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Post-deportation risks: Criminalized departure and risks for returnees in countries of origin

Following the recent crisis in the Mediterranean Sea, the European Commission presented on May 15th 2015 a new European Agenda centred on the present challenges of global migration. As the High Representative of the European Union for Foreign Affairs and Security Policy and Vice-President of the Commission stated, “*with this agenda we confirm and broaden our cooperation with the countries of origin and transit in order to save lives, clamp down on smuggling networks and protect those in need*”.¹ For security purposes, the EU promoted readmission agreements with third countries and increased the role of FRONTEX.² In the future, the EU will seek to increase collaborations with countries of origin, amongst others by increasing and facilitating forced returns.

Migration policies in the European Union (EU) do not only affect people in member states but also in countries of origin where migrants attempt to cross European borders. Yet the right to leave is enshrined by the article 13 of the Universal Declaration of Human rights, the article 12 of the International Covenant on Civil and Political Rights and other international treaties, such as the European Convention on Human Rights (article 2.2, Protocol 4, 1963). When regulating migration, European responsibilities for the respect of human rights expand its borders. This country catalogue seeks to illuminate and raise awareness about the human insecurities that failed migrants can face in the hands of state authorities upon their return to their countries of nationality. With failed migrants, this project understands deportees, non-admitted travellers and rejected asylum seekers. The project focused in particular on returns from the Schengen area.

Working hypothesis

Upon return, failed migrants can face risks in the hands of state authorities in their countries of nationality.

The catalogue seeks answers to the following questions:

- A. Which emigration countries prosecute their own nationals for failed attempts to emigrate illegally?
- B. In which countries can i) deportees, ii) rejected asylum seekers and/or ii) non-admitted travellers face a) monetary extortions, b) detention/ imprisonment and/or c) physical violence upon arrival at the airport in their country of nationality?

¹ European Commission (2015): Press Release Database. *Managing migration better in all aspects: A European Agenda on Migration*, available at: <http://europa.eu/rapid/press-release_IP-15-4956_en.htm>[Accessed 26th May 2015].

² European Agency for the Management of External Borders.

Methodology

Background:

Dr. Maybritt Jill Alpes from the VU Amsterdam initiated the project. It was carried out from October 2014 until May 2015 by a team of six students at Sciences Po Paris.

Identification of risk countries:

This country catalogue is based on a collection of already existing, but very scarce references on the topic. In order to retrieve information, the researchers used three main strategies:

First, the researchers identified risk countries by scanning reports by leading migrant support and human right organizations (e.g. Human Rights Watch and Amnesty International). They focused predominantly on European and in particular French organizations (e.g. ANAFE and MIGREUROP). In order to make the country catalogue as inclusive and complete as possible, the researchers circulated a French³ and an English⁴ blog post on relevant professional mailing lists to invite practitioners in the field, such as activists, international civil servants, migration lawyers and academics, to provide additional sources and evidence about further risk countries.

Secondly, the researchers identified risk countries by conducting keyword searches in English and French for sources dating from 2000 onwards on countries of origin available on www.refworld.org, <http://www.ecoi.net>, www.juris.ohchr.org and www.asylumresearchconsultancy.com. The researchers searched for terms, such as “illegal immigration”, “exit control” and “criminalization of emigration”. For the thus identified risk countries, the researchers conducted additional specific keyword searches in English and French for terms, such as “rejected asylum seekers”, “deportee”, “return”, “returnee”, “emigrant”, “return conditions” and “position on return”. In this manner, the researchers were also able to include relevant national sources on countries of origin, for example the ones provided by the UK Home Office⁵ and the U.S. Department of State, but also reports and writings from the UK Asylum and Immigration Tribunal, the UN High Commission for Human Rights and the UN Special Rapporteur’s on the human rights of migrants.

Third, the researchers consulted statistics to determine the most important source countries for deportations⁶, non-admissions and asylum rejection rates for the case of France.⁷ They conducted additional checks for these countries.

Terminology:

Not all consulted sources on forced returns make clear distinctions between people subject to deportation orders, people subject to decisions of “non-admission” and people who have had their asylum request rejected either directly at the border or after having entered another state. Evidence from the international airport of Douala, Cameroon, suggests that police officers and other state agents in emigration countries do not always make these distinctions either. Formally speaking, non-admitted migrants are individuals who could not enter the state of arrival because of grounds of inadmissibility. Failed asylum seekers are individuals who sought international protection in their country of arrival but whose asylum application was rejected, while deportees are individuals who have been removed or expelled from their country of arrival and brought back to their country of origin.

³ *Espace Schengen, migrants expulsés ou non-admis et criminalisation de l’émigration* <http://combatsdroitshomme.blog.lemonde.fr/2015/03/07/migrants-expulses-ou-non-admis-et-criminalisation-de-lemigration/>

⁴ Alpes, M J (2014): *Illegal at Home: Are Deportees and Non-Admitted Travellers Criminalized in their Countries of Origin?*, available at: <http://bordercriminologies.law.ox.ac.uk/deportees-non-admitted-travellers/>.

⁵ UK Home Office (2014): *Country Information and Guidance*, available at <https://www.gov.uk/government/collections/country-information-and-guidance>.

⁶ LECLERC, Jean Marc, “Immigration, Les Expulsions de Clandestins en Chute Libre”, 08/10/13, www.lefigaro.fr: Reconduite à la Frontière par la Police Aux Frontières (according to PAF’s data between January -August 2013).

⁷ ANAFE (2012): *Statistiques ANAFE 2011, Zone d’Attente de Roissy, février 2012*, p. 5-6; ANAFE (2012): *Statistiques ANAFE, Orly et ZA de Province, 2011*, p.4.

The researchers chose to represent data predominantly according to types of vulnerabilities and risks. Whenever possible, information on specific vulnerabilities for specific types of returnees was added. Moreover, they chose to regroup information on “fines” and “monetary extortions” under the same heading in the catalogue in an attempt to capture the fluidity between legal provisions and practices of state officials. Similarly, police and justice systems in developing countries do not always clearly distinguish between detention and imprisonment. To adequately capture the continuity of these two risks in practice, the researchers gathered both possibilities under one heading, while still pointing out distinctions whenever sources allowed them to do so.

Despite the rigidity of a table format, the researchers found it to be the best option in order to make the research results both readable and usable.

Limitations and research needs:

Due to a lack of financial and human resources, it was not possible for the team project at Sciences Po Paris to carry out first hand research and produce new evidence on return-related risks and vulnerabilities for people who are subject to decisions of non-admission, asylum rejections and deportations. Consequently, the information in the country catalogue only lists past cases of *recorded* monetary extortions, detention, imprisonment and physical violence for returnees in emigration countries. Even the Universal Periodic Review, which is the United Nations reference publication for monitoring human rights violations, does not yet include the topic within its review activities.

The limits of our research project meant that the researchers could not reveal information about countries for which reports have not yet been written yet. While statistical evidence reveals that Brazil, Honduras, Ivory Coast, Moldova, Myanmar, Serbia, Somalia, Togo and Turkey have high deportation rates from the EU, the researchers were not able to find conclusive information for these countries. For the purpose of this project, the researchers focused on return risks for nationals in countries of origin. The vulnerabilities of migrants when forcibly returned to countries other than their countries of nationality were thus left aside. Mauritania or Tanzania would for example be important risk countries for transit migrants.

One of the team members assisted the French association ANAFE to monitor the situation of returnees post return. This monitoring process promises to uncover useful information on the situation of returnees from France in the future. However, the scope of this monitoring process is limited as it is for now predominantly based on phone calls to people in countries of origin. In order to establish exactly how systematic some of the here listed risks and vulnerabilities are from returnees from Europe, in-depth research in countries of origin is necessary.

Outline:

Section A of the catalogue lists countries with laws that directly or indirectly criminalize attempts to emigrate illegally. Section A also includes countries where laws are misused or interpreted in ways that amount to a criminalization of emigration. It offers an overview of laws and their modifications, as well as some references that report on practices at border posts upon return. Section B of the Country Catalogue lists countries where the researchers found evidence for practices by state agents that create vulnerabilities and risks for returnees.

A. Countries where laws criminalize attempts to emigrate illegally.

- 1. Algeria (p. 7)
- 2. Cameroon (p. 9)
- 3. Cuba (p. 11)
- 4. Egypt (p. 14)
- 5. Iran (p. 17)
- 6. Macedonia (p. 19)
- 7. Morocco (p. 22)
- 8. North Korea (p. 23)
- 9. Pakistan (p. 24)

- 10. Senegal (p. 27)
- 11. Tunisia (p. 29)

B. Countries where state practices create return-related risks.

- 12. Albania (p. 31)
- 13. Chad (p. 32)
- 14. China (p. 33)
- 15. Congo (DRC) (p. 34)
- 16. Eritrea (p. 37)
- 17. Guinea Conakry (p. 40)
- 18. Haiti (p. 41)
- 19. India (p. 42)
- 20. Libya (p. 43)
- 21. Nigeria (p. 44)
- 22. Sri Lanka (p. 45)

Discussion

‘Criminalization of emigration’ has to be understood as the use of a national law to restrain people’s right to leave their country. Beyond these cases where law is used to criminalize migrants’ behavior, some state authorities’ practices also constitute grounds of vulnerability for migrants who return. In both situations, migrants can be subject to serious insecurities at the time they come back if they did not comply with the official procedure to leave the country. Hence, these state practices have a double consequence: first, they result in deterring people from leaving the national territory. Additionally, they highlight the existence of risks for people forcibly returned from Europe to their country of nationality.

In order to better understand such vulnerabilities, there is a distinction to be made between countries that criminalize emigration through laws or misuse of laws (Part A) and countries where state practices create return related risks (Part B).

A. Criminalization of emigration:

It is necessary to acknowledge that some countries incorporated into their legal system provisions that directly criminalize the attempt to emigrate irregularly. Thus, in Algeria, Cameroon, Cuba, Iran, Morocco, North Korea, Pakistan and Tunisia, returnees face prison sentences and fines based on specific penal dispositions. Iran (1973), Tunisia (1975), Pakistan (1977), Cameroon (1990), Morocco (2003), Algeria (2009), have all created laws in order to prosecute nationals and non-nationals who left the country without travel documents or with fraudulent ones. Penalties vary depending on the country, from two months to five years (Pakistan). Legal dispositions also provide for the possibility of fines, and sometimes for the possibility of a combination of fines and prison sentences. North Korea appears as a unique case since the criminalization of emigration is there certainly linked to the country’s internal situation. The Cuban case also needs to be read in light of the current national context.

However, the above countries are not the only ones where laws can be used against returnees from Europe. In Senegal and Egypt, smuggling laws are misused to target aspiring migrants and prevent nationals and foreigners from leaving their country. We found clear evidence that the Senegalese law on smuggling can actually be used to criminalize the behaviour of migrants as well. Egypt also indirectly criminalizes the attempt of migrants to leave their country,

since the law punishes the disclosure of rumors about the internal situation abroad. Therefore, such penal dispositions might also be used against returning migrants, especially failed asylum seekers who probably disclosed information about the internal situation in Egypt during their asylum application process.

Cuba and Macedonia offer particular legal situations regarding the criminalization of emigration since both of their legal provisions on the matter recently changed. If Cuba announced in January 2013 that the policy requiring exit permits and invitations from abroad to leave the country would end, it is actually unclear if restrictions to emigrate from Cuba have really been abandoned. As for Macedonia, the Macedonian legal provision that submitted returned migrants, especially Roma people, to important police controls has recently (June 2014) been declared unconstitutional by the Constitutional Court of Macedonia. Thus, Macedonia should not criminalize emigration anymore, even if sources lack for now on the current situation for Macedonian returnees.

Besides legal dispositions on the criminalization of emigration, attention to the authorities' practices is required, whether these practices derive from legal dispositions or not.

B. Authorities practices:

At the time of their return to their country of origin, migrants automatically face their national authorities' decisions and practices. Thus, it is relevant to underline the range of national authorities' usage that can involve serious human insecurities for migrants.

Types and sources of return related risk can vary greatly. Researchers have identified three main kinds of threats: money extortion/fines, detention/imprisonment and physical violence.

Money extortion such as corruption is a source of vulnerability for returnees in most countries the catalogue covers: Albania, Cameroon, Cuba, Egypt, China, Congo, Eritrea, Haiti, India, Iran, Libya, Macedonia, Mauritania, Nigeria, North Korea, Pakistan, and Sri Lanka.

Risk of detention and imprisonment is also a major threat for returnees from Europe: threats of detention or imprisonment are reported in Albania, Algeria, Cameroon, Chad, China, Congo, Cuba, Egypt, Eritrea, Guinea Conakry, Haiti, India, Iran, Macedonia, Morocco, North Korea, Nigeria, Pakistan, Sri Lanka and Tunisia

Finally, migrants can be subject to physical violence in Albania, Algeria, Cameroon, China, Congo, Cuba, Egypt, Eritrea, Guinea Conakry, India, Iran, Libya, Macedonia, Nigeria, North Korea, Pakistan, Senegal, Sri Lanka and Tunisia. Different degrees of violence are experienced by migrants, from ill treatments in Cameroon to "shoot to kill policy" in Eritrea.

In addition to these three kinds of threats, some migrants can face additional challenges in regard to their particular situation and country of origin. For instance, in Albania, the Special Rapporteur on human rights of migrants reported that Albanian police officers proceed to destruct the travel and identity documents of returnees. This type of practice has also been reported in Macedonia for Roma people. Furthermore, migrant's relatives can also suffer from the consequences of his return to his country of nationality. Often, as in Egypt for instance, the returned migrant is kept away from his family. Money can also be extorted from the family to obtain the returnee release, as in Haiti. In Pakistan, police detained relatives of wanted individuals. On top of that, migrants are particularly vulnerable when suspected to take part in terrorist activities. If they are suspected of such activities, sanctions are worsen and the duration of detention is generally increased (Tunisia and Algeria for instance).

Furthermore, risks are experienced differently whether the migrant is a deportee, a non-admitted migrant or a failed asylum seeker.

Deportees can face risks in the hands of state agents upon return. Algerian, Egyptian, Eritrean, Nigerian and Tunisian authorities have reportedly subject deportees to physical violence. Deportees are also exposed to sanctions when they are committed fraud or crime while they were in the country of emigration. As an example, returnees that committed fraud are subject to imprisonment in Cameroon.

Less is known about risks faced by non-admitted travellers. However, they generally own fake documents, which plays directly against them once they are returned. In Morocco for example, higher risks of incarceration are reported if the national authorities manage to seize fake documents.

More is known about threats that failed asylum seekers face upon return. Their case is specific and thus needs to be emphasized. The research showed that failed asylum seekers risk to pay bribes and to face detention in most country covered by the present study. Some reports also highlighted the violence failed asylum seekers can be submitted to, especially in Algeria, Cameroon, China, Congo, Cuba, Egypt, Eritrea, Guinea Conakry, Iran, India, Nigeria, North Korea, Sri Lanka and Tunisia. These migrants often face particular risks because of their asylum application process abroad. In Egypt for instance, they are particularly persecuted because accused of betraying the national interest. The case of failed-asylum seeker tends to show the intertwined responsibilities of both the countries of origin and countries of emigration. At times, authorities in Europe hand over asylum files and other pieces of documentation directly to police authorities in countries of return. The handling of documents that prove that the migrant filled up an asylum application abroad put him in a very vulnerable position towards the authorities of his state.

Conclusion:

The present research project is aimed at raising awareness both on the criminalization of emigration and on the risks that returnees can face upon return to their country of origin. The scarce literature and information on the subject and the limited time to conduct this student project have narrowed its scope and depth. There is evidently a need for further research on particular areas that were not covered by the research, such as Eastern Europe, whose countries represent high numbers of asylum seekers, non-admitted migrants and deportees in the EU 28. Serbia would for instance represent an interesting case study due to the great number of Serbian migrants for the year 2014. Further research should also be conducted on the thematic of return conditions in transit countries such as Libya, Mauritania or Tanzania.

Most importantly, in the current context of securitization by the EU of migration policies, the enclosed country catalogue is aimed at including the risks linked to the criminalization of emigration to the political and civil society agenda. The current deepening of the externalization of European borders largely extends the scope of migration challenges to new actors, states of origin, associations, but also airline companies. Indeed, associations such as ANAFE highlight that airlines have a new responsibility in the transportation of migrants since EU members would sanction airlines transporting migrants with no passports or fake documents.⁸ As suggested before, this country catalogue is a first step on the further research that has to be continued, on the involvement of third countries and on the responsibility of states and airline companies. The information disclosed here therefore suggest to conduct a wider and deeper research. Combined with necessary field observations, it could help highlighting countries' practices that have not been documented yet.

⁸ ANAFE (2013): *Guide théorique et pratique, la procédure en zone d'attente*, Janvier 2013, p. 6.

PART A. COUNTRIES WITH LAWS THAT DIRECTLY OR INDIRECTLY CRIMINALIZE EMIGRATION

1. ALGERIA

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

Abrogated disposition: Ordonnance n° 66-156 of June 8th 1966.

Passing date: February 25th 2009.

Publication: Journal officiel, 2009-03-08, n° 15, pp. 3-7.

Relevant article: Livre troisième « Crimes et délits et leurs sanctions », Titre 1 « Crimes et délits contre la chose publique », Chapitre V « Crimes et délits commis par les personnes contre l'ordre public », Section 8 « Infractions commises contre les lois et règlements relatifs à la sortie du territoire national », article 175 bis. L'article 175 bis n'a pas été modifié par la loi n° 14-01 du 4 Rabie Ethani 1435 correspondant au 4 février 2014 modifiant et complétant l'ordonnance n° 66-156 du 8 juin 1966 portant code pénal.

« Art. 175 bis 1. Sans préjudice des autres dispositions législatives en vigueur, est puni d'un emprisonnement de deux (2) mois à six (6) mois et d'une amende de 20.000 DA à 60.000 DA ou de l'une de ces deux peines seulement, tout algérien ou étranger résident qui quitte le territoire national d'une façon illicite, en utilisant lors de son passage à un poste frontalier terrestre, maritime ou aérien, des documents falsifiés ou en usurpant l'identité d'autrui ou tout autre moyen frauduleux, à l'effet de se soustraire à la présentation de documents officiels requis ou à l'accomplissement de la procédure exigée par les lois et règlements en vigueur. La même peine est applicable à toute personne qui quitte le territoire national en empruntant des lieux de passage autres que les postes frontaliers ».

(Art. 175 bis 1. With no prejudice of other valid legislative dispositions, any Algerian or non-national resident who leaves the national territory illegally, using falsified documents or usurping someone else's identity or by any other fraudulent means with the will of escaping the obligation to present official documents and to accomplish the official procedure, is punishable by a prison sentence from two (2) to six (6) months and by a fine from 20.000 DA to 60.000 DA or by only one of these two sanctions only. The same sanction is applicable to any person who leaves the territory crossing the border in other places than the transborder checkpoints. **Not an official translation**)

Country		Fines and possibility of monetary extortions	Possibility of detention and/or imprisonment	Possibility of physical violence
Algeria	General information	- Criminal offense of “emigrating illegally” punishable by a fine from 20.000 DA to 60.000 DA (Law n°09-01).	- Criminal offense of “emigrating illegally” punishable by a prison sentence from 2 to 6 months (Law n°09-01).	<i>No additional information</i>
	Non-admitted migrant	<i>No additional information</i>		

	Rejected asylum seeker	<i>No additional information</i>	<i>No additional information</i>	- An official from UNHCR stated " <i>there is a re-emerging concern that persons who are returned to Algeria may face hostile treatment</i> ". ⁹
	Deportee	<i>No additional information</i>	- There is no information on deportees in general. Yet according to Amnesty International, returnees suspected of involvement in terrorism-related activities can be subject to imprisonment and/or detention. ¹⁰	- There is no information on deportees in general. Yet according to Amnesty International, returnees suspected of involvement in terrorism-related activities can be subject to physical violence. ¹¹

⁹ Melanie McFadyean (2014): *A pile-up of shameful contradictions*, The Guardian, 24 November 2014, available at: <http://www.theguardian.com/uk/2004/nov/24/immigration>.

¹⁰ Amnesty International (2007): *United Kingdom, deportation at all costs*, 26th February 2007 on the story of Mustapha Taleb. See also Human Rights Watch (2005): *UK: Empty promises can't protect people from torture*, 23 June 2005.

¹¹ Amnesty International (2007): *Ibid*.

2. CAMEROON

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

Abrogated disposition: --

Passing date: December 19th 1990.

Publication: National Legislative Bodies, 1991.

Relevant article : Chapitre 2 « De la sortie du territoire national », article 3.

« Article 3 (1) Est puni d'un emprisonnement de 2 à 6 mois et d'une amende de 500.000 F ou de l'une de ces deux peines seulement, tout Camerounais ou étranger résident qui sort du Cameroun sans se conformer aux dispositions des articles 1 et 2 alinéa 1 ci-dessus [présentation d'un passeport en cours de validité ou de tout autre titre de voyage revêtu d'un visa de sortie].

(2) Est puni d'un emprisonnement de 6 mois à 2 ans et d'une amende de 100.000 à 2.000.000 F tout Camerounais ou étranger qui sort du territoire national nonobstant réquisition dûment notifiée des autorités judiciaires, des ministres chargés des Finances, de la Fonction publique et du Contrôle de l'Etat, du Travail et de la Prévoyance sociale. »

(Article 3 (1) - Is to be punished by a prison sentence from 2 to 6 months and a fine of 500.000 FCFA, or by only one of these two sanctions, any Cameroonian or non-national resident who exits Cameroon without conforming himself to the dispositions of articles 1 and 2.

(2) - Is to be punished by a prison sentence from 6 months to 2 years and a fine from 100.000 to 2.000.000 FCFA any Cameroonian or non-national resident who exits the national territory when a requisition from the judiciary authorities, the ministers of Finances, Public Affairs and State Control, of Labour and Social Planning had been notified to him. **Not an official translation**).

Country		Fines and possibility of monetary extortions	Possibility of detention and/or imprisonment	Possibility of physical violence
Cameroon	General information	- Criminal offense of having attempted to emigrate illegally, punishable by a fine of 500.000 FCFA (Law 1990/043).	- Criminal offense of having attempted to emigrate illegally, punishable by a prison sentence of two to six months (Law 1990/043).	<i>No additional information</i>
	Non-admitted migrant	- Possibility of monetary extortions. ¹²	<i>No additional information</i>	<i>No additional information</i>
	Rejected asylum	<i>No additional information</i>	- The Danish Immigration Service reported that rejected asylum seekers	- The Danish Immigration Service reported that if the Cameroonian authorities know that

¹² Alpes, Maybritt Jill (2014): *Illegal at Home. Are Deportees and Non-Admitted Travellers Criminalized in their Countries of Origin?* *Border Criminologies*. Available at <http://bordercriminologies.law.ox.ac.uk/deportees-non-admitted-travellers/> (last accessed 21 January 2015).

	seeker		deported in handcuffs and accompanied by a foreign police officer risk detention by the Cameroonian police. If the Cameroonian authorities know that the returnee has sought asylum abroad, he/she is suspected of having discredited Cameroon. Asylum seekers for economic reasons are released. ¹³	the returnee has sought asylum abroad, he/she is at risk of ill treatment or torture. ¹⁴
	Deportee	- Possibility of monetary extortions between 300 and 500 euros. ¹⁵	<p>- Returnees that committed fraud are subject to imprisonment (Art. 205, Cameroonian Penal Code).</p> <p>- Although in practice there is no imprisonment, at times deportees can face threats of imprisonment.¹⁶</p>	<i>No additional information</i>

¹³ Danish Immigration Service (2001): *Fact-finding mission to Cameroon*, (23 January to 3 February 2001). Available at: <http://www.refworld.org/docid/3cac593710.html> (last accessed 12 January 2015).

¹⁴ Danish Immigration Service (2001): *Ibid.*

¹⁵ Alpes, Maybritt Jill (2014): *Illegal at Home. Are Deportees and Non-Admitted Travellers Criminalized in their Countries of Origin? Border Criminologies*. Available at <http://bordercriminologies.law.ox.ac.uk/deportees-non-admitted-travellers/> (last accessed 21 January 2015).

¹⁶ Alpes, Maybritt Jill (2014): *Ibid.*

3. CUBA

Name: *Criminal Code (Law No. 62).*

Abrogated disposition: December 29th, 1987.

Passing date: February 16th, 1999.

Publication: --

Relevant article: Article 216.

“1. Whoever leaves or attempts to leave the national territory without completing the legal formalities is liable to imprisonment for one to three years or a fine of three hundred to one thousand units (cuotas).

2. If violence or intimidation against persons or force against things is used to commit the act mentioned in the previous paragraph, the penalty is imprisonment for three to eight years.

3. The punishment for the offences provided in the previous paragraphs applies, regardless of any other offences committed in leaving or attempting to leave the country illegally.”

New Migration Law, January 2013:

The new Migration Law was adopted on 16th October 2012 and entered into force on 13th January 2013 (*Decreto Ley 302* modifying Law 1312, or “*Ley de Migración*”). Exit visa and law 989 on nationalization of emigrants’ goods have been rescinded in the new law. However it seems that Article 216 of the Criminal Code has not been modified.¹⁷

*“In October 2012, the Cuban government announced that it would be updating its migration policy, effective January 14, 2013, by eliminating the long-standing policy of requiring an exit permit and letter of invitation from abroad for Cubans to travel abroad. Cubans are now able to travel abroad with just an updated passport and a visa issued by the country of destination, if required. Under the change in policy, Cubans can travel abroad for up to two years without forgoing their rights as Cuban citizens”.*¹⁸

*“Several dissidents, however, including those political prisoners who have been released on parole, have been restricted from travelling abroad”.*¹⁹

*“The government continued to require several classes of citizens to obtain permission to travel, including highly specialized medical personnel, military or security personnel, and some former political prisoners”.*²⁰

Some sources prior to 2013 reported the criminalization of “illegal emigration”. It is difficult to establish whether or not practices reported prior to 2013 are still relevant today as article 216 of the Penal Code has not been modified yet. Moreover, very few reports mention the practices of the Cuban authorities upon non-

¹⁷ Tribunal Supremo Popular, *Compendio de legislación* [online], <http://www.tsp.cu/compendio-legislacion-cuba> (consulted on 26th April 2015)

¹⁸ United States Congressional Research Service (2013): *Cuba: U.S. Policy and Issues for the 113th Congress*, 12 June 2013, R43024, available at: <http://www.refworld.org/docid/51d53e314.html> [accessed 21 April 2015], p. 44.

¹⁹ United States Congressional Research Service (2013): *Ibid*, p. 45.

²⁰ United States Department of State (2014): *2013 Country Reports on Human Rights Practices - Cuba*, 27 February 2014, available at: <http://www.refworld.org/docid/53284b3bd.html> [accessed 21 April 2015]

admitted migrants, people migrating irregularly, failed asylum seekers and deportees since the new Migration Law entered into force. Here are listed some practices of the Cuban government before 2013:

“A person who leaves or commits acts preparatory to leaving the national territory without complying with legal formalities shall be subject to imprisonment for from one to three years or a fine of three hundred thousand currency units (United Nations Commission on Human Rights 11 Jan. 1995, 15)”.²¹

Human Rights Watch reported in 1994 that *“people attempting to leave Cuba have been shot at sea and beaten”*²² and that *“Cubans apprehended while fleeing face prison terms of one to three years, longer if they are found to have aided or abetted the departure of others or used stolen materials in their escape attempt. Cubans convicted of the crime of "illegal exit" are believed to constitute the largest class of political prisoners in Cuba”*.²³

“With regard to permits for entry into Cuba for Cuban citizens, the Visiting Director indicated that citizens who do not renew their permits are considered [translation] "deserters" and, therefore, are not allowed into the country (10 Feb. 2012; see also de Aragón et al. July 2011, 46-48)”.²⁴ Defecting Cubans are prevented from returning to Cuba.²⁵ *“Despite not being permitted to reside in Cuba, Cuban nationals who immigrate to the United States usually have the right to visit Cuba for a limited period”*.²⁶

“U.S. officials said they also are concerned that reprisals are taken against Cubans brought back by the Coast Guard. [...] Officials said they were concerned that some of the Cubans were deprived of employment and that others were harassed by local Communist Party organizations. (The Washington Post. 13 December 1999. Karen DeYoung. "U.S., Cuba Discuss Immigration Pact; Washington and Havana at Odds on Smuggling, Return of Illegal Migrants" (NEXIS))”.²⁷

²¹ Immigration and Refugee Board of Canada (1996): *Issue paper Cuba - The Human Rights Situation*, April 1996, p.19.

²² Human Rights Watch (1994): *Cuba : Repression, the Exodus of August 1994, and the U.S. Response*, 2 October 1994, B612, available at: <http://www.refworld.org/docid/45cb38ee2b9b.html> [accessed 23 April 2015], p. 2.

²³ Human Rights Watch (1994): *Ibid*, p.2.

²⁴ Canada: Immigration and Refugee Board of Canada (2012): *Cuba: Requirements and procedures to obtain an exit permit and to extend an exit permit while outside Cuba; information on migration regulations and how they are applied to citizens, including consequences for returning to Cuba with an expired permit; whether individuals are prosecuted for violating migration regulations or experience restrictions after entering the country, such as being precluded from housing, health care or other social services*, 23 May 2012, available at: <http://www.refworld.org/docid/4fc4a5192.html> [accessed 22 April 2015].

²⁵ United Kingdom: Upper Tribunal (Immigration and Asylum Chamber) (2011): *Fernandez (Dissidents and defectors) Cuba v. Secretary of State for the Home Department*, CG [2011] UKUT 00343 (IAC), 26 August 2011, available at: <http://www.refworld.org/docid/4e5f7b4f2.html> [accessed 23 April 2015], p. 7.

²⁶ Canada: Immigration and Refugee Board of Canada (2004): *Cuba: Whether Cuban citizens who have been granted permission to emigrate to the United States of America (USA) as permanent residents of the USA are subject to prosecution on return to Cuba for violation of Cuban laws against illegal sojourn abroad; whether it makes any difference if such persons are convicted of criminal offences in the USA; whether relatives of such legal migrants to the USA are subject to confiscation of residential housing or other reprisals because their family members have chosen to emigrate lawfully (2003-August 2004)*, 5 August 2004, CUB42861.E, available at: <http://www.refworld.org/docid/41501c020.html> [accessed 22 April 2015].

²⁷ Canada: Immigration and Refugee Board of Canada (2000): *Cuba: Treatment of Cubans who "jump ship" upon their return to Cuba, and penalties for illegal exit*, 7 April 2000, CUB34225.E, available at: <http://www.refworld.org/docid/3ae6ad574.html> [accessed 23 April 2015].

Country		Fines and possibility of monetary extortions	Possibility of detention and/or imprisonment	Possibility of physical violence
Cuba	General information	<p>- The US Department of State reported that “in January the government largely dropped travel restrictions that prevented citizens from leaving the island, but these reforms were not universally applied, and authorities denied passport requests for certain opposition figures or harassed them upon their return to the country. [...] In the case of military or police defectors or those travelling with children, the punishment could be more severe. Jail terms were also more common for persons attempting to flee to the United States through the Guantanamo U.S. Naval Station”.²⁸</p> <p>- According to Amnesty International, “amendments to the Migration Law which became effective in January 2013 facilitated travel abroad for all Cubans. Although government critics were allowed to travel abroad without hindrance, there were reports of documents and other materials being confiscated on their return to Cuba”.²⁹</p>		
	Non-admitted migrant	<p>- The US Department of State reported that “some would-be migrants alleged harassment and discrimination such as fines, expulsion from school, and job loss, but others reported more severe punishment. Rolando Guerra, brother of civil society activist Roberto de Jesus Guerra, was incarcerated after his repatriation to Cuba in November 2012 on charges of attempting an unauthorized departure. At year's end he remained in a maximum-security prison ward, without trial”.³⁰</p>		No additional information
	Failed asylum seeker	<p>- According to the Immigration and Refugee Board of Canada, “the treatment depends on two aspects: first, if the Cuban citizen [has] returned to Cuba within the 24-month period that, according to the new law (Decree 302 of 2012), is allowed to stay out of Cuba, he or she would not have problems. If the person is returned to Cuba after the 24-month period, Cuba will not let him or her in since that person would be considered an émigré and a traitor. Second, the treatment also depends on whether Cuban authorities know that during those 24 months the person applied for refugee status and failed to get it abroad. If they do not have such knowledge, the returnee would not face problems; but if authorities know, the person would be blacklisted and authorities might keep an eye on him or her. The person could also face difficulties accessing employment and other services”.³¹</p>		
	Deportee	No additional information		

²⁸ United States Department of State (2014): *Ibid.*

²⁹ Amnesty International (2015): *Amnesty International Report 2014/15 - Cuba*, 25 February 2015, available at: <http://www.refworld.org/docid/54f07e0115.html> [accessed 23 April 2015].

³⁰ United States Department of State (2014): *Ibid.*

³¹ Canada: Immigration and Refugee Board of Canada (2013): *Cuba: Treatment by authorities of failed asylum seekers that have returned to Cuba, including the treatment of family members that remained in Cuba*, 19 February 2013, CUB104290.E, available at: <http://www.refworld.org/docid/5152b0a82.html> [accessed 23 April 2015].

4. EGYPT

Egypt does not have any law directly criminalizing the attempt to emigrate illegally. However, different sources noted that the Egyptian Code and other Egyptian laws such as the *Emergency Law* of 1981 criminalize the disclosure abroad of “*false and tendentious news, statements or rumours on the internal situation in the country*”. Freedom House underlines the possibility that these articles could be used against Egyptian returnees, especially failed asylum-seekers.³²

Name: *Egyptian Penal Code n°58 of 1937.*

Abrogated dispositions: --

Passing date: 1937.

Publication: National Legislative Bodies, Official Journal, August 1937. The law applied effective from the 15th of October 1937.

Modifications: Amendments in 1992, amendments by *Law n° 95 of 2003*. The article 80D has not been modified.

Relevant article: Book two «Felonies and misdemeanors prejudicial to the public interest and their penalties », part 1 « Felonies and misdemeanors harmful to the Government’s Security from a source abroad », article 80D.

“*Article 80D.*

Confining to detention for a period of not less than six months and not exceeding five years and a fine of no less than 100 pounds and not exceeding 500 pounds or either penalty shall be inflicted on each Egyptian who deliberately discloses abroad false or tendentious news, information or rumors on the country’s internal situation, which is all boud to weaken the country’s financial credibility, dignity, prestige or exercises, by any method whatsoever, an activity that is liable to damage and harm the country’s national interests.”

Country		Fines and possibility of monetary extortions	Possibility of detention and/or imprisonment	Possibility of physical violence
Egypt	General Information	<p>- Amnesty International reported that individuals facing forcible return to Egypt, especially failed asylum seekers, face risks of torture and other abuses upon their return.³³</p> <p>- Amnesty International noted an important deterioration in the respect of the rights of migrants after 2013. Amnesty International indicates that “<i>security forces arrested refugees, asylum-seekers and migrants who sought to enter or leave Egypt irregularly, sometimes using excessive force. Criminal groups operating in Sinai also reportedly held refugees, asylum-seekers and migrants captive</i>”.³⁴</p>		
	Non-admitted migrant	No additional information		
	Rejected asylum seeker	<p>- Possibility of fines based on a misuse of the legal texts against trafficking of migrants: the Immigration and Refugee Board of Canada pointed out that “<i>the senior fellow at Freedom House’s Center for Religious Freedom speculated that “since refugees</i></p>		<p>- Human Rights Watch points out that “<i>despite the fact that Swedish authorities received assurances against torture of these men from the Egyptian authorities, the two men were held incommunicado in</i></p>

³² Freedom House (2006): Center for Religious Freedom, Washington, DC. Correspondence from a senior fellow, quoted in Canada: Immigration and Refugee Board of Canada, Egypt: *Treatment of failed refugee claimants who return to Egypt* (24 March 2006), 1 May 2006, EGY101204.E.

³³ Amnesty International (2007): *Egypt – Systematic abuses in the name of security*, Amnesty International website, 11 April, p.5.

³⁴ Amnesty International (2015): *Annual Report 2014/2015*, Amnesty International website, available at : <https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/>

		<i>claimants must necessarily have complained about their situation in Egypt, they can [be treated under Article 80(d) of the Penal Code]".³⁵</i>	<p><i>police custody after their return to Egypt and subsequently claimed that they had been ‘tortured’".³⁶</i></p> <p>- Higher risk of torture and ill treatment for people suspected of terrorism: The Australian Refugee Review Tribunal reported that “<i>human rights activists, terrorism suspects, and members of unauthorised religious groups have reportedly faced harm or detention upon their return to Egypt</i>”.³⁷</p>
	Deportee	<i>No additional information</i>	<p>- The Irish Refugee Documentation Centre reports that “<i>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 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</i>”.³⁸</p> <p>- Higher risk of torture and ill treatment for persons suspected of terrorism:</p> <ul style="list-style-type: none"> - Amnesty International’s 2008 report discusses how terrorism suspects who had been forcibly returned to Egypt were “<i>detained on arrival and tortured by</i>

³⁵ Canada: Immigration and Refugee Board of Canada (2006): Egypt: *Treatment of failed refugee claimants who return to Egypt* (April 2006), 1 May 2006, EGY101204.E

³⁶ Human Rights Watch (HRW) (2005): "Sweden Violated Torture Ban with U.S. Help".

³⁷ Australia: Refugee Review Tribunal (2011): Egypt: 1. *Is there any information on a group called Sameri Saleh?* 2. *Is it a criminal offence to seek protection as a refugee?* 3. *Is there any information on the fate of failed asylum seekers returning to Egypt?*, 23 November 2009, EGY35749 ; Australia: Refugee Review Tribunal, Egypt: 1. *Provide information on attitudes towards proselytising by the Coptic Orthodox Church in Egypt.* 2. *Please provide information on the attitude of the Egyptian authorities towards a person who had participated in demonstrations against the government in a Western country. Would such a person be detained, imprisoned or otherwise harmed on return to the country?* 3. *Deleted.* 4. *Is there any information on the treatment of failed asylum seekers?*, 12 July 2011, EGY38929.

³⁸ Ireland: Refugee Documentation Centre (2009): *Egypt: Information on failed asylum seekers*, 3 september 2009, Q10738, available at: <http://www.refoworld.org/docid/4aa60a426.html> [accessed 17 April 2015].

			<p><i>Egyptian security forces, continued to be imprisoned”.</i>³⁹</p> <p>- According to Amnesty International’s 2011 report, “[m]any security suspects...forcibly returned to Egypt from abroad disappeared for months. Many were held in secret; the authorities either denied that the individuals had been detained or refused to disclose their fate or whereabouts to lawyers and relatives”.⁴⁰</p> <p>- Amnesty International indicates that members of unauthorised Islamist groups who have been returned from abroad are at risk of torture and ill treatment from the State Security Investigations service (SSI) or the police.⁴¹</p>
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³⁹ Amnesty International (2008): *Amnesty International Report 2008*, 28 May 2008.

⁴⁰ Amnesty International (2011): *Time for Justice: Egypt’s corrosive system of detention*, Amnesty International website, 20 April, p. 16.

⁴¹ Amnesty International (2011): *Ibid*, pp. 44-45.

5. IRAN

Name: گذرنامه قانون (Passport Act)

Abrogated disposition: --

Passing date: 1351/3/8 (May 29th 1972)

Publication: 1351/12/10 (March 1st 1973)⁴²

Modifications: *Act of 1988 on Punishment of Smugglers of People Amending Certain Articles of the Passport Act and the Act on Entry and Residence of Foreigns in Iran*, 1998. The article 34 of the Passport Act has not been modified. The only modifications concern additional punishments for smugglers.

Relevant article: Article 34.

کشور از گذرنامه حکم در اسناد یا گذرنامه بدون که ایرانی هر - 34 ماده «
هزار دو از غرامت پرداخت یا ماه شش تا ماه دو از تادیبی حبس به شود خارج
شود می محکوم مجازات دو هر به یا و ریال هزار بیست تا ریال
».

(Art. 34 - The exit of the country without a passport or documents shall be punished by a prison sentence from two months to six months of jail or by compensation from two thousand rials to twenty thousand rials, or both. **Not an official translation**).

Country		Fines and possibility of monetary extortions	Possibility of detention and/or imprisonment	Possibility of physical violence
Iran	General information	<p>- Criminal offense of illegal exit punishable by a prison sentence from two months to six months or a compensation from two thousand rials to twenty thousand rials, or both (<i>Passport Act</i>, 1972).</p> <p>- Restrictions on travel and travel bans for some specific profiles (such as highly-skilled persons educated at government expense, religious leaders, members of specific religious communities, journalists and other activists in general, and the specific case of women who need their husband or father's permission to obtain a passport or to leave the country).⁴³</p> <p>- In practice the sanctions diverge depending on the interpretation given by the judge: the UK asylum and Immigration Tribunal quoted Dr. Kakhki according to whom each individual who left Iran illegally is arrested upon return by airport authorities and judged on an individual basis in a special court in Mehrabad Airport in Tehran (branch number 1610): "[t]he assigned punishment in this article is called a "Taaziri" punishment (a deterrent), the severity of which is at the discretion of the presiding Judge".⁴⁴</p> <p>- Sources diverge on the amount of the fine: (1) 100-500 rials [c£2.50- £12]⁴⁵, (2) 2,000-20,000 rials⁴⁶, and (3) up to 50 millions rials.⁴⁷ The fine will increase if the individual tries again to leave the country illegally.⁴⁸</p>		

⁴² Office of Judiciary of the Province of Tehran, Iranian Ministry of Justice.

⁴³ UK Home Office (2012): *Operational Guidance Note on Iran*, October 2012, p. 41.

⁴⁴ UK Asylum and Immigration Tribunal (2009): *Ibid*, p. 76.

⁴⁵ UK Home Office (2014): *Country Information and Guidance, Iran : Background information including actors of protection internal relocation and illegal exit*, May 20, 2014, p. 33.

⁴⁶ Australian Government: Department of Foreign Affairs and Trade (2013): *DFAT Country Information Report: Iran*, November 29, 2013, p. 25.

		<ul style="list-style-type: none"> - Sources diverge on the duration of the imprisonment: from 2-6 months⁴⁹ to 1-3 years⁵⁰ imprisonment depending on the source. - Debates remain on the extent of the risks of persecution and if the criminalization of emigration is a significant risk for Iranian returnees.⁵¹ - The UK Asylum and Immigration Tribunal reports additional risks for “someone who is viewed in a political light as having views contrary to that of the current regime”.⁵² 		
	Non-admitted migrant	<i>No additional information</i>		
	Rejected asylum seeker	<i>No additional information</i>	<ul style="list-style-type: none"> - Failed asylum seekers might risk arrest upon return.⁵³ - Amnesty International reported the possibility of prosecution of failed asylum seekers for making up stories of alleged persecution.⁵⁴ 	<ul style="list-style-type: none"> - Amnesty International reported about the enforced disappearance of a rejected asylum seeker who was also a political activist.⁵⁵ - An Amnesty International report stressed on serious risks for failed asylum seekers even if voluntarily returned.⁵⁶
	Deportee	<i>No additional information</i>		

⁴⁷ Danish Immigration Service (2009): *Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc. : Fact finding mission to Iran*, 24th August – 2nd September 2008, Danish immigration Service, 2009, p. 36.

⁴⁸ Danish Immigration Service (2009): *Ibid*, p. 38.

⁴⁹ Australian Government (2013): *Ibid*, p. 25.

⁵⁰ UK Home Office (2014): *Ibid*, p. 33.

⁵¹ UK Advisory Panel on Country Information (2008): *Evaluation of the August 2008 Country of Origin Information Report on Iran*, p.76 ; Danish Immigration Service (2009): *Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc. : Fact finding mission to Iran 24th August – 2nd September 2008*, Danish immigration Service, 2009, p. 38.

⁵² UK Asylum and Immigration Tribunal (2009): *SB (risk on return-illegal exit) Iran CG [2009] UKAIT 00053 THE IMMIGRATION ACTS*, May 6, 2009 par 52, p. 21.

⁵³ Amnesty International (2012): *We are ordered to crush you: Expanding repression of dissent in Iran*, (2012 – February 28) p.56 ; Amnesty international (2011): *Urgent Action Students Activists held in Iran*, (2011 -May 6) p. 2.

⁵⁴ Amnesty International (2011): *Ibid*, p. 2; Amnesty International (2012), *Ibid*, p. 56.

⁵⁵ Amnesty International (2011): *Ibid*, p. 2.

⁵⁶ Amnesty International (2012): *Ibid*, p. 56.

6. MACEDONIA

Name: *Law Amending and Supplementing the Law on Travel Documents of Nationals of the Republic of Macedonia.*

Amended dispositions: *Law on Travel Documents of Nationals of the Republic of Macedonia.*

Passing date: 3rd October 2011.

Publication: Official Gazette of the Republic of Macedonia No. 135, 3rd October 2011.

Relevant article: Article 37.

Article 37 - 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.

However, on June 25th 2014, the Constitutional Court of Macedonia declared some sections of the Law on Travel Documents of Nationals of the Republic of Macedonia unconstitutional.⁵⁷ The Court concluded that Article 37 paragraph 1 point 6, and Article 38 paragraph 4 of the Law were unconstitutional and in violation of Article 27 of the Constitution.⁵⁸

Country		Fines and possibility of monetary extortions	Possibility of detention and/or imprisonment	Possibility of physical violence
Macedonia	General information	<p>- To accompany the visa liberalization policy in partnership with the EU, Macedonian authorities have amended a new law that extends exit control policies and the powers of border guards to check travellers who exit Macedonia in order “to determine that they do not pose any threats to the public, national security, public policy, international relations or public health”.⁵⁹ <i>Law on Travel Documents of Nationals of the Republic of Macedonia</i> (Official Gazette of the Republic of Macedonia No. 135, dated 3 October 2011).</p> <p>These new exit control measures include:</p> <ul style="list-style-type: none"> - The confiscation of the travel document: according to the European Roma Rights Centre (ERRC), “Macedonia has adopted a law reform which enables the temporary revocation of passports of returned immigrants and failed asylum seekers. Relating to this, the ERRC has documented 10 such cases of Romani individuals whose passports had been revoked by Macedonian border officials and become aware of another 40 of such cases. Revocation of passports does not only limit travel to countries where citizens were returned from, or other EU or Schengen countries, but also travel to countries outside these areas, such as Serbia, where many Romani families have relatives and friends”.⁶⁰ - The stamping of an “AZ” sign on the travel document affects all their future travels to the Schengen area, as according to the European Roma Rights Centre, “the stamp refers to being returned due to the fact that the traveller, according to the border guard, is a potential asylum seeker”.⁶¹ 		

⁵⁷ European Roma Rights Centre (2014): *Highest Court in Macedonia Upholds Freedom of Movement for all Macedonians, Including Roma*, July 15, 2014, <http://www.errc.org/article/highest-court-in-macedonia-upholds-freedom-of-movement-for-all-macedonians-including-roma/4301>.

⁵⁸ For the full decision of the Constitutional Court of Macedonia, please follow this link: <http://ustavensud.mk/domino/WEBSUD.nsf>

⁵⁹ Elvis Shakjiri (2014): *Roma “victims” of the visa liberalization*, Romalítico, October 5, 2014, <http://romalitico.org/index.php/content/item/31-roma-victims-of-the-visa-liberalization>

⁶⁰ European Roma Rights Centre (2012): *Macedonia: Challenging Discrimination Promoting Equality, Country Profile*, 2011-2012, p. 27.

⁶¹ European Roma Rights Centre (2012): *Ibid*, p. 27.

		<p>In practice:</p> <ul style="list-style-type: none"> - The Council of Europe Commissioner for Human Rights and others have accused these laws to allow a practice of targeting specific population, and a practice of “profiling” at the borders. It mainly affects Roma people in order to prevent them from making “unfounded “ or “false” asylum applications in the EU.⁶² - According to the Council of Europe Commissioner for Human Rights, “<i>Roma are clearly disproportionately affected by the exit control measures and the confiscation of travel documents, which effectively amount to travel bans. [...]The Commissioner is fully cognizant of the necessity for the authorities to implement binding rules and policies in the context of the country’s EU accession process. Moreover, states have a legitimate authority to control their borders and regulate migratory movements. However, it is of serious concern to him that these measures are being applied through profiling at borders. Even though the authorities have argued that these controls are not aimed at any particular ethnic group, there are clear indications that Roma are disproportionately affected by the exit control measures in question. At the same time, it is clear that the Macedonian authorities have developed a profile of a potential “unfounded” or “false” asylum seeker on the basis of information they receive from EU countries</i>”.⁶³ - The Council of Europe Commissioner for Human Rights has furthermore underlined that these new exit control measures “<i>interfere with the freedom to leave a country, including one’s own, enshrined in Article 2 of Protocol No. 4 to the European Convention on Human Rights as well as in Article 27 of the Macedonian Constitution</i>”.⁶⁴ - According to the Minister of Interior of Macedonia, “<i>these persons are considered to harm national interests. [...] If there are indications that a citizen has the intention to travel to a Member State of the European Union with the purpose of abusing the right to asylum, he cannot be allowed to leave Macedonia</i>” according to these new exit control law.⁶⁵ The Minister also mentioned that “<i>those who are suspected to be so called false asylum seekers would not only be refused to exit the country, but also their passport will be stamped [...] These stamps will be put in order to be easier for the police officers in the border to recognize and to prevent them from ‘abusing the visa liberalization and damaging Macedonia’s image’</i>”.⁶⁶ 		
	Non-admitted migrant	No additional information		
	Rejected asylum seeker	No additional information	- The confiscation of travel documents specifically concerns “fake asylum seekers”, as according to Elvis Shakjiri, “the country introduced new measures	No additional information

⁶² Amnesty International (2013): *Amnesty International Annual Report 2013 - Macedonia*, 23 May 2013, available at: <http://www.refworld.org/docid/519f518b47.html> [accessed 26 April 2015].

⁶³ Nils Muižnieks, Council of Europe Commissioner for Human Rights (2013): *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.

⁶⁴ Nils Muižnieks, Council of Europe Commissioner for Human Rights (2013): *Ibid*.

⁶⁵ Gordana Jankulovska in a debate at the Macedonian Parliament of 29th December 2012, in: Macedonian Parliament: shorthand notes of Nineteenth session of Parliament, held on December 29, 2011), quoted in Chachipe A.S.B.L. (2012): *Selective Freedom : the visa liberalization and restrictions on the right to travel in the balkans*, June 2012, p.36. See also Elvis Shakjiri (2014), *Ibid*.

⁶⁶ KOD lažni azilanti, Kanal 5, mins. 11.50 – 12.19, quoted in Chachipe A.S.B.L. (2012): *Selective Freedom: the visa liberalization and restrictions on the right to travel in the Balkans*, June 2012, p. 36.

			<i>such as deprivation of their passport for one year against the “fake asylum seekers” who are forcibly returned from Macedonia after not succeeding to get the asylum in another country”.⁶⁷</i>	
	Deportee	<i>No additional information</i>		

⁶⁷ Elvis Shakjiri (2014): *Ibid.*

7. MOROCCO

Name: Loi n° 02-03 relative à l'entrée et du séjour des étrangers au Royaume du Maroc, à l'émigration et l'immigration irrégulières.

Abrogated dispositions: - Dahir du 7 chaabane 1353 (15 novembre 1934) réglementant l'immigration en zone française du Maroc ; - Dahir du 21 kaada 1358 (2 janvier 1940) réglementant le séjour de certaines personnes; - Dahir du 19 rabii II 1360 (16 mai 1941) relatif aux autorisations de séjour; - Dahir du 1er kaada 1366 (17 septembre 1947) relatif aux mesures de contrôle établies dans l'intérêt de la sécurité publique; - Dahir du 16 moharrem 1369 (8 novembre 1949) portant réglementation de l'émigration des travailleurs marocains.

Passing date: 16 ramadan 1424 (November 11th 2003).

Publication: Bulletin officiel of November 11th 2003.

Relevant disposition: Titre II: Dispositions pénales relatives à l'émigration et l'immigration irrégulières, article 50.

« Article 50 : Est punie d'une amende de 3000 à 10.000 dirhams et d'un emprisonnement de un mois à six mois, ou de l'une de ces deux peines seulement, sans préjudice des dispositions du code pénal applicables en la matière, toute personne qui quitte le territoire marocain d'une façon clandestine, en utilisant, au moment de traverser l'un des postes frontières terrestres, maritimes ou aériens, un moyen frauduleux pour se soustraire à la présentation des pièces officielles nécessaires ou à l'accomplissement des formalités prescrites par la loi et les 22 règlements en vigueur, ou en utilisant des pièces falsifiées ou par usurpation de nom, ainsi que toute personne qui s'introduit dans le territoire marocain ou le quitte par des issues ou des lieux autres que les postes frontières créés à cet effet. »

(Art. 50. Without any prejudice to the application of the dispositions of the Penal Code, any person who illegally leaves the Moroccan territory, using at one of the border checkpoints fraudulent means in order to escape the obligation to present official documents or the official procedure determined by the law and the current 22 regulations, or using falsified documents or someone else's name, as also any person who enters the Moroccan territory or leaves it by other crossing points that the usual transborder checkpoints, is punishable by a fine from 3.000 to 10.000 dirham and by a prison sentence from one month to 6 months, or by only one of these two penalties. **Not an official translation**).

Country		Fines and possibility of monetary extortions	Possibility of detention and/or imprisonment	Possibility of physical violence
Morocco	General information	- Prosecution for the criminal offense of “attempting to emigrate illegally”, punishable by a fine of 3.000 to 10.000 dirham (Law No. 02-03, art.50).	- Prosecution for the criminal offense of “attempting to emigrate illegally”, punishable by a prison sentence of 1 to 6 months (Law No. 02-03, art. 50).	No additional information
	Non-admitted migrant	No additional information	- ANAFE highlights the risk of incarceration in the case of fake passports. ⁶⁸	No additional information
	Rejected asylum seeker	No additional information		
	Deportee	No additional information		

⁶⁸ ANAFE (2012): *Zones d'ombre à la frontière, Rapport annuel 2011*, Observations et interventions de l'ANAFE dans les zones d'attente, p.31.

8. NORTH KOREA

Name: *The Criminal Law of the Democratic People's Republic of Korea (2004)*

Abrogated disposition: --

Passing date: December 19, 1974.

Publication: 1974

Modifications: Amended and supplemented by Decree No.2403 of the Presidium of the Supreme People's Assembly on October 16, 2007

Relevant disposition: Chapter 7 Criminal Violations of the Regulations for General Administration and Maintenance, Section 1. Criminal Violations of the regulations for General Administration, Article 233.

"Article 233 - Illegal Crossing of Border: A person who illegally crosses a border of the Republic shall be punished by short-term labour for less than two years. In cases where the person commits a grave offence, he or she shall be punished by reform through labour for less than five years."

Country		Fines and possibility of monetary extortions	Possibility of detention and/or imprisonment	Possibility of physical violence
North Korea	General information	- According to the UK Home Office, some individuals who had crossed the border illegally have been able to "bribe their way free or buy a more lenient sentence". ⁶⁹	<p>- Criminal offense of "unlawful border crossing" punishable by up to two years labor training institution. (Article 233 of the DPRK's Penal code).⁷⁰</p> <p>- According to the UN Human Rights Council, "[t]he state imposes a virtually absolute ban on ordinary citizens travelling abroad, thereby violating their human right to leave the country".⁷¹</p> <p>- The severity of the punishment may differ depending upon the reasons of departure - either economic or political - of the individual.⁷²</p> <p>- According to the US Department of State, the persons who have left for "economic reasons", may be sentenced to forced labor, a few</p>	<p>- According to the UK Home Office, illegal border crossers and forced returnees face systematic harsh treatment upon return, such as "invasive body searches, frequent interrogations and beatings"⁷⁵, and systematic "persecution, torture, prolonged arbitrary detention and in some cases sexual violence, including during invasive body searches".⁷⁶</p> <p>- According to the UK Home Office, the illegal border crossers may face harsh conditions of detention in the pre-trial facilities (NSAs) where "prisoners can be required to sit in rows from morning till night without moving or speaking, with very few breaks".⁷⁷</p>

⁶⁹ UK Home Office (2009): *Country of Origin Information Report Democratic's People Republic of Korea* - 21 July 2009 p. 65.

⁷⁰ UK Home Office (2009): *Ibid*, p. 65.

⁷¹ UN Human Rights Council (2014): *Report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea*, 7 February 2014, available at: <http://www.refworld.org/docid/530314234.html> [accessed 26 May 2015], p.144.

⁷² UK Home Office (2009): *Ibid*, p. 65.

			months of “labor correction” or be issued a warning. ⁷³ - According to the UK Home Office, “ <i>the average pre-trial detention period for border crossers is 2-4 months. However, some individuals have been detained for up to a year</i> ”. ⁷⁴	- According to the U.S. Department of State, South Korean press suspects the existence of a “shoot to kill” policy among border guards against border crossers. ⁷⁸
	Non-admitted migrant	<i>No additional information</i>		
	Rejected asylum seeker	- According to the US Department of State, in “serious cases”, defectors or individuals that have sought asylum in a third country may be punished by a “confiscation of [their] property”. ⁷⁹	- According to the US Department of State, individuals that have sought asylum in a third country face “ <i>a minimum of five years of "labor correction"</i> ” ⁸⁰ and in “serious cases”, they may face “ <i>indefinite terms of imprisonment and forced labor</i> ”. ⁸¹ - According to the UK Home Office, returnees that had asked for asylum are considered “defectors” and face harsher punishment. Their families may also face collective punishment. ⁸²	- According to the US Department of State, in “serious cases”, defectors or asylum seekers may face death. ⁸³
	Deportee	<i>No additional information</i>		

⁷⁵ UK Home Office (2009): *Ibid*, p. 65.

⁷⁶ UK Home Office (2014): *Ibid*, p. 18.

⁷⁷ UK Home Office (2009): *Ibid*, p. 65.

⁷⁸ United States Department of State (2012): *2011 Country Reports on Human Rights Practices - Democratic People's Republic of Korea*, 24 May 2012.

⁷⁹ UK Home Office (2009): *Ibid*, p. 65.

⁸⁰ United States Department of State (2012): *Ibid*.

⁸¹ United States Department of State (2012): *Ibid*.

⁸² UK Home Office (2014): *Ibid*, p.5.

⁸³ United States Department of State (2012): *Ibid*.

9. PAKISTAN

Name: *Emigration Ordinance, 1979.*

Abrogated disposition: *Emigration Act VII of 1922.*

Passing date: July 5th 1977.

Publication: 1979.

Modifications: Proposition of a bill amending the Emigration Ordinance, introduced in the Senate on October 10th 2013. The bill only proposes to add a new section 4B related to illegal dispossession of property. The article 17§1 would stay the same. The bill has not been passed yet.

Relevant article: Chapter VII « Offenses, penalties and procedures », Article 17 §1.

« 17.Unlawful emigration, etc.

(1) Whenever, except in conformity with the provisions of this Ordinance and the rules, emigrates or departs or attempts to emigrate or depart shall be punishable with imprisonment for a term which may be extended to five years, or with fine, or with both. »

Country		Fines and possibility of monetary extortions	Possibility of detention and/or imprisonment	Possibility of physical violence
Pakistan	General information	- Criminal offense of illegal exit punishable by a prison sentence up to five years, a fine, or both (Emigration Ordinance, XVIII of 1979). - According to the UK Home Office, if a returnee is formally handed over to the Pakistani authorities, relevant authorities will undertake an inquiry. Individuals having committed passport/visa fraud or any other illegal activity can be charged and presented to a court of law. ⁸⁴ - According to the U.S. Department of State, Pakistani Police and prison officials frequently extort money from prisoners and their families. ⁸⁵		
	Non-admitted migrant	No additional information		
	Rejected asylum	- According to the Human Rights Pakistan Commission “ <i>failed Pakistani refugee claimants are not usually detained</i> ”. ⁸⁶ According to Federal Investigation Agency of Canada (FIA), the FIA “ <i>does not interview all nationals returning to Pakistan. It</i>		

⁸⁴ United Kingdom Home Office (2013): *Country of Origin Information Report. Pakistan*, pp. 24 and 33.

⁸⁵ United States Department of State (2012): *Country Report on Human Rights Practices for 2012*. Available at: <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204409> (last accessed 2 February 2015).

⁸⁶ Immigration and Refugee Board of Canada (2008): *Responses to Information Request*, accessible at: http://www.justice.gov/eoir/vll/country/canada_coi/pakistan/PAK102974.E.pdf, accessed 3 February 2015.

	seeker	<i>detains and interviews those persons who are alleged to have violated any law in respect of travel/visit to a foreign country, e.g. travelled on fake travel documents or entered a country without [a] valid visa, etc."</i> (Barrister at Law 12 June 2003). ⁸⁷	
	Deportee	- According to the U.S. Department of State, some individuals were arbitrarily detained by the police without charge or on false charges in order to extort money. It also mentions that some police detained relatives of wanted individuals to force suspects to surrender. ⁸⁸	<i>No additional information</i>

⁸⁷ Canada: Immigration and Refugee Board of Canada (2008): *Pakistan: Treatment of failed refugee claimants in Pakistan, including whether failed Pakistani refugee claimants are interviewed and detained by the Federal Investigation Agency (FIA) upon their return to Pakistan; whether there have been any amendments to the Passport Act 1974 and Emigration Ordinance 1979, and their application by Pakistani immigration and customs officials*, 2 December 2008, PAK102974.E, available at: <http://www.refworld.org/docid/49913b60c.html> [accessed 5 February 2015].

⁸⁸ United States Department of State (2012): *Ibid.*

10. SENEGAL

Senegal does not have any law directly criminalizing the attempt to emigrate illegally. However, the UN Special Rapporteur on the human rights of migrants mentioned that, at least in 2006, Senegal laws have been used by law enforcement officials and judges not only to arrest, prosecute and condemn traffickers, but also to prosecute migrants who attempted to cross the sea towards Europe, although the Constitution of Senegal guarantees the freedom of movement⁸⁹: “[i]n fact the clauses, contrary to article 5 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, do not provide for criminal immunity of migrants. Rather, they provide for the possibility to prosecute and condemn all persons over the age of 18 who knowingly contribute to the realization of the offence of clandestine migration”.⁹⁰

Name: *Loi 2005-06 relative à la lutte contre la traite des personnes et pratiques assimilées et à la protection des victimes.*

Abrogated dispositions: --

Passing date: May 10th 2005.

Publication: JO n°6223 of May 30th 2005.

Relevant articles: Articles 4, 5 and 12.

« Art. 4. - Est punie de 5 à 10 ans d'emprisonnement et d'une amende de 1 000 000 à 5 000 000 la migration clandestine organisée par terre, mer ou air ; que le territoire national serve de zone d'origine, de transit ou de destination.

Art. 5. - Est punie des mêmes peines prévues à l'article précédent la fraude ou la falsification la contrefaçon de visas, de documents ou titres de voyage ou de tous autres documents attestant la qualité de résident ou de ressortissant du Sénégal ou d'un pays étranger ou accordant le bénéfice du statut de réfugié, d'apatride, de personne déplacée ou victime de trafic d'êtres humains.

Art. 12. - Nonobstant toute disposition contraire, les victimes des infractions prévues par la présente loi ne peuvent faire l'objet de poursuite et de condamnation. Les dispositions de l'alinéa précédent ne sont pas applicables à la personne majeure qui, en connaissance de cause, concourt à la réalisation de l'infraction. »

(Art. 4. - Is punishable by 5 to 10 years imprisonment and a fine of 1 million to 5 million illegal migration, organized by land, sea or air, that serves the national territory of area of origin, transit or destination.

Art. 5. - Is subject to the same penalties provided in the preceding Article fraud or forgery counterfeit visas, travel documents or records or other documents certifying the status of resident or national of Senegal or any foreign country or giving the benefit of refugee, stateless, displaced persons or victims of human trafficking.

Art. 12. - Notwithstanding anything to the contrary, victims of crimes under this Act may be subject to prosecution and conviction. The provisions of the preceding paragraph shall not apply to the adult who knowingly contributes to the achievement of the offense.)

⁸⁹ Constitution of Senegal, article 8. The United Nations Consideration of reports submitted by States parties under article 73 of the Convention, Initial reports of state parties: Senegal, dated 4 January 2010, stated that: “The Constitution of Senegal guarantees freedom of movement to all persons. Subject to compliance with the administrative formalities, anyone may leave or return to Senegal”.

⁹⁰ UN (2009): *Report of the Special Rapporteur on the human rights of migrants on his mission to Senegal*, 17- 25 August 2009.

Country		Fines and possibility of monetary extortions	Possibility of detention and/or imprisonment	Possibility of physical violence
Senegal	General information	- Criminal offense of irregular exit, punishable by a fine up to 5.000.000 FCFA, based on a misuse of the law against trafficking of migrants (Loi 2005-06).	- Criminal offense of irregular exit, punishable by a prison sentence up to 10 years, based on a misuse of the law against trafficking of migrants (Loi 2005-06).	<i>No additional information</i>
	Non-admitted migrant	<i>No additional information</i>		
	Rejected asylum seeker	<i>No additional information</i>		
	Deportee	<i>No additional information</i>		

11. TUNISIA

Name: *Loi No. 1975-40 du 1975, relative aux passeports et aux documents de voyage.*

Abrogated dispositions: les décrets du 13 mars 1897, du 13 avril 1898, du 24 juillet 1916, du 20 février 1930, du 23 mai 1938, du 7 juin 1956 et du 21 juin 1956, ainsi que les arrêtés du 2 août 1911, du 12 avril 1939 et du 30 septembre 1943.

Passing date: May 14th 1975.

Publication: Journal Officiel de la République Tunisienne, No. 34 dated 20 May 1975.

Modifications: loi n° 1998-77 du 2 novembre 1998, loi n°2004-06 du 3 février 2004 and loi n° 2008-13 du 18 février 2008.

Relevant disposition: Chapitre 4 « Dispositions diverses », article 35. The article 35 already existed in the 1975 version of this law and has not been amended since. In 2004, the article 19 of the original law was abrogated. In 2008, only the articles 6, 11, 28, 29, 9, 26, 36 were amended and new articles 30, 32, 34 were created.⁹¹

« Article 35. Tout Tunisien qui quittera sciemment le territoire tunisien ou y entrera sans être muni d'un document de voyage officiel sera puni d'un emprisonnement de 15 jours à 6 mois et d'une amende de 30 à 120 dinars ou de l'une de ces deux peines seulement.

En cas de récidive, le contrevenant pourra être condamné au double de la peine prévue à l'alinéa précédent.

Toutefois en cas de force majeure et dans des cas particuliers, les peines prévues par cet article ne s'appliquent pas à l'encontre de ceux qui rentrent en Tunisie démunis de titre de voyage. »

(Article 35. Any Tunisian who will willingly leave or enter the Tunisian territory without an official travel permit will be punished by a prison sentence from 15 days to 6 months and by a fine from 30 to 120 dinars or by only one of these two penalties.

In case of repeat offense, the offender might be condemned to twice the sanction that is mentioned above.

However, in case of absolute necessity and in specific cases, the sanctions established by this article will not apply to the persons who enter Tunisia without travel permits. **Not an official translation.**)

Country		Fines and possibility of monetary extortions	Possibility of detention and/or imprisonment	Possibility of physical violence
Tunisia	General information	<ul style="list-style-type: none"> - Criminal offense of irregular border crossing, punishable by a prison sentence and a fine of 30 to 120 dinars (Law No. 1975-40). - The Special Rapporteur on the human rights of migrants criticizes this 	<ul style="list-style-type: none"> - Criminal offense of irregular border crossing, punishable by a prison sentence of between 15 days and six months and a fine (Law No. 1975-40). - Before the revolution and in 2011, many Tunisians were held at the 	<i>No additional information</i>

⁹¹ Loi organique n° 2008-13 du 18 février 2008, modifiant la loi n° 75-40 du 14 mai 1975, relative aux passeports et aux documents de voyage, available at : <http://www.cnudst.rnrt.tn/jortsrc/2008/2008f/jo0162008.pdf>.

		law as contradictory to fundamental principles of human rights, including the right to leave one's country. The Special Rapporteur calls for an immediate repeal of the law. ⁹²	Ouardia immigration detention centre and in prisons for the crime of irregular border crossing. Since the revolution, application of the law is less systematic. ⁹³	
	Non-admitted migrant	<i>No additional information</i>		
	Rejected asylum seeker	<i>No additional information</i>		- ANAFE reported that a rejected asylum seeker faced beatings and humiliations in police detention (prior to the revolution). ⁹⁴
	Deportee	<i>No additional information</i>	- Returnees suspected of involvement in terrorism-related activities may be arrested and face prolonged incommunicado detention lasting weeks or months. ⁹⁵	- Returnees suspected of involvement in terrorism-related activities may face torture or ill treatment upon return. ⁹⁶

⁹² 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.

⁹³ United Nations (2013): *Ibid*.

⁹⁴ ANAFE (2012): *Rapport annuel 2011. Observations et interventions de l'ANAFE dans les zones d'attente*, Décembre 2012, p. 38.

⁹⁵ Amnesty International (2008): *In the name of security. Routine abuses in Tunisia*. Available at <http://www.amnesty.org/en/library/asset/MDE30/007/2008/en/b852a305-3ebc-11dd-9656-05931d46f27f/mde300072008eng.pdf> (last accessed 21 January 2015), pp. 29-30; see also Amnesty International (2009): *Tunisia. Continuing abuses in the name of security*. Available at <http://www.refworld.org/docid/4a8e4d7a2.html> (last accessed 21 January 2015), pp. 12-14.

⁹⁶ Amnesty International (2008): *Ibid*, pp. 12-14 and pp. 29-30.

PART B. STATE PRACTICES THAT CREATE RETURN-RELATED RISKS

12. ALBANIA

Country		Fines and possibility of monetary extortions	Possibility of detention and/or imprisonment	Possibility of physical violence
Albania	General information	<p>- The UN Special Rapporteur on the human rights of migrants reported “<i>wilful destruction of Albanian returnees’ documents by the authorities of the readmitting country</i>”.⁹⁷</p> <p>- According to the UN Special Rapporteur on the human rights of migrants, “<i>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</i>”.⁹⁸</p> <p>- The Federal Office for Migration and Asylum has considered the possibility that “<i>migrants could face considerable hardship</i>”.⁹⁹</p>		
	Non-admitted migrant	<i>No additional information</i>		
	Rejected asylum seeker	<i>No additional information</i>		
	Deportee	<i>No additional information</i>		

⁹⁷ UN Human Rights Council (2012): *Report of the Special Rapporteur on human rights of migrants*, François Crépeau. Mission to Albania. p.14.

⁹⁸ UN Human Rights Council (2012): *Ibid.*

⁹⁹ Germany: Federal Office for Migration and Asylum (2015): *Information Centre Asylum and Migration Briefing Notes (19 January 2015)*, 19 January 2015, available at: <http://www.refworld.org/docid/54cf905f4.html> [accessed 2 March 2015]

13. CHAD

Country		Fines and possibility of monetary extortions	Possibility of detention and/or imprisonment	Possibility of physical violence
Chad	General information	No additional information		
	Non-admitted migrant	No additional information		
	Rejected asylum seeker	No additional information	- ANAFE reported the case of a rejected asylum seeker who was questioned about his asylum application and detained in a police station in N'Djamena for 20 days without charge: “[...] I.K. est refoulé sous escorte policière le 6 mars 2007 à N'Djamena au Tchad. Dès son arrivée, il a été enfermé au commissariat de N'Djamena. [...] Lors de son arrivée à l'aéroport, I.K. a été appréhendé par la police tchadienne qui l'a gardé pendant 5 heures, lui faisant subir un interrogatoire « musclé » portant notamment sur sa demande d'asile en France, avant de le transférer au commissariat. [...] Mr. K se trouvait dans un état de déshydratation et [...] n'avait pas été nourri depuis son arrivée. [...] Ce dernier aura été détenu 20 jours au commissariat de N'Djamena, sans qu'aucune procédure lui ait été notifiée [...]”. ¹⁰⁰	No additional information
	Deportee	No additional information		

¹⁰⁰ ANAFE (2010): *De l'autre côté de la frontière. Suivi des personnes refoulées*, Paris: ANAFE, p.16.

14. CHINA

Country		Fines and possibility of monetary extortions	Possibility of detention and/or imprisonment	Possibility of physical violence
China	General information	No additional information		
	Non-admitted migrant	- The Refugee Review Tribunal of Australia reported “civilian ship jumper would be subject to civil punishment under relevant border control regulations. It is possible that repatriated ship jumpers would receive treatment similar to repatriated illegal immigrants ie: they would be fined, or in cases of repeat offenders, subjected to administrative penalties”. ¹⁰¹		
	Rejected asylum seeker	No additional information	- Amnesty International reported risks that face Uighurs – ethnic Muslim minority living in China – upon return to China. It mentions that “returnees are reported to have been subjected to serious human rights violations, including torture, unfair trial and even execution”. ¹⁰²	
	Deportee	No additional information		

¹⁰¹ DIAC Country Information Service (2002): *Country Information Report No. 08/02 – Return and treatment of PRC ship jumpers*, (sourced from DFAT advice of 21 December 2001), 22 January – Attachment 1 in Australia: Refugee Review Tribunal, (2007): *China: 1. What are the likely consequences for ship jumpers upon return to China?*, 15 May 2007, CHN31786, available at: <http://www.refworld.org/docid/4b6fe18517.html> [accessed 5 February 2015].

¹⁰² Amnesty International (2004): *People’s Republic of China Uighurs fleeing persecution as China wages its war on terror*, 6 July 2004, <http://www.amnesty.org/en/library/info/ASA17/021/2004/en>, accessed: [2 February 2015], p. 19.

15. DEMOCRATIC REPUBLIC OF CONGO (DRC)

Country		Fines and possibility of monetary extortions	Possibility of detention and/or imprisonment	Possibility of physical violence
Congo (DRC)	General information	<p>- According to Still Human Still Here, a British organization, “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”.¹⁰³</p> <p>- According to Justice First, a British organization, ransoms are paid for the ‘unofficial’ release of returnees and can amount to several thousands of dollars.¹⁰⁴</p>	<p>- The UK Home Office learnt from a representative of the Inspectorate Generale of Justice that “travelling on a false passport is illegal and punished with a five years prison sentence”.¹⁰⁵</p> <p>- According to the UK Home Office, “returnees [i.e in that case irregular migrants including failed asylum seeker (FAS) (voluntary and enforced) returned to Kinshasa and more generally to the DRC] [...] will be taken by car from the airport to the main ANR [Agence Nationale de Renseignements] prison in Kinshasa. [...] Once there they have no access to a lawyer or their family. If the organisation [is] made aware of this detention they can work with [the UN mission] MONUSCO who can get access to this prison, but often the ANR deny that the person has been detained. [...] In order to look good/improve its image the ANR is known to release people, but then recapture them again and then these people disappear [or] they are not released again”.¹⁰⁶</p>	<p>- According to the UK Home Office “returnees from the UK are first questioned and identified, their belongings searched to see what their political affiliation is. This investigation is carried out by the DGM & the ANR (sometimes the ANR wear DGM uniforms). [...] Sometimes if there is no notification, people disappear with the involvement of special forces and ANR”.¹⁰⁷</p> <p>- According to Justice First, returnees without identity papers are supposed to be ‘infiltrés’ (opponents) and persecuted.¹⁰⁸</p> <p>- According to Still Human Still Here, returnees who are suspected to be political opponents are subject to ill treatment.¹⁰⁹</p>
	Non-admitted migrant	No additional information		

¹⁰³ Still Human Still Here (2012): *A commentary on the May 2012 Democratic Republic of Congo Operational Guidance Note*, 13th June 2012, p. 17.

¹⁰⁴ Justice First (2011): *Unsafe Return. Refoulement of Congolese asylum seekers*, Catherine Ramos, p. 15.

¹⁰⁵ United Kingdom Home Office (2012): *Democratic Republic of the Congo: Report of a Fact Finding Mission to Kinshasa Conducted between 18 June-28 June 2012*. November 2012, available at: <http://www.refworld.org/docid/538871264.html> [accessed 1 February 2015], p. 11.

¹⁰⁶ United Kingdom Home Office (2012): *Ibid.*

¹⁰⁷ United Kingdom Home Office (2012): *Ibid.*, p. 33.

¹⁰⁸ Justice First (2013): *Unsafe Return. Refoulement of Congolese asylum seekers*, Catherine Ramos, p. 19.

¹⁰⁹ Still Human Still Here (2012): *A commentary on the May 2012 Democratic Republic of Congo Operational Guidance Note*, 13th June 2012, p. 18.

	Rejected Asylum Seeker	- According to Justice First organization, Congolese Immigration officers practice ransoms and bribes. Although no official amount is established, bribes and ransoms can reach several hundred to thousands of dollars. As an example, the Home Office reported that officials have asked a sum of \$25.000 to a rejected asylum seeker coming back from London. Finally, \$6.000 were paid. ¹¹⁰	- According to the UK Home Office, rejected asylum seekers face imprisonment once returned if they arrive without a passport or if they have left the country with a false passport. ¹¹¹ - Justice First reported that “returnees in 2009 and 2011 were forced to sign a document at N’djili airport to say they had left the airport without a problem but were then arrested”. ¹¹² The British organization mentioned many cases of detention at the airport once people are returned or right after being released. ¹¹³	- The UK Home Office learnt from a human rights association that provides assistance to FAS upon return that “in 2007, a person [name redacted] was returned from the UK. He had been tortured during the flight back from the UK. He had torture marks and wounds in the head and problems with his genitals. He was helped by this organisation who also contacted the British Embassy. This person had been fighting with escorts and was restrained by them. He arrived in a very bad condition”. ¹¹⁴ - According to the UK Home Office, returnees are subjected to mistreatment and held in conditions that amount to torture. ¹¹⁵ - According to Justice First, if officers of ANR or DGM know that the returnee has sought asylum abroad, the returnee is considered to be an opponent of the regime and beaten. Torture, rape and threats of death are forms of ill treatment during imprisonment. ¹¹⁶
	Deportee	<i>No additional information</i>	- According to Justice First, some returnees who had committed a criminal offense in the	<i>No additional information</i>

¹¹⁰ Justice First (2011): *Ibid*, pp. 15, 19 and 27.

¹¹¹ United Kingdom Home Office (2012): *Ibid*, p. 25.

¹¹² Justice First (2011): *Ibid*, p. 13.

¹¹³ In particular, in Catherine Ramos’ report : data from nov. 11 – sept. 2013 : “9/11 returnees were detained on arrival ; 1/11 left N’djili airport but was arrested at home ; 1/11 failed to make contact with his UK lawyer after arrival at N’djili airport in 2012 ; 8/11 were detained at the airport and taken to prison ; 3/11 were released by National Intelligence Agency the day after arrival ; 1/11 was deported the day after arrival (Sources: National Intelligence Agency and UN Joint Human Rights Office) ; 2/11 have died, 1 in Goma, 1 a few days after release from prison (1/11 is believed to have died after severe beating) ; 1/11 a female returnee was detained at the airport and released after payment of a bribe. She was assaulted twice in the street because she was from UK. She required medical treatment.

¹¹⁴ UK: Home Office (2012): *Ibid*, p. 11.

¹¹⁵ UK: Home Office (2012): *Ibid*, p. 27.

¹¹⁶ Justice First (2011): *Ibid*, p. 18.

			UK had been imprisoned for several months upon their return and died shortly after their release. ¹¹⁷	
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¹¹⁷ Justice First (2013): *Ibid.* p. 15.

16. ERITREA

Country		Fines and possibility of monetary extortions	Possibility of detention and/or imprisonment	Possibility of physical violence
Eritrea	General information	<p>- The Office of the High Commissioner for Human Rights has reported that freedom of movement is questioned. “Exit visas” are routinely denied to men, women and children below respectively 54, 47 and 11 years old. The denegation of visas is related to the official age for military service.¹¹⁸</p> <p>- The Immigration and Asylum Chamber of the UK Upper Tribunal reported that lawful exit is only considered for medical purposes or for highly trusted government officials and their families, as well as members of ministerial staff recommended by the department to attend studies abroad.¹¹⁹</p> <p>- Felix Horne, a HRW researcher for Eritrea, has stated that “<i>the government of Eritrea looks unfavourably on those that flee the country, and family members of those that leave are often targeted</i>”.¹²⁰</p> <p>- The UNHCR has assessed that returnees face scrutiny, reprisals and harsh treatment.¹²¹</p>		
	Non-admitted migrant	No additional information	<p>- According to the Immigration and Asylum Chamber of the UK Upper Tribunal, nationals are kept in custody for interrogation and their record is checked when returned to Eritrea. If authorities consider the need for more investigation, migrants are detained at Aid Abeto or at Corscelli in Asmara. “<i>In the meantime, the authorities investigate the matter to see whether the person left illegally, or whether [he or she] had sought asylum</i>”.¹²²</p>	<p>- Despite “<i>the government of Eritrea denies allegations that it operates a shoot to kill policy along its border against Eritreans seeking to leave the country illegally</i>”¹²³, HRW and the US Department of State reported the existence of a shoot to kill policy.¹²⁴</p> <p>- According to the Immigration and Asylum Chamber of the UK Upper Tribunal, anyone who is known as having left Eritrea illegally is likely to face serious hostility on return.¹²⁵</p>

¹¹⁸ Office of the High Commissioner for Human Rights (2014): *Eritrea: Human Rights Council Working Group on the Universal Periodic Review*. Eighteenth session. Geneva, 27 January - 7 February 2014.

¹¹⁹ UK Upper Tribunal (2011): *Immigration and Asylum Chamber. 2011. MO (illegal exit - risk on return) Eritrea v. Secretary of State for the Home Department*, p. 1.

¹²⁰ Declarations of Felix Horne, HRW Researcher for Eritrea (2014): *Norway minister threatens to deport Eritrean migrants*, *The Guardian*, Available at: < <http://www.theguardian.com/global-development/2014/jun/27/norway-deport-eritrean-migrants-asylum-seekers-immigration>>[Accessed 27 January 2015].

¹²¹ UNHCR (2009): *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Eritrea* (2009) Available at: <<http://www.unhcr.org/refworld/docid/49de06122.html>> [Accessed 27 January 2015].

¹²² UK Upper Tribunal (2011): *Immigration and Asylum Chamber. 2011. MO (illegal exit - risk on return) Eritrea v. Secretary of State for the Home Department*, p. 5.

¹²³ UK Government (2013): *Human Rights and Democracy Report 2013*. Available on: <https://www.gov.uk/government/publications/eritrea-country-of-concern/eritrea-country-of-concern> [Accessed 24 February 2015].

¹²⁴ US Department of State (2014): *Trafficking in Persons Report*. p.168; Human Rights Watch (2015): *World Report 2015*, p. 221.

¹²⁵ UK Upper Tribunal (2011): *Immigration and Assylum Chamber. 2011. MO (illegal exit - risk on return) Eritrea v. Secretary of State for the Home Department*. p. 8.

			- According to an AI report, individuals involuntarily returned to Eritrea are routinely subject to human rights violations: detention, torture and other forms of ill treatment. ¹²⁶
Rejected asylum seeker	<i>No additional information</i>	<p>- The Immigration and Asylum Chamber of the UK Upper Tribunal has considered the risk of being prosecuted for having attempted to seek asylum.¹²⁷</p> <p>- According to AI, all statements about persecution in Eritrea are perceived as acts of treason against the Eritrean state.¹²⁸</p> <p>- According to AI, rejected asylum seekers are routinely subject to human rights violations, including incommunicado detention in locations across Eritrea. The existence of a prosecution risk is higher if the migrant is a male, in healthy physical condition and close to 18 years old (age for obligatory military service).¹²⁹ AI also reported that the majority of returned asylum seekers were transferred to Wia prison (a remote desert facility) and other detention facilities.¹³⁰</p> <p>- According to UNCHR, detainees are reportedly held incommunicado, in overcrowded and unhygienic conditions with little access to medical care, sometimes for extended periods of time.¹³¹</p>	<p>- According to the UN Special Rapporteur on the situation of human rights in Eritrea, failed refugee claimants who are repatriated to Eritrea "<i>usually disappear upon their return</i>". Failed refugee claimants and asylum seekers are subject to "<i>torture, cruel, inhuman and degrading treatment or punishment</i>".¹³²</p> <p>- According to the Immigration and Asylum Chamber of the UK Upper Tribunal, "<i>forcibly returned Eritreans are at risk of torture and other forms of ill treatment during interrogation. [...] Under torture, or threat of torture, returnees have been forced to state that they have committed treason by falsely claiming persecution in asylum applications</i>".¹³³</p> <p>- AI has interviewed returned asylum seekers who have indicated that "<i>the act of claiming asylum is perceived by the authorities as involving a criticism of the government and – as with all other forms of dissent – is therefore not tolerated. Forcibly returned asylum seekers were tortured both as a form of punishment for perceived criticism of the government, and for the purposes of interrogation. According to accounts given by escaped detainees, Eritrean security officials</i></p>

¹²⁶ Amnesty International (2009): *Eritrea: Sent Home to Detention and Torture*. London: United Kingdom. p.47: "There were interrogation rooms and we were being called one at a time, with two guards, one asking the questions, the other doing the beating".

¹²⁷ UK Upper Tribunal. (2011): *Immigration and Asylum Chamber. 2011. MO (illegal exit - risk on return) Eritrea v. Secretary of State for the Home Department*, p. 2.

¹²⁸ Amnesty International (2009): *Eritrea: Sent Home to Detention and Torture*. London: United Kingdom. p. 4.

¹²⁹ Amnesty International (2009): *Ibid.* p. 4.

¹³⁰ Amnesty International (2009): *Ibid.* p. 6.

¹³¹ UNHCR (2011): *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-seekers from Eritrea*.

¹³² IRB – Immigration and Refugee Board of Canada (2012): *Eritrea: Situation of people returning to the country after they spent time abroad, claimed refugee status, or sought asylum* (2012-August 2014) Available at: < http://www.ecoi.net/local_link/287632/407183_en.html Accessed 24 February 2015.

			<i>were particularly interested in how asylum seekers fled the country, who assisted them, and what they said against the Eritrean government during their asylum application process”.</i> ¹³⁴
	Deportee	<i>No additional information</i>	- According to the UNHCR, Eritreans who are forcibly returned may face arrest without charge, detention, ill treatment, torture or sometimes death at the hands of the authorities. ¹³⁵

¹³³ UK Upper Tribunal (2011): *Immigration and Asylum Chamber. 2011. MO (illegal exit - risk on return) Eritrea v. Secretary of State for the Home Department*, p. 3.

¹³⁴ Amnesty International (2013): *Eritrea: 20 years of independence but still not freedom*, p. 37.

¹³⁵ UNHCR (2011): *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-seekers from Eritrea*.

17. GUINEA CONAKRY

Country		Fines and possibility of monetary extortions	Possibility of detention and/or imprisonment	Possibility of physical violence
Guinea Conakry	General information	No additional information		
	Non-admitted migrant	No additional information		
	Rejected asylum seeker	No additional information	- ANAFE reported that a rejected asylum seeker was detained in a prison in a military camp for one and a half month under inhumane and degrading conditions. The authorities at the airport had been informed about his application for asylum: “Son renvoi s’est fait avec escorte. A leur arrivée à l’aéroport de Conakry, M. D. a été remis aux autorités guinéennes et a entendu qu’un membre de l’escorte indiquait qu’il avait fait une demande d’asile en France. M. D. a passé la nuit dans une cellule à l’aéroport de Conakry et a été conduit le lendemain au camp militaire «Alpha Yaya Diallo», situé en périphérie de Conakry et où sont retranchés les Béréts Rouges de la Junte Militaire. Il s’agit d’un camp militaire comprenant une prison. Cette prison est en fait une grande salle où sont détenus les prisonniers. A son arrivée, les militaires ont dit à M. D. qu’il y resterait jusqu’à nouvel ordre. Il a été détenu avec 15 autres personnes. La salle n’avait pas de fenêtre, juste des petits trous et pour la nuit ils pouvaient avoir une bougie (en présence des gardiens). M. D., et les autres prisonniers ne pouvaient se laver que le dimanche. Les toilettes étaient un espace à côté de la salle. Les détenus avaient un morceau de pain le matin (vers 8h) et vers 15h du riz. Et c’est tout. Pour l’eau, il y avait un puits” ¹³⁶	- ANAFE reported that a rejected asylum seeker was subject to physical violence (beatings) during his detention in a prison in a military camp: “Tous les matins, au réveil, les détenus se faisaient asséner des dizaines de coups. M. D. nous a dit « ah ils aimaient vraiment nous taper mais c’est dur d’en parler » Il a subi ces traitements inhumains et dégradants durant un mois et demi” ¹³⁷
	Deportee	No additional information		

¹³⁶ ANAFE (2010): *De l’autre côté de la frontière. Suivi des personnes refoulées*, Paris: ANAFE, pp. 16-17.

¹³⁷ ANAFE (2010): *Ibid*, pp. 16-17.

18. HAITI

Country		Fines and possibility of monetary extortions	Possibility of detention and/or imprisonment	Possibility of physical violence
Haiti	General information	- The U.S. Department of State mentioned possibilities of monetary extortions by the police for returnees and their families in exchange of a quick release. ¹³⁸	- According to the U.S. Department of State, the government detained some repatriated citizens upon their return for approximately two weeks. Authorities used the returnee's time in detention (called “administrative quarantine” in the report) to assess whether the citizen planned to participate in criminal activities and to locate local family members. ¹³⁹	<i>No additional information</i>
	Non-admitted migrant	<i>No additional information</i>		
	Rejected asylum seeker	<i>No additional information</i>		
	Deportee	- According to the U.S. Department of State, “ <i>returnees, some of whom spent substantial portions or most of their lives abroad, alleged corruption, widespread discrimination, and social abuse after returning home. Reported discriminatory practices included [...] extortion attempts against them and their families abroad during the initial detention phase, in exchange for quicker release from administrative quarantine</i> ”. ¹⁴⁰	-The UN Human Rights Council reported that deportees who have criminal record or criminal charges against them are immediately incarcerated in Haitian territory. Those with worst records are taken to the National Penitentiary for at least 3 months even if they have completed their sentences prior being deported. ¹⁴¹ - The U.S. Department of State heard from returnees that “ <i>discriminatory practices included arbitrary arrests [...] and false accusations about their activities to local police</i> ”. ¹⁴²	<i>No additional information</i>

¹³⁸ United States Department of State (2009): *Country Reports on Human Rights Practices - Haiti*, 11 March 2010, available at: <http://www.refworld.org/docid/4b9e52efc.html> [accessed 5 February 2015].

¹³⁹ United States Department of State (2009): *Ibid.*

¹⁴⁰ United States Department of State (2009): *Ibid.*

¹⁴¹ UN Human Rights Council (2009): *Report of the Independent Expert on the Situation of Human Rights in Haiti, Michel Forst*, 26 March 2009, A/HRC/11/5, available at: <http://www.refworld.org/docid/4a547c9b2.html> [accessed 5 February 2015].

¹⁴² United States Department of State (2009): *Ibid.*

19. INDIA

Country		Fines and possibility of monetary extortions	Possibility of detention and/or imprisonment	Possibility of physical violence
India	General information	<i>No additional information</i>		
	Non-admitted migrant	<i>No additional information</i>		
	Rejected asylum seeker	<p>- The UNHCR reported in 2002 “nationals who returned after having their asylum applications abroad rejected, did not have problems if they returned with valid travel documents and if their departure had taken place with valid travel documents. Refused Indian asylum seekers who returned to India with temporary travel documents could enter without any problems as such, but if they arrived after their passport had expired then they would be questioned about the reasons for this”.¹⁴³</p> <p>- Some rejected asylum seekers indicate fear of physical violence if they return to their country of origin, but it is unclear if this fear is related to the migration itself or to a past political activity.¹⁴⁴</p>		
	Deportee	<i>No additional information</i>		

¹⁴³ United Kingdom: Asylum and Immigration Tribunal / Immigration Appellate Authority (2002): *HS (Return - Failed Asylum Seeker) India v. Secretary of State for the Home Department*, CG [2002] UKIAT 04912, 21 October 2002, available at: <http://www.refworld.org/docid/46836aca0.html>.

¹⁴⁴ ANAFE (2008): *Réfugiés en Zone d'Attente. Rapport sur les dérives de l'examen de l'asile à la frontière. Comment la France piétine le principe de l'accès à son territoire de personnes menacées*. Septembre 2008, p. 20.

20. LIBYA

Country		Fines and possibility of monetary extortions	Possibility of detention and/or imprisonment	Possibility of physical violence
Libya	General information	- Possibility of arbitrary restriction on regular emigration through arbitrary seizure or non-issuance of passports ¹⁴⁵ , as well as arbitrary requests of “travel letters”: <i>“travel letters are sometimes requested ‘randomly’ from the following people: - If the person is a civil servant - they could be asked for a letter of permission for them to take their annual leave. - If the person is a young male - they may be asked for proof of their military service. - If it is a woman - she could be asked for a letter for permission to travel from her father to her husband”</i> . ¹⁴⁶		
	Non-admitted migrant	No additional information		
	Rejected asylum seeker	No additional information		
	Deportee	No additional information		

¹⁴⁵ The United States Department of State (2011): *Country Report on Human Rights Practices 2010*, Libya, Bureau of Democracy, Human Rights, and Labor, April 8th 2011.

¹⁴⁶ The Immigration and Refugee Board of Canada Research(2012): *Libya: Process and procedures to follow for a Libyan citizen wanting to exit the international airport in Tripoli*, 12 November 2009, quoted in UK Home Office, UK Border Agency, *Libya, Country of Origin Information Report*, March 7, 2012, p. 152.

21. NIGERIA

Country		Fines and possibility of monetary extortions	Possibility of detention and/or imprisonment	Possibility of physical violence
Nigeria	General information	- According to NDLEA (National Drug Law Enforcement Agency) officials, individuals had been prosecuted and convicted for “ <i>bringing the name of Nigeria into disrepute</i> ” by being convicted of a drugs offense abroad, and not for the drugs offense itself. They were, thus, not at risk of being prosecuted and convicted twice for the same offense (“double jeopardy”). ¹⁴⁷		
	Non-admitted migrant	<i>No additional information</i>		
	Rejected asylum seeker	- British and Danish authorities have concerns about potential risks for rejected asylum seekers. ¹⁴⁸		
	Deportee	<i>No additional information</i>		- Returning detainees (who have been placed in retention centres in the UK for having committed administrative offenses) may be treated in a degrading, disrespectful way by local officials. Forceful and aggressive attitude of officials vis-à-vis detainees and cases of minor physical violence. ¹⁴⁹

¹⁴⁷ Danish Immigration Service and United Kingdom Home Office (2008): *Ibid*, p. 43.

¹⁴⁸ Danish Immigration Service and United Kingdom Home Office (2008): *Report of Joint British-Danish Fact-Finding Mission to Lagos and Abuja, Nigeria* 9 - 27 September 2007 and 5 - 12 January 2008, 28 October 2008, p.43. Available at: <http://www.refworld.org/docid/49081bad2.html> (accessed 3 February 2015).

¹⁴⁹ Her Majesty's Chief Inspector of Prisons (2011): *Detainees under escort. Inspection of escort and removals to Nigeria*, 20-21 April 2011, pp.18-19. Available at <http://www.justiceinspectorates.gov.uk/prisons/wp-content/uploads/sites/4/2014/03/nigeria.pdf> (last accessed 3 February 2015); Her Majesty's Chief Inspector of Prisons (2014): *Detainees under escort. Inspection of escort and removals to Nigeria and Ghana*, 6-7 November 2013, pp.17-18. Available at <http://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2014/04/nigeria-ghana-escorts-2013-rps.pdf> (last accessed 3 February 2015).

22. SRI LANKA

Country		Fines and possibility of monetary extortions	Possibility of detention and/or imprisonment	Possibility of physical violence
Sri Lanka	General information	<i>No additional information</i>	- The Ireland Refugee Documentation Centre reported "[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 under the country's current state of emergency. 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". ¹⁵⁰	<i>No additional information</i>
	Non-admitted migrant	<i>No additional information</i>		
	Rejected asylum seeker	- Rejected asylum seekers imprisoned upon return need to pay money for their release: Freedom from Torture reported "all cases reported escaping from detention when a family member paid a bribe for their release, which raises serious concerns about other victims without the necessary funds or connections to secure release". ¹⁵¹	- Some people are imprisoned right upon their arrival at the airport, others are imprisoned later on, when authorities come get them at their homes. ¹⁵² - Freedom from Torture reported "the individual was detained within a month of their return and in some cases within days". ¹⁵³ - "The duration of detention was reported as less than a week in 1 case, less than a	- Michael Collyer indicated that a man "was punched, pushed around and aggressively interrogated by CID [Criminal Investigation Department] for four hours in Colombo airport about his activities in London". ¹⁵⁵ - The UNHCR indicated that "Tamil asylum seekers with scars may be more likely to be questioned and experience 'ill treatment' by the Sri Lankan security forces upon their return to Sri

¹⁵⁰ Ireland Refugee Documentation Centre (2010): *Sri Lanka: Information on the treatment of failed asylum seekers returned to Sri Lanka*, 22 January 2010 available at <http://www.refworld.org/docid/4B6167382.html>, p. 3.

¹⁵¹ Freedom from Torture (2012): *Sri Lankan Tamils tortured on return from the UK*, 13 September 2012, available at: <http://www.refworld.org/docid/505321402.html>, p. 5.

¹⁵² Freedom from Torture (2012): *Ibid*, p.5.

¹⁵³ Freedom from Torture (2012): *Ibid* p.5.

¹⁵⁵ Collyer, Michael (2012): *Deportation and the micropolitics of exclusion: the rise of removals from the UK to Sri Lanka*. *Geopolitics*, 17 (2). pp. 276-292. ISSN 1465-0045

			<p>month in 3 cases and more than 6 months in 1 case”.¹⁵⁴</p> <p>Lanka”.¹⁵⁶</p> <p>- Investigations by Human Rights Watch have found 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”.¹⁵⁷</p> <p>- Possibility of torture during detention as the UK Home Office reported that two Tamil men returned described torture by Sri Lankan authorities upon arrival in Colombo.¹⁵⁸</p> <p>- Freedom from Torture has reported cases of sexual torture.¹⁵⁹ That is the case of “[a] Tamil woman asylum seeker returned to Sri Lanka in May 2009 said she was detained, questioned and subjected to torture including sexual abuse by security agents, and imprisoned for five months at an army camp”.¹⁶⁰</p>
	Deportee	No additional information	

¹⁵⁴ Freedom from Torture (2012): *Sri Lankan Tamils tortured on return from the UK*, 13 September 2012, available at: <http://www.refworld.org/docid/505321402.html>, p. 10.

¹⁵⁶ Immigration and Refugee Board of Canada (2006): *Sri Lanka: Treatment of failed asylum seekers returning to Sri Lanka (2004 - 2006)*, cited in Ireland: Refugee Documentation Centre (2010): *Sri Lanka: Information on the treatment of failed asylum seekers returned to Sri Lanka*, 22 January 2010, available at <http://www.refworld.org/docid/4b6167382.html>, p.3.

¹⁵⁷ Human Rights Watch (2012): *UK: Suspend Deportations of Tamils to Sri Lanka*, 29 May 2012, available at: <http://www.refworld.org/docid/50ebe8352.html>

¹⁵⁸ Human Rights Watch (2012): *Ibid*, p.5.

¹⁵⁹ Freedom from Torture (2012): *Sri Lankan Tamils tortured on return from the UK*, 13 September 2012, available at: <http://www.refworld.org/docid/505321402.html>, p. 6.

¹⁶⁰ United Kingdom: Home Office (2012): *Sri Lanka - Bulletin: Treatment of Returns*, December 2012, available at: <http://www.refworld.org/docid/50ebe8352.html>, p.5