Home Office The Netherlands*, (June 2014): Usually the family members are able to pick up returnees from the airport, after the returnees are shortly questioned. In one instance, a failed asylum seeker who had been deported from The Netherlands declared on Dutch television (broadcasted by Zembla on 1 May 2014⁶⁸) that he had to pay one hundred euros to a police officer upon arrival at the airport.⁶⁹
- *Association nationale d'assistance aux frontières pour les étrangers, ANAFE*, (2010): The French organization ANAFE has reported the case of a rejected asylum seeker who was detained in 2009 upon return to Conakry in a military prison for one and a half month under inhumane and degrading conditions (including regular beatings). The French escorts had orally informed Guinean airport authorities about the deportee's failed asylum application in France.⁷⁰

⁶⁴ The most recent Dutch country of origin report on Georgia dates from 2009 and states that generally there are no risks for returnees who applied for asylum abroad. See: Ministerie van Buitenlandse Zaken, Algemeen Ambtsbericht Georgië, Den Haag December 2009, p. 47, available at: https://www.dienstterugkeerenvreterk.nl/binaries/algemeen-ambtsbericht-georgie-december-2009_tcm49-219044.pdf. The thematic report (2009) on legislation relating to aliens and citizenship does not discuss post-deportation risks.

⁶⁵ Criminal Code of Georgia, July 22, 1999, N 2287 rs, article 344(1).

⁶⁶ Act of Georgia N 2287 rs on criminal code of Georgia, supra note 21, article 12(2).

⁶⁷ 67 Country of Return Information (CRI) Project, Country Sheet - Georgia, August 2007, available at: <http://www.refworld.org/docid/46f3af1cd.html>.

⁶⁸ Available at: <https://zembra.vara.nl/dossier/uitzending/bribery-and-deportation>

⁶⁹ Ministerie van Buitenlandse Zaken, Algemeen Ambtsbericht Guinee, Den Haag June 2014, p. 59, available at: <https://www.rijksoverheid.nl/documenten/ambtsberichten/2014/06/23/guinee-2014-06-20>

⁷⁰ ANAFE, De l'autre côté de la frontière. Suivi des Personnes refoulées, April 2010, pp. 16-17, available at: http://www.anafe.org/IMG/pdf/suivi_des_refoules_-_rapport_anafe_-_avril_2010_reedite_en_2012.pdf

HONDURAS⁷¹

- *Amnesty International*, (2016/2017): People deported from Mexico and the USA faced life-threatening situations akin to the reasons which had initially pushed them to leave Honduras. In July 2016, an asylum-seeker who had been forcibly returned from Mexico after the rejection of his asylum application was murdered less than three weeks after his return.⁷²
- *UN High Commissioner for Refugees (UNHCR)*, (2015): Children and young males are particularly at risk upon return. There is an “alarming toll of young Honduran males who are attacked, killed or simply disappear after being deported from the United States or Mexico [...] The victims are typically aged between 13 and 17, sent back home after being detained by immigration authorities for entering the country without authorization.”⁷³
- *Human Rights Watch*, (2014): Returned Hondurans might face serious threats to their safety and well-being upon return, such as gang violence, turf wars, extortion attempts, killings, enforced disappearances, and threats from migration brokers because of unpaid debts.⁷⁴ Some of the returnees have expressed their fear to be so acute that they were afraid to go out in public after they were deported to Honduras.⁷⁵ “Returned migrants to Honduras did not feel that the Honduran authorities were able or willing to protect them.”⁷⁶ The latter is closely linked with the high level of corruption within the country as often police co-operates with criminal networks.⁷⁷

IRAN

- *Country of Origin Information, Home Office The Netherlands*, (May 2017): The report states that there still is not enough information available about the treatment of returned asylum seekers. Persons who return with a laissez passer can expect more questions at the border control than people who return with an Iranian passport. These questions can relate to illegal exit.⁷⁸
- *Country of Origin Information, Home Office The Netherlands*, (December 2013): The Dutch country of origin report states that there is not enough information about the treatment of returned asylum seekers. Too little is known about punishments or harsh treatments. They do refer to websites from opposition

⁷¹ For Honduras, no Dutch country of origin report exist.

⁷² Amnesty International Report 2016/17, The State of the Worlds Human Rights – Honduras, 22 February 2017, available at: http://www.ecoi.net/local_link/336498/466119_en.html

⁷³ UN High Commissioner for Refugees (UNHCR), Deported children face deadly new dangers on return to Honduras, 29 January 2015, available at: <http://www.refworld.org/docid/54cb52c34.html>

⁷⁴ Human Rights Watch, "You Don't Have Rights Here" - US Border Screening and Returns of Central Americans to Risk of Serious Harm, October 2014, page 15, available at: <http://www.refworld.org/docid/5594f30b4.html>

⁷⁵ Ibid., page 16: For instance, one returnee who was deported from the United States to Honduras in September 2014, said: “they killed my mother right in front of me. She has a small clothing shop. I was shot at the same time. This was in September 2013. I have been fleeing since, because I know they are looking for me.”

⁷⁶ Ibid., page 18.

⁷⁷ Ibid., page 19.

⁷⁸ Ministerie van Buitenlandse Zaken, Algemeen Ambtsbericht Iran, Den Haag May 2017, p. 66, available at: <https://www.rijksoverheid.nl/documenten/ambtsberichten/2017/05/29/algemeen-ambtsbericht-iran-mei-2017>

movements that mention how people need to hand in their passport or laissez passers upon entrance of Iran.⁷⁹

- *Country Information and Guidance, Home Office U.K.*, (2012 & 2014): In Iran, the Passport Act of 1972 (and its subsequent amendments introducing additional punishments for smugglers in 1988) defines illegal exits as criminal offences. According to Article 34, any Iranian who leaves the country illegally, without a valid passport or similar travel documents, will be sentenced to between one and three years imprisonment, or will receive a fine between 100,000 and 500,000 Rials (c£2.50 - £12). In addition to this, the Iranian government requires exit permits for foreign travel for all citizens.⁸⁰ The government specifically targets some religious leaders, members of religious minorities, scientists in sensitive fields, journalists, academics, opposition politicians, and activists - including women's rights activists - for travel bans and passport confiscations.⁸¹ Deportees with these profiles are likely to be more vulnerable upon return than other deportees.
- *Amnesty International*, (Reports from 2011 & 2012): Rejected asylum seekers are at risk if they return to Iran, particularly if forcibly returned, where their asylum application is known to the authorities.⁸² The cases of the asylum seeker Arash Fakhravar (alias Mohammad Reza) and the rejected asylum seeker Rahim Rostami who were detained upon return to Iran in 2010 and 2011 respectively are well documented.⁸³
- *Australian Refugee Review Tribunal*, (August 2010): According to the Australian government, it is likely that Iranian authorities have independent sources on the asylum applications of their citizens abroad and that this information is available to airport authorities in Teheran.⁸⁴
- *Advisory Panel on Country Information*, (September 2008): If non-admitted nationals return to Iran, without a passport or any valid travel documents, Iranian police officers will arrest them and take them to a special court located in Mehrabad Airport in Tehran. The court assesses the background of the individual, the date of their departure from the country, the reason for their illegal departure, their connection with any organizations or groups and any other circumstances. This procedure also applies to deportees who are not in the possession of a passport containing an exit visa.⁸⁵

⁷⁹ Ministerie van Buitenlandse Zaken, Algemeen Ambtsbericht Iran, Den Haag December 2013, p. 53, available at: <https://www.rijksoverheid.nl/documenten/ambtsberichten/2013/12/24/iran-2013-12-24>

⁸⁰ United Kingdom: Home Office, Country Information and Guidance - Iran: Background information, including actors of protection, internal relocation and illegal exit, November 2014, page 33, available at: <http://www.refworld.org/docid/5474828a4.html>.

⁸¹ United Kingdom: Home Office, Operational Guidance Note - Iran, October 2012, Draft Iran OGN v8.0, page 40, available at: <http://www.refworld.org/docid/508fd7112.html>

⁸² Amnesty International, We are ordered to crush you: Expanding repression of dissent in Iran, February 2012, p.56, available at: <https://www.amnestyusa.org/sites/default/files/mde130022012en.pdf>

⁸³ Amnesty international, Iran : traitement des requérants d'asile déboutés Renseignement de l'analyse-pays de l'OSAR, August 2011, p. 6, Urgent Action Students Activists held in Iran, available at : <https://www.refugeecouncil.ch/assets/herkunftslander/mittlerer-osten-zentralasien/iran/iran-traitement-des-requerants-d-asile-deboutes.pdf>

⁸⁴ Australian Government, Refugee Review Tribunal, Country Advice, Iran – IRN37255, 19th of August 2010, available at: <http://www.refworld.org/pdfid/4ec4d1d72.pdf>

⁸⁵ Advisory Panel on Country Information, Evaluation of the August 2008 COI report on Iran, Illegal Departure, 23 September 2008, page 76, available at: <http://www.rmolavi.com/download/APCI-11-2.pdf>

IRAQ

- *Amnesty International*, (2016/17): The Iraqi authorities and those of the semi-autonomous Kurdistan Regional Government (KRG) impose arbitrary and discriminatory restrictions on the freedom of movement of Sunni Arab internally displaced persons. Sunni Arab Iraqis require local sponsors to be able to obtain the official permits required to enter certain cities.⁸⁶
- *Country of Origin Information, Home Office The Netherlands*, (November 2016): The Dutch country of origin report states that forced returnees are only accepted into Iraq if they can show a valid passport. However, returnees are always questioned when they do not have a valid passport.⁸⁷
- *UN High Commissioner for Refugees (UNHCR)*, (2016): Internally displaced persons who return to areas of origin must undergo security screening and obtain approval to return from various local actors, including the military force controlling the area, local authorities and tribes.⁸⁸
- *The U.S. State Department*, (2015): Even though the government generally cooperates with the UNHCR and other humanitarian organizations to provide protection to, among others, returning refugees, there is no effective system to assist all returnees.⁸⁹
- *United Kingdom Home Office*, (2012): returnees have maintained that they have faced forced removals from planes, with beatings and other forms of ill-treatment during such removals, prolonged detention with limited access to sanitary facilities and nutritious meals as well as ill-treatment during detention.⁹⁰

LIBYA

- *Country of Origin Information, Home Office The Netherlands*, (May 2016): illegal entry or exit is punishable in Libya under the law 19/2010 on combating illegal immigration.⁹¹
- *UN High Commissioner for Refugees (UNHCR)*, (2015): Libyan law criminalizes all irregular entry, stay, or departure, for example without the appropriate documentation or through unofficial border posts,

⁸⁶ Amnesty International Report 2016/17, The State of the Worlds Human Rights – Iraq, 22 February 2017, available at: http://www.ecoi.net/local_link/336503/466126_en.html

⁸⁷ Ministerie van Buitenlandse Zaken, Algemeen Ambtsbericht Irak, Den Haag November 2016, p. 89, available at: <https://www.rijksoverheid.nl/documenten/ambtsberichten/2016/11/14/algemeen-ambtsbericht-over-irak>

⁸⁸ UN High Commissioner for Refugees (UNHCR), UNHCR Position on Returns to Iraq, 14 November 2016, p. 19, available at: http://www.ecoi.net/file_upload/90_1479283205_2016-11-14-unhcr-position-iraq-returns.pdf

⁸⁹ United States Department of State, 2015 Country Reports on Human Rights Practices - Iraq, 13 April 2016, available at: <http://www.refworld.org/docid/571612576.html>

⁹⁰ United Kingdom: Home Office, Iraq Bulletin: Treatment of Persons Returning to Iraq, Including Failed Asylum Seekers; the Situation of Internally Displaced Persons and Procedures to Re-obtain Documentation to Access Services and Facilitate Internal Movement, 16 April 2012, available at <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=5385a2f74&skip=0&query=failed%20asylum%20seeker&coi=IRQ>

⁹¹ Ministerie van Buitenlandse Zaken, Algemeen Ambtsbericht Libië, Den Haag May 2016, p. 64, available at: <https://www.rijksoverheid.nl/documenten/ambtsberichten/2016/05/20/libie-2016-05-20-ambtsbericht>

without distinguishing between asylum seekers/refugees, migrants, or victims of trafficking. Applicable Libyan laws provide for the indefinite detention and deportation of persons who have violated immigration rules.⁹²

- *UK Upper Tribunal*, (July 2014): According to the Immigration and the Asylum Chamber of the Upper Tribunal in the U.K., failed asylum seekers are not, for that reason alone, at real risk on return. Failed asylum seekers, non-admitted travellers or deportees that come within one of the below profiles, however, will be at risk, notably detention, from government security forces or from militias, on arrival at Tripoli International Airport: former high ranking officials within the intelligence service of that regime and others with an association at senior level with that regime, Tawurga, Tuareg and Mashashiya who are generally perceived as supporters of the Qadhafi regime, as well as women of African ethnicity or women who are accused or suspected of sexual misdemeanours or offenses against family honour.⁹³

MACEDONIA⁹⁴

- *European Asylum Support Office*, (2016): Although the Resolution and Action Plan on Migration and the Agreement on the Status and Activities of the Migration, Asylum and Refugees Regional Initiative was adopted in 2009, its implementation is weak due to the lack of funding, and there has been no official policy designed to regulate migratory movements and to assist returning migrants.⁹⁵
- *The U.S. State Department*, (2016): “According to authorities, in response to an EU request to reduce the number of asylum seekers arriving in the EU from the country, the Ministry of Interior implements a border management strategy to limit the exit of potential ‘false asylum seekers’. [...] As part of this effort, border authorities denied exit to several persons, mostly Roma, whom authorities suspected would seek asylum in the EU.”⁹⁶
- *European Roma Rights Centre*, (2015, 2014 & 2012): The European Roma Rights Centre remains concerned about discriminatory practices that could continue in practice to function as travel bans,⁹⁷ even though the Constitutional Court of Macedonia declared sections of the law unconstitutional on the

⁹² UN High Commissioner for Refugees (UNHCR), UNHCR Position on Returns to Libya Update 1, October 2015, p. 11, available at: http://www.ecoi.net/file_upload/1930_1445939464_561cd8804.pdf

⁹³ AT and Others (Article 15c; risk categories), *Libya CG v. Secretary of State for the Home Department*, [2014] UKUT 00318 (IAC), United Kingdom: Upper Tribunal (Immigration and Asylum Chamber), 14 July 2014, available at: <http://www.refworld.org/docid/53d65d474.html>

⁹⁴ For Macedonia, no Dutch country of origin report exist.

⁹⁵ EASO, Country of Origin Information Report – The former Yugoslav Republic of Macedonia, November 2016, pp. 40-41, available at: http://www.ecoi.net/file_upload/2162_1479371503_easo-coi-report-fyr-macedonia-201611.pdf

⁹⁶ United States Department of State, 2016 Country Report on Human Rights Practices - Macedonia, 3 March 2017, p. 22, available at: http://www.ecoi.net/local_link/337176/466936_en.html

⁹⁷ Written Comments of the European Roma Rights Centre Concerning Macedonia For Consideration by the Human Rights Committee at its 114th session (29th of June – 24th of July 2015), p. 5, available at: http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MKD/INT_CCPR_CSS_MKD_20717_E.pdf

25th of June 2014.⁹⁸ Art. 37 of the “Law Amending and Supplementing the Law on Travel Documents of Nationals of the Republic of Macedonia” foresees that “a person who has been forcibly returned or expelled from another country due to violating regulation on entry and stay in that country will be denied passport issuance. If these circumstances occurred once the passport had been issued the passport will be confiscated for a period of one year.”⁹⁹

- *Commissioner for Human Rights*, (April 2013): With this law, deportations to Macedonia de facto lead to subsequent travel bans.¹⁰⁰
- *Amnesty International*, (May 2013): Under pressure from the E.U. following visa liberalization in 2009,¹⁰¹ the Macedonian government limited the right to leave the country in 2011. In practice, border officials most often target Roma and ethnic Albanians, whose passports had been marked during forced returns to prevent them from leaving again.¹⁰²

MOROCCO ¹⁰³

- *Danish Immigration Service*, (March 2017): The NGO Bayti, involved in attempts to return minors aged 16-17 from Sweden to Morocco, stated that their operations to establish family reunification were unsuccessful. Families, in particular the fathers, were often reluctant to accept the return of the child to the family home. Currently, there are no national procedures in place for the reception of unaccompanied minors who are returned.¹⁰⁴
- *Association nationale d'assistance aux frontières pour les étrangers, ANAFE*, (2012): Morocco introduced a law in 2003 that criminalizes emigration by framing irregular exits as criminal offences. Art. 50 of the Law 02 – 03 notably foresees that nationals or foreigners who resort to fraud, identity usurpation or not officially recognized border crossings will be punished with a fine of 3000 to 10000 dirhams (277 - 925 Euro) and/or a prison sentence of one to six months.

⁹⁸ European Roma Rights Centre (2014): Highest Court in Macedonia Upholds Freedom of Movement for all Macedonians, Including Roma, July 15, 2014, available at: <http://www.errc.org/article/highest-court-in-macedonia-upholds-freedom-of-movement-for-all-macedonians-including-roma/4301>

⁹⁹ European Roma Rights Centre (2012): Macedonia: Challenging Discrimination Promoting Equality, Country Profile, 2011-2012, p. 27, available at: <http://www.errc.org/cms/upload/file/macedonia-country-profile-2011-2012.pdf>

¹⁰⁰ Council of Europe, Report by Nils Muižnieks, Council of Europe Commissioner for Human Rights, following his visit to “the former Yugoslav Republic of Macedonia” from 26 to 29 November 2012 Strasbourg, 9 April 2013, CommDH(2013)4, available at: <http://www.refworld.org/docid/530490534.html>

¹⁰¹ Chachipe, Selective Freedom: the visa liberalization and restrictions on the right to travel in the Balkans, June 2012, available at: https://romarights.files.wordpress.com/2012/07/chachipe_visa_liberalisation_report_270612.pdf

¹⁰² Amnesty International, Amnesty International Annual Report 2013 - Macedonia, May 2013, available at: <http://www.refworld.org/docid/519f518b47.html>

¹⁰³ For Morocco, no Dutch country of origin report exist.

¹⁰⁴ The Danish Immigration Service – Ministry of Immigration and Integration, Morocco – Situation of Unaccompanied Minors, March 2017, pp. 22-24, available at: http://www.ecoi.net/file_upload/1226_1490253625_morocco-situationofunaccompaniedminors-06032017.pdf

- Non-admitted Moroccan nationals that are sent back to Morocco can be subject to prosecution under the above law. There is no analysis of the existing case law.
- Non-admitted foreigners that are sent back to Morocco are kept in the waiting zone of the airport in Casablanca for a few days. While the legal framework of the waiting zone at the airport in Casablanca is a direct copy of French law, its dispositions have not yet been put into practice. Detainees in the waiting zone of Casablanca airport do de facto not have the possibility to communicate with the outside world. Moroccan NGOs hardly have any access to the waiting zone.
- Non-admitted foreigners that are sent back to Morocco are reportedly forcibly returned to their respective countries of origin. According to reports by the French organization ANAFE, the airline company Royal Air Maroc regularly extorts the price of the flight ticket from Casablanca to the respective country of origin from the forcibly returned non-admitted foreigners. According to carrier sanctions, Royal Air Maroc is responsible for returning non-admitted passengers back to their country of origin and not just to the first transit airport outside of the E.U.¹⁰⁵

NIGERIA

- *Country of Origin Information, Home Office The Netherlands*, (October 2015): The UNHCR calls for suspension of forced returns to the northeast of the country until the safety and human rights situation has improved.¹⁰⁶
- *Institute for Public Policy Research*, (April 2013): Capacities of NGOs to help returnees are limited.¹⁰⁷
- *Australian Refugee Review Tribunal*, (October 2010): Nigerian deportees with a criminal record are not safe from double jeopardy as they may face prosecution for defamation of their country.¹⁰⁸
- *Human Rights Watch*, (October 2010): Extensive reporting on corruption within the police force; extrajudicial killings and abductions; lengthy pre-trial detention in appalling prison conditions, often amounting to cruel and unusual punishment; confessions extracted through torture; and lack of access to representation, are documented by many NGO's and state affiliated organizations.¹⁰⁹

¹⁰⁵ ANAFE, *Zones d'ombre à la frontière*, Rapport annuel 2011, Observations et interventions de l'ANAFE dans les zones d'attente, December 2012, p.31, available at : <http://www.anafe.org/spip.php?article109>

¹⁰⁶ Ministerie van Buitenlandse Zaken, *Algemeen Ambtsbericht Nigeria*, Den Haag October 2015, p. 71, available at: <https://www.rijksoverheid.nl/documenten/ambtsberichten/2015/10/08/ambtsbericht-nigeria-2015-10-08>

¹⁰⁷ Institute for Public Policy Research, *Homecoming: Return and Reintegration of Irregular Migrants from Nigeria*, April 2013, available at: <http://www.ippr.org/publications/homecoming-return-and-reintegration-of-irregular-migrants-from-nigeria>

¹⁰⁸ Australia: Refugee Review Tribunal, *Nigeria: 1. What is the demography of Nigeria by state, and Anambra state particularly? Please provide particular reference to religious, socio-economic, and state protection issues. 2. Discuss the treatment of Christians in Nigeria, and in Anambra state particularly, including the relationship between Christians and Muslims. 3. Please provide any information on the treatment of Nigerian citizens who have returned to Nigeria with a criminal record from overseas*, 7 October 2010, NGA37358, available at: <http://www.refworld.org/docid/4df9ece92.html>

¹⁰⁹ inter alia Human Rights Watch 2010, „Nigeria: Corruption Fueling Police Abuses“, Human Rights Watch Media Release, 17 August 2010, Attachment 21, available at: <http://www.hrw.org/en/news/2010/08/17/nigeria-corruption-fueling-police-abuses>, and Human Rights Watch 2007, *Criminal Politics – Violence, 'Godfathers', and Corruption in Nigeria*, 11 October 2007, Attachment 24, available at: <http://www.hrw.org/reports/2007/nigeria1007/>

- *Danish Immigration Service*, (April 2009): The reliability of members of the NAPTIP has been questioned and debated.¹¹⁰
- *UK Asylum and Immigration Tribunal*, (November 2009): Nigerian deportees who have been involved with trafficking networks face social stigma upon return.¹¹¹
- *Fafo*, (2007): Norwegian research has illustrated that Nigerian victims of trafficking who are returned to Nigeria do not trust Nigerian authorities, including the Nigerian Agency for the Prevention of Trafficking in Persons (NAPTIP).¹¹²

PAKISTAN

- *Country of Origin Information, Home Office The Netherlands*, (April 2017): All returnees are questioned upon return by the Federal Investigation Agency (FIA). When someone returns without travel or identity documents issued by Pakistan authorities, the FIA will question the person more extensively. Someone who has exited the country with false documents can be detained for 14 days for further investigations.¹¹³
- *The U.S. State Department*, (2016): Passport applicants in Pakistan must list their religious affiliation and, if Muslim, affirm a declaration that the founder of the Ahmadiyya movement was a false prophet. Ahmadi representatives reported the word “Ahmadi” was written on their passports if they refused to sign the declaration.¹¹⁴
- *Austrian Centre for Country of Origin & Asylum Research and Documentation*, (2016): Pakistanis returning from abroad who had crossed the border illegally are detained and charged for immigration violations.¹¹⁵
- *European Asylum Support Office*, (2015): Every returnee is interviewed by FIA officials upon arrival at the port of entry. If a person is returned by foreign authorities without documents issued in Pakistan, the FIA will undertake an inquiry. According to the FIA, the most important detail they are interested in regarding returnees is whether or not they had travelled on a forged passport and/or fake visa. If this is

¹¹⁰ Danish Immigration Service, Cooperation with the National Agency for the Prohibition of Traffic in Persons and other related matters (NAPTIP), April 2009, 1/2009, available at: <http://www.refworld.org/docid/49fff56e2.html>

¹¹¹ PO (Trafficked Women) Nigeria v. Secretary of State for the Home Department, CG [2009] UKAIT 00046, United Kingdom: Asylum and Immigration Tribunal / Immigration Appellate Authority, 23 November 2009, available at: <http://www.refworld.org/docid/4b0ab38f2.html>

¹¹² Skilbrei, May-Len, and Marianne Tveit. 2007. Facing Return: Perceptions of Repatriation among Nigerian Women in Prostitution in Norway. Oslo: Fafo, available at: <http://www.faf.no/index.php/nb/zoo-publikasjoner/fafo-rapporter/item/facing-return>

¹¹³ Ministerie van Buitenlandse Zaken, Thematisch Ambtsbericht over de positie van ahmadi's en christenen in Pakistan 2014-2016, Den Haag April 2017, pp. 57,58, available at: <https://www.rijksoverheid.nl/documenten/ambtsberichten/2017/04/24/thematisch-ambtsbericht-over-de-positie-van-ahmadis-en-christenen-in-pakistan-2014-2016>

¹¹⁴ United States Department of State, 2016 Country Report on Human Rights Practices - Pakistan, 3 March 2017, p. 31, available at: http://www.ecoi.net/local_link/337163/466923_en.html

¹¹⁵ ACCORD, Country of Origin Compilation – Pakistan, August 2016, p.165, available at: https://www.ecoi.net/file_upload/90_1489053933_201608-accord-coi-compilation-pakistan-august-2016.pdf

so, the returnee can be arrested and held in custody for 14 days for forging travel documents before a criminal case is filed in court.¹¹⁶

- *The Emigration Ordinance of 1979*, (2012): The Emigration Ordinance of 1979 foresees prison sentences of up to five years for nationals that violate provisions of the ordinance when emigrating or exiting the country.¹¹⁷
- *United States Department of State* (2012): The Pakistani police practices arbitrary detention on false charges to extort money.¹¹⁸

RUSSIA

- *The U.S. State Department*, (2016): Over the past years, Russia introduced new travel restrictions within *The Federal Law No. 114-FZ of 1996 on Entry Into and Exit from the Russian Federation*. The law stipulates that a person who violates a court decision has no right to leave the country. A court may prohibit a person from leaving the country for failure to satisfy debts and fines, if the individual is suspected, accused, or convicted of a crime, or if the individual has access to classified material.¹¹⁹
- *Country of Origin Information, Home Office The Netherlands*, (August 2015): It is difficult to establish the treatment of returnees upon return because of lack of transparency. The Federal Migration Service has no interference with the border checkpoints. Returnees with a Laissez Passer or an escort are *de facto* received by border control officers. It could be a risk at this moment to have foreign contacts and to develop activities with them that can be seen as political (in the light of the extension of the high treason laws).¹²⁰
- *Country of Return Information Project*, (2009): Reported in 2009 that in general an asylum abroad seems to have no effect on a forced returnees' treatment upon arrival in Russia. Individuals who have led an active political life outside Russia and who have criticized the country's leadership and political regime might, however, be at risk upon their return. Russian nationals who participated in hearings of the European Court of Human Rights, appeared in mass media and actively participated in international conferences might be at risk, too. During the document checks upon arrival in airports, returnees risks detention or monetary extortion. The Russian NGO *Civic Assistance Committee* located in Moscow as

¹¹⁶ EASO, Country of Origin Information Report – Pakistan Country Overview, August 2015, pp. 114-115, available at: https://coi.easo.europa.eu/administration/easo/PLib/EASO_COI_Report_Pakistan-Country-Overview_Aug_2015.pdf

¹¹⁷ ACTS/ORDINANCES 1979, ORDINANCE XVIII OF 1979, THE EMIGRATION ORDINANCE 1979, available at: <http://www.fia.gov.pk/en/law/Offences/19.pdf>

¹¹⁸ United States Department of State (2012): Country Report on Human Rights Practices for 2012, available at: <https://www.state.gov/j/drl/rls/hrrpt/2012humanrightsreport/#wrapper>

¹¹⁹ United States Department of State, 2016 Country Report on Human Rights Practices - Russia, 3 March 2017, p. 38, available at: http://www.ecoi.net/local_link/337201/466961_en.html

¹²⁰ Ministerie van Buitenlandse Zaken, Algemeen Ambtsbericht Russische Federatie, Den Haag augustus 2015, p. 56, available at: <https://www.rijksoverheid.nl/documenten/ambtsberichten/2015/08/12/russische-federatie-2015-08-12>

well as the *Migration Rights* network of the Memorial Human Rights Centre seek to alleviate these risks.¹²¹

SERBIA

- *European Asylum Support Office*, (2016): Government sources indicate that the main problems returnees face relate to effective repossession of property, right to adequate housing, physical security, and employment, thus preventing durable solutions for their displacement, and impeding the probability and sustainability of their return.¹²²
- *Commissioner for Human Rights*, (2013): In December 2012, a new offense was introduced into the Serbian criminal code. The offense concerns “enabling abuse of claiming asylum rights in a foreign country” and consists of criminalising the provision of assistance, through, for example, transportation, thus obtaining material benefits, to citizens of Serbia seeking asylum out of that country. Asylum applicants from Serbia are mostly Roma. In the wake of the visa liberalization for Macedonia, Montenegro and Serbia, the Commissioner for Human Rights has expressed his concern about exit controls that target Roma in the Balkan region.¹²³
- *Country of Origin Information, Home Office The Netherlands*, (2008): People who are originally from Kosovo and then subsequently returned to Serbia are at risk of having a legally and social-economically marginalized position upon return. They cannot claim social facilities or support from the Serbian authorities.¹²⁴

SOMALIA

- *Country of Origin Information, Home Office The Netherlands*, (March 2016): Somalis in assisted return trajectories can face the risk of detention and extortion by corrupt officials upon return: especially for persons from the Barawani minority, coming from the diaspora or others who are known to have an income. They risk detention without suspicion of any crime, only for the purpose of collecting ransom varying from 500 to 2000 dollars per person.¹²⁵

¹²¹ Country of Return Information Project, *Country Sheet Russia*, May 2009, pp. 8- 10, available at: http://www.ecoi.net/file_upload/470_1258196096_cs-russia-en.pdf

¹²² ¹²² EASO, *Country of Origin Information Report – Republic of Serbia Country Focus*, November 2016, pp.43-44, available at: http://www.ecoi.net/file_upload/2162_1479372831_easo-coi-serbia-201611.pdf

¹²³ Council of Europe: Commissioner for Human Rights, *The right to leave a country*, October 2013, p. 48, available at: <http://www.refworld.org/docid/530469644.html>

¹²⁴ Ministerie van Buitenlandse Zaken, *Algemeen Ambtsbericht Servië (exclusief Kosovo)*, Den Haag June 2008, pp. 55,56, available at: <https://www.rijksoverheid.nl/zoeken?trefwoord=Servie+ambtsbericht>

¹²⁵ Ministerie van Buitenlandse Zaken, *Algemeen Ambtsbericht Somalië*, Den Haag March 2016, pp. 73, 78, available at: <https://www.rijksoverheid.nl/documenten/ambtsberichten/2016/03/31/somalie-2016-03-31>

- *Human Rights Watch*, (2015): Forced returnees might face threats from both militant rebel groups and Somali government forces.¹²⁶
- *UN High Commissioner for Refugees* (2014): Forced returnees to Mogadishu find themselves in a situation similar to those internally displaced.¹²⁷ Failed asylum seekers and their families may face financial repercussions from human smugglers that have enabled their journey to Europe.¹²⁸ It is very difficult for returnees to survive without a support network in Mogadishu. Particularly when they do not belong to the clans or nuclear families established there, or when they originate from an area formerly or presently controlled by an insurgent group, they face a precarious existence in the capital.¹²⁹
- *European Asylum Support Office*, (2014): Any Somalian returning from the Diaspora can be at risk of targeted attacks by Al-Shabaab because they have been abroad.¹³⁰ According to *Sabahi Online*, an Al-Shabaab commander issued a statement that the terrorist group will hunt down returnees as they 'are the same as the infidels'. Returnees are seen as introducing 'wrong ideas'.¹³¹
- *Country of Origin Information, Home Office The Netherlands*, (December 2013): Somalis returning from Western countries may be suspected of spying for the SFG or SFG-allied troops. Consequently, deportees cannot go back to Al-Shabaab-controlled areas, even if their clan originates from there. Clan protection is vital for security.¹³²

SRI LANKA

- *Country of Origin Information, Home Office The Netherlands*, (October 2014): Returnees are upon arrival first questioned by the Criminal Investigation Division (CID) and then possibly also by the State Intelligence Service (SIS). These interrogations can be harsh and violent. The government wants information on the diaspora and about the West. Returnees can be arbitrarily treated as traitors and as a possible source of danger. In 2013, two Tamils were detained upon arrival, after they were denied asylum in Switzerland. One was severely mistreated and both were injured.¹³³

¹²⁶ Human Rights Watch, *Detained, Beaten, Deported: Saudi Abuses against Migrants during Mass Expulsions*, 10 May 2015, page 28, available at: <http://www.refworld.org/docid/5551d9814.html>

¹²⁷ UN High Commissioner for Refugees (UNHCR), *UNHCR Position on Returns to Southern and Central Somalia*, 17 June 2014, para. 7, available at: <http://www.refworld.org/docid/53a04d044.html>

¹²⁸ *Ibid.*

¹²⁹ UN High Commissioner for Refugees (UNHCR), *International Protection Considerations with Regard to people fleeing Southern and Central Somalia*, 17 January 2014, HCR/PC/SOM/14/01, available at: <http://www.refworld.org/docid/52d7fc5f4.html>

¹³⁰ EASO, *Country of Origin Information Report – South and Central Somalia Country Overview*, August 2014, p. 106, available at: https://coi.easo.europa.eu/administration/easo/PLib/EASO-COreport-Somalia_EN.pdf

¹³¹ *Ibid.*, p. 118.

¹³² Ministerie van Buitenlandse Zaken, *Algemeen Ambtsbericht Somalië*, Den Haag December 2013, p.19 and 68, available at: <https://www.rijksoverheid.nl/documenten/ambtsberichten/2013/12/19/algemeen-ambtsbericht-somalie-2013-12-19>

¹³³ Ministerie van Buitenlandse Zaken, *Algemeen Ambtsbericht Sri Lanka*, Den Haag October 2014, pp. 42-43, available at: <https://www.rijksoverheid.nl/documenten/ambtsberichten/2014/10/02/sri-lanka-2014-10-2>

- *Freedom from Torture*, (2012): Freedom from Torture reported that rejected asylum seekers are imprisoned upon return and need to pay money for their release. Some rejected asylum seekers are arrested and imprisoned right upon their arrival at the airport, others within a few days or a month.¹³⁴ The duration of detention was reported as less than a week in 1 case, less than a month in 3 cases and more than 6 months in 1 case".¹³⁵ Freedom from Torture also provides evidence of Sri Lankan Tamils experiencing torture (including sexual abuse) after returning voluntarily to Sri Lanka in the post-conflict period.¹³⁶ Freedom from Torture argues that it is a combination of both residence abroad and an actual or perceived association at any level with the LTTE which places individuals at risk of torture and inhuman and degrading treatment in Sri Lanka. Their investigation is based on Sri Lankan Tamils who in the past had an actual or perceived association at any level with the LTTE but were able to leave Sri Lanka safely now face risk of torture on return. The cases demonstrate that the fact the individuals did not suffer adverse consequences because of this association in the past does not necessarily have a bearing on risk on return now.¹³⁷
- *Human Rights Watch*, (2012): Investigations by Human Rights Watch report that "some failed Tamil asylum seekers from the United Kingdom and other countries have been subjected to arbitrary arrest and torture upon their return to Sri Lanka".¹³⁸
- *ACAT-France*, (June 2012): ACAT reports the cases of Tamil Sri Lankans who had returned to their country in 2011 and 2012, indicating that they had been tortured and subjected to ill-treatments upon their return to Sri Lanka in order to confess to presumed links with the Tamil Tigers.¹³⁹
- *Tamil Against Genocide*, (September 2012): The organization Tamil Against Genocide considers that a period of residence in the UK or other "Western" country may itself constitute a risk factor upon return to Sri Lanka.¹⁴⁰
- *Ireland Refugee Documentation Centre*, (January 2010): The state of emergency reportedly permits the Sri Lankan authorities to make arrests without warrant and to detain persons for up to 12 months without trial. Under this law, the Ireland Refugee Documentation Centre reports that "[p]ersons who leave Sri Lanka using false documents or who enter the country under irregular or suspicious circumstances are reportedly more likely to be singled out and questioned [...]".¹⁴¹

¹³⁴ Freedom from Torture, Sri Lankan Tamils tortured on return from the UK, 13 September 2012, page 5, available at: <http://www.refworld.org/docid/505321402.html>

¹³⁵ Ibid, page 10.

¹³⁶ Ibid, page 6.

¹³⁷ Ibid.

¹³⁸ Human Rights Watch, UK: Halt Deportations of Tamils to Sri Lanka, 29 May 2012, page 5, available at: <http://www.refworld.org/docid/50e8e8352.html>

¹³⁹ ACAT-France, in collaboration with the Asian Legal Resource Centre, When arbitrariness prevails - A Study of the phenomenon of torture in Sri Lanka, June 2012, page 17, available at: <http://www.acatfrance.fr/medias/files/actualite/R-Sri-Lanka-EN-web.pdf>

¹⁴⁰ Tamil Against Genocide (TAG), Returnees at Risk: Detention and Torture in Sri Lanka, 16 September 2012, Executive summary, available at: <http://www.tamilsgainstgenocide.org/Data/Docs/TAG-Report-16-Sep-2012-Returnees-at-Risk.pdf>

¹⁴¹ Ireland: Refugee Documentation Centre, Sri Lanka: Information on the treatment of failed asylum seekers returned to Sri Lanka, 22 January 2010, Q11540, p. 3, available at: <http://www.refworld.org/docid/4b6167382.html>

SUDAN

- *The U.S. State Department*, (2016): The government requires citizens to obtain an exit visa if they wish to depart the country.¹⁴²
- *Country of Origin Information, Home Office The Netherlands*, (July 2015): Returnees who are considered to be a threat by the Sudanese authorities are at risk of being detained and tortured upon return. Persons who criticized the human rights in Sudan can be considered a threat.¹⁴³
- *UK Home Office*, (2015): Sudanese National Intelligence and Security Services (NISS) have been reported to detain 'persons of interest' at Khartoum Airport.¹⁴⁴
- *Waging Peace*, (2012): The mere act of seeking asylum abroad is seen negatively by Sudanese authorities.¹⁴⁵ Waging Peace reported in 2012 cases of arrest, disappearances and torture. Sudanese returnees are more vulnerable upon their return due to a growing concern among the Sudanese community about the number of the National Congress Party (NCP) intelligence officers across the EU and the UK.¹⁴⁶
- *Ireland Refugee Documentation Centre*, (2010): Prolonged detention in one of Sudan's prisons might be applied to returnees. Such a practice also entails beatings and other forms of ill-treatment, such as being hung upside down for hours, being burned with cigarettes etc.¹⁴⁷

TUNISIA¹⁴⁸

- *UN Special Rapporteur on the human rights of migrants*, (2013): The Special Rapporteur on the human rights of migrants has criticized the criminalization of irregular border crossings as contradictory to fundamental principles of human rights, including the right to leave one's country and called for an immediate repeal of the law. Before the revolution and in 2011, many Tunisians were held at the Ouardia

¹⁴² United States Department of State, 2016 Country Report on Human Rights Practices - Sudan, 3 March 2017, p. 43, available at: http://www.ecoi.net/local_link/337239/466999_en.html

¹⁴³ Ministerie van Buitenlandse Zaken, Algemeen Ambtsbericht Sudan, Den Haag July 2015, p. 69, available at: <https://www.rijksoverheid.nl/documenten/ambtsberichten/2015/07/23/sudan-2015-07-23>

¹⁴⁴ United Kingdom: Home Office, Country Information and Guidance - Sudan: treatment on return, August 2015, Version 1.0. page 5, para. 2.2.3, available at: <http://www.refworld.org/docid/561f54c34.html>

¹⁴⁵ See Waging Peace, The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan, September 2012. Available at: <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=561f54c34&skip=0&query=failed%20asylum%20seeker&coi=SDN>

¹⁴⁶ See Waging Peace, The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese nationals who leave Sudan, September 2014, page 8

¹⁴⁷ Refugee Documentation Centre (Ireland), Treatment of failed asylum seekers returned to Sudan. Researched and committed by the Refugee Documentation Centre of Ireland on 4 June 2010, available at: https://www.justice.gov/sites/default/files/eoir/legacy/2013/06/11/asylum%20seekers_2.pdf

¹⁴⁸ For Tunisia, no Dutch country of origin report exist.

immigration detention centre and in prisons for the crime of irregular border crossing. The interim government in 2012 applied the law less systematically.¹⁴⁹

- *Euro Mediterranean Human Rights Network*, (2012): According to Art. 35, nationals that cross the border in irregular way will be punishable by fines of 36 to 120 dinard (16 to 55 Euro) and/or imprisonment of 15 days to 6 months. Art. 38 to 54 of the law 2004-6 in particular have multiplied and increased sanctions against irregular migration and migration attempts, ranging from three to 20 years of imprisonment and/or fines of 8.000 to 100.000 dinars (3.700 – 46.000 Euro).¹⁵⁰
- *Association nationale d'assistance aux frontières pour les étrangers, ANAFE*, (2012): With respect to nationals that return to Tunisia as rejected asylum seekers, the French organisation ANAFE was able to record one case in 2010 of arbitrary two-week long detention, beatings and humiliations by Tunisian police officers. Non-admitted foreigners that are sent back to Tunisia as non-admitted passengers do not have the possibility to file asylum claims in Tunisia.¹⁵¹
- *Amnesty International*, (2008): Amnesty furthermore reported concerns about Tunisians deportees as terrorism suspects who may be arrested and face prolonged incommunicado detention lasting weeks or months.¹⁵²
- *Journal Officiel de la République Tunisienne*, (February 2008): In Tunisia, the laws 1975-40 regarding passports and travel documents, as modified and complemented by the law 1998-77 and the Law 2004-6 and the law 1008-13 criminalize those Tunisians that seek to exit Tunisia in irregular ways.¹⁵³

UKRAINE¹⁵⁴

- *Global Detention Project*, (2012): The 2007 EU-Ukraine readmission agreement allows EU member states to forcibly return to the Ukraine third country nationals who passed through Ukraine on their way to the E.U. Global Detention Project reports that forcibly returned third country nationals are charged with illegal border crossing in Ukraine and are subsequently detained for lengthy periods.¹⁵⁵

¹⁴⁹ United Nations (2013): Report of the Special Rapporteur on the human rights of migrants, addendum. Mission to Tunisia (3 to 8 June 2012), A/HRC/23/46/Add.1, p. 16.

¹⁵⁰ Euro Mediterranean Human Rights Network (2012), Asile et Migration dans le Maghreb, Fiche de Renseignements: Tunisie, p. 40- 41, available at: http://euromedrights.org/wp-content/uploads/2015/04/EMHRN-Factsheet-Tunisia_FR_15JAN2013_WEB.pdf

¹⁵¹ ANAFE, Rapport annuel 2011. Observations et interventions de l'ANAFE dans les zones d'attente, December 2012, p. 38.

¹⁵² Amnesty International, In the name of security. Routine abuses in Tunisia, June 2008, available at: <https://www.amnesty.org/en/documents/mde30/007/2008/en/> and see: Amnesty International, Tunisia: Continuing abuses in the name of security, August 2009, available at: <https://www.amnesty.org/en/documents/mde30/010/2009/en/>

¹⁵³ Journal Officiel de la République Tunisienne, No 16, 22 february 2008, available at : <http://www.cnudst.rnr.tn/jortsrc/2008/2008f/jo0162008.pdf>

¹⁵⁴ For Ukraine, no country of origin report exist. The thematic report (2011) on legislation relating to aliens and citizenship does not discuss post-deportation risks.

¹⁵⁵ Global Detention Project, Ukraine Immigration Detention, December 2012, available at: <https://www.globaldetentionproject.org/countries/europe/ukraine>
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- *Human Rights Watch*, (2010): Some migrants returned from neighboring EU countries are subjected to torture and other inhuman and degrading treatment while in detention.¹⁵⁶ Human Rights Watch did not come to a conclusion that torture of returned migrants was systematic. However, it did document widespread instances of physical mistreatment, such as beatings, kickings and food deprivation.

TURKEY

- *Country of Origin Information, Home Office The Netherlands*, (July 2013): People who return with a Laissez Passer or a temporary travel document can be asked questions and the authorities can check for criminal activities (in which case the person will be arrested at the airport) or check for a possible evasion of military service (in which case the person will be transferred immediately to the military forces).¹⁵⁷

¹⁵⁶ Human Rights Watch (HRW), *Buffeted in the Borderland: The Treatment of Asylum Seekers and Migrants in Ukraine*. Human Rights Watch, December 2010, available at: <http://www.hrw.org/de/reports/2010/12/16/buffedted-borderland-0>

¹⁵⁷ Ministerie van Buitenlandse Zaken, *Algemeen Ambtsbericht Turkije*, Den Haag July 2013, p. 50, available at: <https://www.rijksoverheid.nl/documenten/ambtsberichten/2013/07/31/turkije-2013-07-28>