

# Country Information and Guidance Sudan: Failed asylum seekers

Version 2.0 August 2016

### **Preface**

This document provides country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as 'clearly unfounded' under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

#### **Country Information**

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the <a href="Common EU [European Union] Guidelines for Processing Country of Origin Information (COI)">Common EU [European Union] Guidelines for Processing Country of Origin Information (COI)</a>, dated April 2008, and the <a href="European Asylum Support Office's research guidelines">European Asylum Support Office's research guidelines</a>, <a href="Country of Origin Information report methodology">Country of Origin Information report methodology</a>, dated July 2012.

#### **Feedback**

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please email the Country Policy and Information Team.

#### **Independent Advisory Group on Country Information**

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office's COI material. The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's website at http://icinspector.independent.gov.uk/country-information-reviews/

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### Guidance

Updated: 9 August 2016

### 1. Introduction

- 1.1 Basis of Claim
- 1.1.1 Fear of persecution or serious harm from the Sudanese authorities because the person has unsuccessfully claimed asylum in the UK.

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### 2. Consideration of Issues

- 2.1 Credibility
- 2.1.1 For further guidance on assessing credibility, see the <u>Asylum Instruction on</u> Assessing Credibility and Refugee Status.
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview: see the <a href="Asylum UK Visa Applicants">Asylum Claims from UK Visa Applicants</a>.
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing: see the <u>Asylum Instruction on Language Analysis</u>.

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- 2.2 Particular social group
- 2.2.1 Failed asylum seekers returned to Sudan do not form a particular social group (PSG) simply by virtue of having made an unsuccessful asylum claim in the UK. This is because they do not share a common characteristic that cannot be changed and do not have a distinct identity which is perceived as being different by the surrounding society.
- 2.2.2 For guidance on assessing membership of a particular social group, see the Asylum Instruction on Assessing Credibility and Refugee Status.

- 2.3 Assessment of risk
- 2.3.1 In the country guidance case of <u>IM and AI (Risks membership of Beja Tribe, Beja Congress and JEM) Sudan CG [2016] UKUT 188 (IAC) (14 April 2016), the Upper Tribunal (UT) gave general guidance on the position of returned asylum seekers. It found that there was no risk of persecution for failed asylum seekers per se.</u>
- 2.3.2 The UT found that: 'In HGMO (Relocation to Khartoum) [HGMO (Relocation to Khartoum) Sudan CG [2006] UKAIT 00062 (03 August 2006)], the Tribunal concluded that neither involuntary returnees nor failed asylum seekers... were as such at real risk on return to Khartoum... [and] it was not argued before [this] Tribunal that involuntary returnees would be at risk for that reason alone...Had this been a general practice, the information would have filtered out' (paras 220 and 222).

- 2.3.3 And that 'It is our firm conclusion that a failed asylum seeker, including an individual that had been subject to investigation by the immigration authorities on return, would not be at risk of further investigation by NISS on that basis alone.' (para 225).
- 2.3.4 The UT expressly noted that the guidance it promulgated did not apply to the risks faced by Darfuris upon return, in relation to whom <a href="HGMO (Relocation to Khartoum">HGMO (Relocation to Khartoum</a>), <a href="AA (Non-Arab Darfuris relocation">AA (Non-Arab Darfuris relocation</a>) and <a href="MMM (Darfuris">MM (Darfuris</a>) remain applicable. Decision makers should have regard to other risk factors which may mean a failed asylum seekers faces a real risk of persecution or serious harm (see country information and guidance on <a href="Sudan: Sur Place Activity">Sudan: Sur Place Activity</a>).
- 2.3.5 For further guidance on assessing risk, see the <u>Asylum Instruction on Assessing Credibility and Refugee Status</u>.

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- 2.4 Protection
- 2.4.1 As the person's fear is of ill treatment/persecution at the hands of the state, they will not be able to avail themselves of the protection of the authorities.
- 2.4.2 For further information on assessing the availability or not of state protection, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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- 2.5 Internal relocation
- 2.5.1 As the person's fear is of the authorities, internal relocation is not an option for a person who can demonstrate that they are at risk.
- 2.5.2 For further guidance on internal relocation, see the <u>Asylum Instruction on Assessing Credibility and Refugee Status</u>.

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- 2.6 Certification
- 2.6.1 Where a claim based solely on returning as a failed asylum seeker is refused, it is likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.6.2 For further information on certification, see the <u>Instruction on Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 (clearly unfounded claims).</u>

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### 3. Policy summary

- 3.1.1 Failed asylum seekers (FAS) returned to Sudan do not form a particular social group (PSG).
- 3.1.2 FAS are not at risk of persecution on return to Sudan for that reason alone.
- 3.1.3 Claims based solely on this basis are likely to be certifiable as clearly unfounded.

## **Country Information**

Updated: 6 June 2016

# 4. Commission of Refugees / National Intelligence and Security Services

- 4.1.1 Article 25 of the 2014 Asylum Act states that the Commissioner for Refugees, under the Ministry of Interior, has an "obligation to monitor the situation of Sudanese refugees abroad and to expressly encourage them to return to Sudan". However a letter from the British Embassy, dated 19 February 2015, clarified that: '...we have not received a clear answer as to what this [Article] means in practice. The Office of the Commissioner for Refugees comes under the Ministry of Interior, but it is the understanding of the British Embassy that they also maintain close relations with NISS [National Intelligence and Security Service].' <sup>2</sup>
- 4.1.2 A report from International Organisation for Migration (IOM), dated 2011, listed the responsibilities of the Ministry of Interior's Commission of Refugees (COR):
  - 'Protecting, registering, counselling and providing material assistance and documents to foreign refugees at different administrative stages and all along their staying in the country. [;] ... Scrutinizing the requests of asylum in coordination with UNHCR [;] ... Management of refugees camps. [;] ... Undertaking or supporting awareness and information campaigns in coordination with other national and international institutions. [;] ... Following-up on the situation of Sudanese refugees abroad according to existing regulations. [;] ... Data collection, compilation of statistical reports studies on refugees.' <sup>3</sup>
- 4.1.3 The National Intelligence and Security Service (NISS) is responsible for the management of operations of national security such as border control, prostitution, sexual exploitation, human trafficking and trafficking on body organs. More recently, under an amendment to Article 151 of the Interim Constitution, the role of NISS has been enhanced from an intelligence agency focused on information gathering, analysis and advice, to a security agency with a broader mandate to exercise functions usually carried out by the armed forces or other law enforcement agencies. Waging Peace, in a

<sup>&</sup>lt;sup>1</sup> The Asylum Regulations Act 2014, Article 25, English translation, available on request

<sup>&</sup>lt;sup>2</sup> British Embassy in Khartoum, Deputy Head of Mission, 19 February 2015, copy available in annex to <u>country information and guidance on sur place activity</u>

<sup>&</sup>lt;sup>3</sup> IOM, Migration in Sudan: A Country Profile 2011, http://reliefweb.int/sites/reliefweb.int/files/resources/D2ECC0D6226DF41DC1257842003973F1-Full Report.pdf. Date accessed: 19 June 2015

<sup>&</sup>lt;sup>4</sup> IOM, Migration in Sudan: A Country Profile 2011, <a href="http://reliefweb.int/report/sudan/migration-sudan-country-profile-2011">http://reliefweb.int/report/sudan/migration-sudan-country-profile-2011</a>. Date accessed: 19 June 2015

<sup>5</sup> Amnosty International Country Profile 2011, <a href="http://reliefweb.int/report/sudan/migration-sudan-country-profile-2011">http://reliefweb.int/report/sudan/migration-sudan-country-profile-2011</a>. Date accessed: 19 June 2015

<sup>&</sup>lt;sup>5</sup> Amnesty International, Sudanese National Intelligence Service empowered to violate human rights, 19 March 2015, <a href="https://www.amnesty.org/en/latest/campaigns/2015/03/sudanese-national-intelligence-service-empowered-to-violate-human-rights/">https://www.amnesty.org/en/latest/campaigns/2015/03/sudanese-national-intelligence-service-empowered-to-violate-human-rights/</a>. Date accessed: 15 July 2015

- report dated September 2014, noted that government officials working in the Sudanese immigration department were known to work for NISS.<sup>6</sup>
- Under the National Security Act 2010 individuals suspected of presenting a 4.1.4 threat to the state may be detained without charge for up to 45 days without judicial review, which the director of security may extend for a further three months. The National Security Act further provides NISS officials with impunity for acts involving their official duties. 7
- 4.1.5 Sources consistently highlighted NISS as responsible for significant human rights violations in Sudan. The British Embassy letter dated 19 February 2015 explained:

'Allegations of mistreatment amounting to cruel and inhumane treatment or torture by NISS are a matter of public record. ... Without prejudice to comments above about allegations of mistreatment attributed to NISS, it is important to note that such detentions are an extremely common occurrence and it should not be assumed that everyone detained would be subject to same sort of treatment. The treatment received could be determined by a number of factors including, but not limited to: the nature of the accusations; public and international profile; age; family connections; and, ethnic background.' 8

4.1.6 Amnesty International, in a report on NISS dated March 2015, noted:

'As the Sudanese National Intelligence and Security Service (NISS) intensifies its crackdown on the freedoms of expression, assembly and association in Sudan, it provides an ominous warning about human rights in the context of upcoming general elections in April [2015]. ... Since January 2015, at least 16 newspapers have had their publications confiscated on 42 different occasions by NISS. Four leading civil society organisations have been shut down with at least five others under threat of imminent closure. Several journalists report interrogation and harassment by the police and NISS agents. There is no legal basis or rationale for these actions by NISS other than to quell dissent and criticism of the National Congress Party as the general elections approach.

'Though the NISS has for the last decade perpetrated human rights violations with impunity, its current human rights violations have reached unprecedented levels. The NISS has used excessive and sometimes lethal force in breaking up demonstrations, protests and rallies as well as office raids and confiscations of newspapers, perpetrated arbitrary arrests and deliberately targeted ethnic and religious minorities.

'Between 2012 and 2014, the NISS arrested human rights defenders, students, activists, political opponents and journalists en masse. Most of

<sup>&</sup>lt;sup>6</sup> Waging Peace, The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese Nationals who leave Sudan'. http://www.wagingpeace.info/images/The Long Arm of the Sudanese Regime -COMPRESSED.pdf. Date accessed: 22 June 2015

National Security Act 2010, English translation, available on request

<sup>&</sup>lt;sup>8</sup> British Embassy in Khartoum, Deputy Head of Mission, 19 February 2015, Annex A

those arrested were subsequently released without trial, but a few have been kept incommunicado, outside the protection of the law and vulnerable to torture and other forms of ill-treatment. Human rights violations committed by NISS agents are seldom investigated by the Sudanese authorities.

'In January, the Sudanese Parliament passed amendments to the Interim Constitution, including one extending the NISS' mandate. The amendment to Article 151 transforms the NISS from an intelligence agency focused on information gathering, analysis and advice, to a fully-fledged security agency with a broad mandate to exercise a mix of functions usually carried out by the armed forces or law enforcement agencies. By expanding the NISS's mandate, Parliament has not only endorsed its methods but rewarded its performance. ... Conferring an intelligence agency such as the NISS with such a mandate, in addition to its already extensive powers of arrest, detention, search and seizure under the National Security Service Act (NSA), is particularly alarming in the context of the upcoming general elections in April. During the 2010 general elections, the NISS used intimidated, arrested and detained opposition candidates, voters and human rights defenders. They have the power to do a lot more now.

'... [T]he new NISS is now a super-agency that can respond to any political, economic or social threat. It now has the unlimited discretion to decide what is or isn't a danger, including the legitimate exercise of freedom of expression, assembly and association. ... The "new" relationship between the NISS, the military and law enforcement agencies is not articulated. The NISS is already deployed both militarily and in law enforcement. There is a risk that the NISS's mandate, cutting across intelligence, military and law enforcement spheres, could also undermine or unduly interfere with ordinary police work thus enhancing dysfunction in the criminal justice system.'

4.1.7 The US State Department's 2015 Human Rights Report for Sudan reported:

'Although the government in 2011 named a special prosecutor from the Ministry of Justice to monitor NISS detentions, the independent expert remained concerned about weak judicial oversight of NISS arrests and detention. In numerous press statements, the [UN] independent expert expressed concern over the NISS' failure to adhere to human rights principles, including respect for the rule of law in Khartoum, Darfur, and the Two Areas.'10

<sup>&</sup>lt;sup>9</sup> Amnesty International, Sudanese National Intelligence Service empowered to violate human rights, 19 March 2015, <a href="https://www.amnesty.org/en/latest/campaigns/2015/03/sudanese-national-intelligence-service-empowered-to-violate-human-rights/">https://www.amnesty.org/en/latest/campaigns/2015/03/sudanese-national-intelligence-service-empowered-to-violate-human-rights/</a>. Date accessed: 15 July 2015

<sup>&</sup>lt;sup>10</sup> US State Department, 2015 Human Rights Report, Sudan, Section 1d, , <a href="http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper">http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper</a>. Date accessed: 27 June 2015

### 5. Treatment of returnees

- 5.1.1 The UNCHR's position paper dated February 2006 noted that '[f]orced returns to Sudan entails risks for certain categories of Sudanese, regardless of their place of origin, including Darfurians. These categories include young men of fighting age who are regularly singled out for detention and interrogation. <sup>11</sup>
- 5.1.2 Hans Schodder, Senior Protection Officer of the United Nations High Commissioner for Refugees (UNHCR) Representative in Khartoum, speaking at a conference on Sudan held between 1 2 December 2005, stated: '... Failed asylum seekers won't face severe problems upon return, as long as they are not recognized as a threat to the state. However, if they are seen as a threat there is no guarantee. In the beginning of the 90ies there were cases of people who just disappeared. A lot of persons who left the country after the [1989] coup returned from exile. Of course they feared that they would be arrested at the airport, but nothing happened. However, this does not mean that the situation will continue like this.' 12
- 5.1.3 On the same subject, Dr Homayoun Alizadeh, regional representative of the Office of the United Nations High Commissioner for Human Rights (OHCHR) noted:
  - '—In the past persons who left the country after the coup and stayed away for more than one year, would be questioned upon return automatically. This is no routine policy anymore; also the practice of arrests straight at the airport is not common anymore at the moment. Returnees might get visits from security officers later and be questioned or warned not to start any funky business' in Sudan. I have no information that these people are particularly being targeted. Instead, some people who have been abroad for many years, maybe for political reasons, have come back to Khartoum. They are subject to close surveillance and they know that they cannot engage in political activities. They also know that they can be arrested, questioned, and detained at any time. They feel a little bit more secure if they obtained a foreign passport before their return. But if they are still Sudanese citizens, they have no protection at all. There have been some positive developments [recently (circa 2005)], but the security is monitoring the situation very closely and it is quite unpredictable.' <sup>13</sup>
- 5.1.4 In their 2012<sup>14</sup> and 2014<sup>15</sup> reports, the UK NGO Waging Peace published testimonies of failed asylum seekers who claimed they had been harassed

<sup>&</sup>lt;sup>11</sup> UNHCR Position on Sudanese asylum-seekers from Darfur, February 2006, <a href="http://www.refworld.org/mwg-internal/de5fs23hu73ds/progress?id=FcfJyGtjnK">http://www.refworld.org/mwg-internal/de5fs23hu73ds/progress?id=FcfJyGtjnK</a>. Date accessed: 26 June 2015

June 2015

12 Accord, 10<sup>th</sup> European Country of Origin Information Seminar, 1-2 December 2005, Budapest, republished 29 November 2006,p.23, <a href="http://www.ecoi.net/file\_upload/918\_1164896371\_coi-se-budapest200611-sudan-report-revised-version.pdf">http://www.ecoi.net/file\_upload/918\_1164896371\_coi-se-budapest200611-sudan-report-revised-version.pdf</a>. Date accessed: 19 June 2015

<sup>&</sup>lt;sup>13</sup> Accord, 10<sup>th</sup> European Country of Origin Information Seminar, 1-2 December 2005, Budapest, republished 29 November 2006, p.23, <a href="http://www.ecoi.net/file\_upload/918\_1164896371\_coi-se-budapest200611-sudan-report-revised-version.pdf">http://www.ecoi.net/file\_upload/918\_1164896371\_coi-se-budapest200611-sudan-report-revised-version.pdf</a>. Date accessed: 19 June 2015

<sup>&</sup>lt;sup>14</sup> Waging Peace, 'The Danger of returning home: The perils facing Sudanese immigrants when they

- and mistreated on return to Khartoum. The 2012 report included the cases of Mr M, Mr A and Badaoui Malik Badaoui. <sup>16</sup> All of these people claimed to be from conflict areas and/or affiliated to opposition or rebel groups. <sup>17</sup>
- 5.1.5 Some testimonies documented by Waging Peace indicated that the Sudanese authorities negatively viewed the act of claiming asylum. For example Mr A was told that 'applying for asylum gives Sudan a bad name'. Badaoui Malik Badaoui said that during his interrogation he was told he should be 'ashamed for leaving Sudan.' Mr Y, referring to his initial detention at Khartoum airport, noted:
  - 'Someone standing by the door beside me said to the boss, "These people [from Darfur] go the UK for asylum and they say what we do in the Darfur province" ... The boss asked me if that was true. I said, "I dont know what you mean or are talking about." ... He asked, "You dont know? Or you dont see any stupid people from your tribe there in the UK seeking asylum or talking about what we do in your province?" <sup>20</sup>
- 5.1.6 Most of the people in these cases were politically active, had some political profile or had demonstrated publically, including outside Downing Street and the Sudanese Embassy in London. All stated they were from conflict areas, or belonged to known opposition groups. One case was Magdy El Baghdady, a British national who had political and business interests in Sudan and Egypt and connections with the family of Sadiq Al Mahdi, the

go back to Sudan', September 2012,

http://www.wagingpeace.info/images/pdf/Exclusives/2012\_09\_THE\_DANGER\_OF\_RETURNING\_HOME.pdf. Date accessed: 26 June 2015

<sup>15</sup> Waging Peace, 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese nationals who leave Sudan', September 2014, <a href="http://www.wagingpeace.info/images/The Long Arm of the Sudanese Regime - COMPRESSED.pdf">http://www.wagingpeace.info/images/The Long Arm of the Sudanese Regime - COMPRESSED.pdf</a>. Date accessed: 26 June 2015

Waging Peace, 'The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan', September 2012,

http://www.wagingpeace.info/images/pdf/Exclusives/2012 09 THE DANGER OF RETURNING HOME.pdf. Date accessed: 26 June 2015

Waging Peace, 'The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan', September 2012,

http://www.wagingpeace.info/images/pdf/Exclusives/2012\_09\_THE\_DANGER\_OF\_RETURNING\_HOME.pdf. Date accessed: 26 June 2015

Waging Peace, 'The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan', September 2012,

http://www.wagingpeace.info/images/pdf/Exclusives/2012\_09\_THE\_DANGER\_OF\_RETURNING\_HO\_ME.pdf. Date accessed: 26 June 2015

19 Waging Peace, 'The Danger of returning home: The perils facing Sudanese immigrants when they

Waging Peace, 'The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan', September 2012,

http://www.wagingpeace.info/images/pdf/Exclusives/2012\_09\_THE\_DANGER\_OF\_RETURNING\_HO ME.pdf. Date accessed: 26 June 2015

Waging Peace, 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese nationals who leave Sudan', September 2014, <a href="http://www.wagingpeace.info/images/The\_Long\_Arm\_of\_the\_Sudanese\_Regime\_-">http://www.wagingpeace.info/images/The\_Long\_Arm\_of\_the\_Sudanese\_Regime\_-</a> COMPRESSED.pdf. Date accessed: 26 June 2015

- former Prime Minister of Sudan and current leader of the opposition Umma Party.<sup>21</sup>
- A British Embassy letter, dated 8 April 2013, noted that: 'We [the British 5.1.7 Embassy] have contacted the office of the United Nations High Commission for Refugees here in Khartoum. They are the lead agency for dealing with refugee issues in Sudan and have large protection teams operating throughout the country in Sudan. They have no knowledge of returned failed asylum seekers being mistreated by the Sudanese security agencies.<sup>22</sup>
- A letter from the British Embassy in Khartoum, dated 19 February 2015, 5.1.8 noted: 'As reported in our letter of April 2013 it remains the case that none of our international partners were aware of any cases of returnees being mistreated on return to Sudan. 23 Although the letter further clarified: 'Counterparts at other embassies in Khartoum have told us that the numbers returned from their countries is very limited. if it happens at all, and that even when individuals are returned they do not actively monitor every case.<sup>24</sup> The letter also noted: 'It is our understanding that UNHCR has no role in monitoring the situation of Sudanese returned to Khartoum International Airport, but that representatives of IOM would normally meet any individual being returned under the global programme of assisted voluntary returns.' 25
- The letter clarified returns procedures for failed asylum seekers: 5.1.9

'It is the understanding of the British Embassy in Khartoum that for any individual identified as a failed asylum seeker it is standard procedure to have their documents removed and detained for investigation by the immigration authorities for a period of up to 24 hours upon arrival at Khartoum International Airport. Should the investigation reveal any previous criminal activity or other nefarious reason for their original departure, the returnee is blacklisted from leaving Sudan again. If the crime is outstanding, they will be arrested. If a crime is not outstanding or the investigation does not reveal anything the returnee would be released by immigration.

While we have received no definitive answer on how a failed asylum seeker would be identified, things that would draw the attention of the authorities would include, but not be limited to: the use of an emergency travel document; having no valid exit visa in passport; or, being escorted into the country.

http://www.wagingpeace.info/images/pdf/Exclusives/2012\_09\_THE\_DANGER\_OF\_RETURNING\_HO ME.pdf. Date accessed: 26 June 2015

22 British Embassy in Khartoum, Deputy Head of Mission, 8 April 2013, copy available in annex to

<sup>&</sup>lt;sup>21</sup> Waging Peace, 'The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan', September 2012,

country information and guidance on sur place activity

23 British Embassy in Khartoum, Deputy Head of Mission, 19 February 2015, copy available in annex

to country information and guidance on sur place activity

British Embassy in Khartoum, Deputy Head of Mission, 19 February 2015, copy available in annex to country information and guidance on sur place activity

<sup>&</sup>lt;sup>25</sup> British Embassy in Khartoum, Deputy Head of Mission, 19 February 2015, copy available in annex to country information and guidance on sur place activity

'It is our understanding that any intervention by the National Intelligence and Security Service (NISS) would necessarily await the outcome of the immigration procedures. It is our firm belief that a failed asylum seeker, including an individual that had been subject to investigation by the immigration authorities on return, would not be at risk of further investigation by NISS on that basis alone. We do know however, that returnees can be subjected to further questioning by security should they be determined to be a potential person of interest. While it is difficult to offer a definitive statement on who would fall into such a category, activities likely to be of interest would include: being of previous interest to the authorities (in which case they may appear on a travel watch list); having a record of contact with Sudanese opposition groups outside of Sudan; or, having attracted the attention of the authorities during time overseas including through engagement with opposition groups within the diaspora.' <sup>26</sup>

- 5.1.10 The British Embassy in Khartoum, in a letter dated 19 February 2015 noted: 'As reported in our letter of April 2013 it remains the case that none of our international partners were aware of any cases of returnees being mistreated on return to Sudan.'<sup>27</sup> Although the letter clarified: 'Counterparts at other embassies in Khartoum have told us that the numbers returned from their countries is very limited. if it happens at all, and that even when individuals are returned they do not actively monitor every case.'<sup>28</sup>
- 5.1.11 A Landinfo report, dated 11 November 2013, noted:
  - '... Landinfo would like to point out that the concrete examples we know of regarding the consequences of political activity abroad upon return to Sudan concern those who return voluntarily. Landinfo does not have access to material on situations where an individual is deported back to Sudan from another country either due to rejection of an application for political asylum or for any other reason.'<sup>29</sup>
- 5.1.12 For information on returns with a political or other profile, see <u>country</u> information and <u>guidance on sur place activity</u>.

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### 6. Returns statistics

6.1.1 The following table and graph shows removals data of failed asylum seekers to Sudan over the period 2004 to 2015 (the large majority of returns are to third countries, usually other EU states).<sup>30</sup>

<sup>&</sup>lt;sup>26</sup> British Embassy in Khartoum, Deputy Head of Mission, 19 February 2015, copy available in annex to country information and guidance on sur place activity

<sup>&</sup>lt;sup>27</sup> British Embassy in Khartoum, Deputy Head of Mission, 19 February 2015, copy available in annex to country information and guidance on sur place activity

British Embassy in Khartoum, Deputy Head of Mission, 19 February 2015, copy available in annex to country information and guidance on sur place activity

<sup>&</sup>lt;sup>29</sup> Landinfo, 'Sudan: Scope of political activity critical to the regime', 11 November 2013, translation available on request <sup>30</sup> Home Office, National statistics, Removals and voluntary departures, Table rv\_05: Removals and

Home Office, National statistics, Removals and voluntary departures, Table rv\_05: Removals and voluntary departures by country of nationality and destination, May 2016,

## Table showing enforced removals and voluntary departures to Sudan, 2004-2015

Year	Country of nationality	Total enforced removals	Asylum: Home	Total voluntary departures	Asylum: Home
2004	Sudan	272	25	6	3
2005	Sudan	241	31	23	14
2006	Sudan	152	25	59	50
2007	Sudan	70	20	54	44
2008	Sudan	53	4	61	35
2009	Sudan	41	5	71	24
2010	Sudan	129	12	46	11
2011	Sudan	103	6	52	12
2012	Sudan	76	5	32	7
2013	Sudan	53	2	56	15
2014	Sudan	49	6	81	18
2015	Sudan	55	0	38	12

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https://www.gov.uk/government/publications/immigration-statistics-october-to-december-2015/removals-and-voluntary-departures accessed 6 June 2016

### **Version Control and Contacts**

#### **Contacts**

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email the Country Policy and Information Team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance, Rules and Forms Team.

#### Clearance

Below is information on when this version of the guidance was cleared:

- version 2.0
- valid from 9 August 2016

#### Changes from last version of this guidance

Updated to reflect the Country Guidance case of <u>IM and AI (Risks – membership of Beja Tribe, Beja Congress and JEM) Sudan CG [2016] UKUT 188 (IAC) (14 April 2016)</u>.