



# EUROPE

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## Albania

Albania hosted about 400 refugees and asylum seekers at the end of 2001, the majority from Kosovo. Small numbers of refugees and asylum seekers from Turkey and Iraq also remained in Albania at year's end, as well as 37 ethnic Albanians from Macedonia who entered during the year, most of whom were granted temporary protection.

During the year, 160 persons filed asylum applications in Albania. Of these, 69 were from Turkey (mostly Kurds), 54 from Macedonia (all ethnic Albanians), 14 from Yugoslavia (from Kosovo), and 13 from Iraq (mostly Kurds). The Albanian government's Office for Refugees issued decisions on 36 asylum cases in 2001, granting 27 and denying 9. Of those provided protection, the Office for Refugees granted UN Refugee Convention refugee status to 6 and temporary protection on humanitarian grounds to 21.

Albanian nationals lodged 2,770 asylum applications in other European countries during the year, a 40 percent decrease from 1999. Another 1,475 Albanians filed asylum claims in the United States during the year.

**Asylum** Albania's 1998 constitution and asylum legislation provides for the right to asylum and *nonrefoulement* (no forced return of refugees) in accordance with international law. During 2001, the Office for Refugees conducted status determinations in accordance with its 1998 asylum law. The UN High Commissioner for Refugees (UNHCR) retained the right to observe asylum hearings and provided

advice on individual cases at the request of the Office for Refugees.

Recognized refugees receive refugee identity cards, which provide proof of their right to remain. The majority are accommodated in collective centers and other shared homes funded by UNHCR and run by nongovernmental partner agencies.

During the year, the Albanian government and Parliament drafted asylum regulations that would establish new rules regarding local integration, including residence permits and social services. By year's end, however, the new regulations had not been promulgated.

**Ethnic Albanians from Macedonia** An indeterminate number of ethnic Albanians fleeing conflict in Macedonia crossed into Albania during the year. Relatively few actually sought asylum. In the first half of the year, up to 5,000 fled into Albania, most transiting to Kosovo. Another estimated 2,200 stayed temporarily with friends and family in Albania, and nearly all returned before year's end.

Throughout the crisis in neighboring Macedonia, Albania kept its borders open, and provided asylum seekers from Macedonia the opportunity to seek formal refuge. The Office for Refugees received 54 individual asylum requests from ethnic Albanians, of which 16 were granted temporary protection on humanitarian grounds, 2 were resettled to the United States, and 29 had pending applications at year's end. The remainder returned voluntarily to Macedonia late in the year.

**Kosovars** From the height of the Kosovo crisis in 1999, when about 465,000 persons found temporary asylum

in Albania, the number of Kosovar refugees in Albania at the end of 2001 had fallen to only 281 (another 4 new arrivals from Kosovo had pending asylum claims at year's end). Thirty-two particularly vulnerable refugees from Kosovo, including Roma, were awaiting offers of resettlement by countries outside the region at the end of 2001.

**Border Controls** During the year, Albania continued to serve as a transit country for asylum seekers and migrants trying to reach Western Europe.

In April, the Parliament approved the Law on the Guarding and Control of State Borders. The new legislation provides for referral of asylum cases to the Office for Refugees and includes provisions that reiterate Albania's respect for the principle of *nonrefoulement* and apply the principle to its border police authorities.

Treatment of migrants at Albania's borders remained somewhat unclear during 2001. Although formal readmission agreements do not exist, there appeared to be informal return agreements between Albanian border guards and their counterparts in Greece and Italy. ■

## Armenia

At the end of 2001, more than 264,000 persons—virtually all ethnic Armenians who fled Azerbaijan during the 1988-1993 war over the disputed Nagorno-Karabakh region—were living in refugee-like circumstances in Armenia. The vast majority were eligible for Armenian citizenship, faced little or no threat of forced return to Azerbaijan, and had largely integrated into Armenia. Therefore, the U.S. Committee for Refugees (USCR) no longer considers them to be refugees in need of protection but rather persons living in “refugee-like” circumstances.

In contrast, Armenia did not recognize as refugees an estimated 11,000 persons, almost all ethnic Armenians, who fled conflicts in Chechnya (Russian Federation) and Abkhazia (Georgia) and whom USCR regards as being in need of protection.

About 50,000 persons remained internally displaced because of conflict in 2001.

During 2001, about 6,600 Armenians sought asylum in European countries, a slight decrease from the 6,700



Refugees from throughout the Balkans returned or relocated to new areas during 2001. Here, a refugee from Banovici, Bosnia uses shelter materials provided by humanitarian agencies to build a new home in Kula, the Vojvodina region of Serbia. Photo: USCR/B. Frelick



Armenian asylum seekers in Europe the previous year. The largest numbers sought asylum in Austria (1,259), the Czech Republic (1,022), and Germany (893). Another 1,967 Armenians sought asylum in the United States.

**General Conditions** In 2001, Armenia continued to be economically depressed and politically unstable. A prolonged drought, particularly severe in the southern area of the country, exacerbated the situation. An estimated 800,000 Armenians have left the country in the past decade, according to a July 2001 *Wall Street Journal* report, with some estimates of the exodus as high as 1.5 million, about half the country's population.

**Nagorno-Karabakh** Despite ongoing international mediation, political negotiations on the status of Nagorno-Karabakh that might enable ethnic Armenians from Azerbaijan to return to their home areas remained at an impasse in 2001.

According to the de facto government of Nagorno-Karabakh, the population of the enclave stood at about 143,000 in 2001, slightly higher than the ethnic Armenian population in the region in 1988, before the conflict. Government officials in Armenia have reported that about 1,000 settler families from Armenia reside in Nagorno-Karabakh and the Lachin Corridor, a strip of land that separates Nagorno-Karabakh from Armenia. According to the government, 875 ethnic Armenian refugees returned to Nagorno-Karabakh in 2001. Most, but not all, of the ethnic Armenian settlers in Nagorno-Karabakh are former refugees from Azerbaijan. Settlers choosing to reside in and around Nagorno-Karabakh reportedly receive the equivalent of \$365 and a house from the de facto authorities.

**Internal Displacement** Although the Armenian government counted 192,000 displaced people within Armenia in 2001, based on information and analysis in a November 2000 report by the UN secretary general's representative on internal displacement, USCR believes that a more accurate estimate of the number of people still displaced as a result of conflict is about 50,000. Some 500,000 were rendered homeless by a major earthquake in 1988, about 100,000 of whom remained displaced 12 years later (USCR does not count victims of natural disasters in its tally of internal displacement, but only persons displaced because of conflict and other human rights abuses).

Part of the difficulty in estimating the number of conflict-induced internally displaced persons in Armenia stems from their lower profile as a group, compared to both the refugee influx (about 340,000) from Azerbaijan and the earthquake-displaced population. Conflict-induced displaced people originate from areas bordering Azerbaijan, forced to move because of sporadic shelling and skirmishes in the border areas. According to the government's report to the UN, 12,300 houses in the border region were dam-

aged and 40 percent totally destroyed. Many displaced persons moved frequently and dispersed widely within and outside Armenia. According to a 1998 survey, about half of the internally displaced initially left villages for summer pasture lands, and from there sought safer accommodations elsewhere. In fact, since the 1994 cease-fire, many internally displaced persons have returned to their homes or moved out of the country entirely.

Given the generally high rates of unemployment and poverty in Armenia, the World Food Program developed needs-based criteria for assisting 110,000 vulnerable persons and did not specifically identify internally displaced persons as a beneficiary group or list internal displacement among the criteria for need. The Armenian government has established a Department for Migration and Refugees, which is supporting a project to facilitate the return of 39,000 internally displaced persons to the border region, as well as assisting 28,000 who have already returned. On the basis of these figures, and recognizing that not all displaced people are necessarily enrolled in this return program, USCR estimates the number of conflict-induced persons remaining displaced within Armenia to be about 50,000.

No new internal displacement occurred during the year.

**Ethnic Armenian Refugee Integration** Faced with few prospects for repatriating ethnic Armenian refugees to areas of Azerbaijan outside Nagorno-Karabakh, the Armenian national assembly passed a law on citizenship in November 1995.

Under Article 10 of the law, ethnic Armenian refugees had until the end of 2001 to apply to the Interior Ministry to obtain Armenian national passports and citizenship papers. Citizenship is granted automatically to eligible persons who request to be de-registered as refugees in order to obtain citizenship. Although the deadline for naturalization ended, observers believed that naturalization would still be available to ethnic Armenian refugees.

Under Article 13 of the law, nonethnic Armenian refugees who have lived in the country for three years and speak Armenian are also eligible to obtain citizenship.

Since the law came into effect in 1999, about 40,000 ethnic Armenian refugees have naturalized, including about 16,300 in 2001. This number, however, is less than ten percent of the refugee population who are eligible for citizenship.

Many refugees reportedly have not naturalized because they fear relinquishing property left behind in Azerbaijan, losing subsidized housing and other assistance (which is actually needs-based, regardless of status), or being conscripted into Armenia's military (from which refugees are exempt).

To allay fears among refugees that acquiring citizenship would result in the loss of social benefits, the government adopted a law in December 2000 to provide social and economic guarantees for Armenian citizens who had been forcibly displaced from Azerbaijan. The law is designed

to help naturalized ethnic Armenians from Azerbaijan secure legal permanent housing, use community services, and potentially receive compensation for property left behind in Azerbaijan (if and when Azerbaijan and Armenia reach a bilateral agreement that includes such compensation).

During the year, the UN High Commissioner for Refugees (UNHCR) and nongovernmental organizations (NGOs) assisted refugees living in substandard communal housing or container-type shelters in moving into 385 reconstructed apartments. Refugees moving into reconstructed housing are required to apply for citizenship. UNHCR and NGOs also assisted refugees in 230 collective centers.

**Asylum** Armenia narrowed its Law on Refugees in 2001 with a series of amendments. The amended refugee law introduced a “safe third country” provision barring asylum applicants who “could have been granted refugee status” in a country through which they transited if that country itself does not present a persecution threat. The amendment also stipulated that a grant of refugee status expires after three years, at which time it will only be extended if the conditions that gave rise to the refugee status still exist. The new law also established additional grounds for terminating refugee status.

Under the law, asylum seekers have ten days to file an application with the Department of Migration and Refugees (DMR). Applications are to be processed by the DMR within one month, during which asylum seekers are granted provisional residence rights. Rejected applicants have the right to appeal to a “higher administrative body” and then to a court.

Armenia also adopted a new Law on Political Asylum in 2001, directed especially towards prominent public figures seeking political asylum from the Armenian president. Four sets of draft regulations pertaining to the new law were pending at year’s end. It was unclear to what extent the asylum law would potentially overlap with the existing refugee law, and whether it might precipitate a second status-determination procedure.

At year’s end, the government had recognized six persons as refugees, while one refugee claim was pending. During the year, the government considered 12 new asylum claims, but only accepted one (an Iraqi). The other recognized refugees (two Somalis, two Iraqis, and one Sudanese) had been granted asylum in previous years. ■

## Austria

At the end of 2001, Austria hosted about 10,800 refugees and asylum seekers in need of protection. These included 1,113 persons granted asylum during the year and 205 individuals granted protection against deportation. Of 15,187 applicants awaiting first-instance decisions on their applications, at least 9,500 were in Austria, while an unknown

number awaited the outcome of applications filed at Austrian embassies abroad.

Asylum seekers filed 30,135 applications for asylum in Austria during 2001, a nearly 65 percent increase from the 18,284 applications filed in 2000. Applications from Afghans, which tripled in number from the previous year, accounted for most of the overall increase. In addition to the 12,957 asylum seekers from Afghanistan, the largest numbers of asylum seekers came from Iraq (2,113), followed by Turkey (1,876), India (1,804), and Yugoslavia (1,649).

Of the 4,756 asylum applicants who received merits decisions on their cases in 2001, the Federal Refugee Office (hereafter “refugee office”) granted 1,113 asylum, an approval rate of 23 percent, up from the 17 percent approved in 2000. Among the countries with the highest approval rates were Afghanistan (56 percent), Iraq (27 percent), and Yugoslavia (24 percent).

The refugee office denied 3,643 claims during the year, 664 as manifestly unfounded. The authorities also closed the cases of 14,436 asylum seekers who abandoned their asylum claims.

**Afghan Asylum Seekers** Of the 30,135 new asylum applications lodged with the Austrian government in 2001, 12,957, or 43 percent, were from Afghans. Of these, 5,367 were filed at Austrian diplomatic missions abroad, mostly in Iran and Pakistan. At the onset of the U.S.-led airstrikes against Afghanistan in early October, the Austrian government suspended processing of Afghan asylum claims, asserting that it was impossible to assess the situation in Afghanistan reliably. However, processing was restarted again in November.

Of the 746 merits decisions rendered on Afghan asylum applications during the year, 420 were approved (56.3 percent).

The majority of the claims filed in Iran and Pakistan were turned down on the grounds that Iran and Pakistan are considered safe third countries for Afghans. No figures were available on the number of Afghans who received temporary protection in Austria in 2001.

**The Asylum Procedure** Austria’s asylum procedure is governed by the 1997 Asylum Act.

The procedure grants provisional residency rights to asylum applicants. However, under certain circumstances, asylum seekers with a provisional residence permit still may be detained during the procedure to ensure their deportation if denied asylum. Asylum seekers who enter Austria illegally and are channeled into the accelerated procedure do not have provisional residency rights. Unaccompanied minor asylum seekers are entitled to the assistance of a guardian, such as a representative from a youth welfare office.

The refugee office, an agency within the Interior Ministry, is responsible for making first-instance decisions on asylum applications. Asylum seekers may appeal nega-



tive decisions to the independent Federal Asylum Review Board, and further appeals with Austrian administrative courts are possible.

Recognized refugees receive long-term residence permits and the right to work, and are eligible for integration assistance. Asylum seekers denied refugee status can be granted protection against deportation for up to one year, with the possibility of extension.

The 1997 asylum law maintains that applicants who arrive from safe third countries (countries asylum seekers transited where, according to Austria, they could have requested and received protection) are not admissible to the asylum procedure. Austria considers third countries as safe for the return of asylum seekers if they are signatories to the UN Refugee Convention and the Convention for the Protection of Human Rights and Fundamental Freedoms; have

established asylum procedures, including an appeals procedure; grant returning asylum seekers access to that procedure; and allow asylum seekers to remain safely in the country pending the outcome of their status determinations.

The refugee office generally considers most of Austria's eastern neighbors—Slovenia, Hungary, and the Czech Republic—to be safe third countries. However, the Federal Asylum Review Board has periodically overturned refugee office decisions made on safe-third-country grounds. In February 2000, a High Administrative Court ruling determined that the Slovak Republic could not be considered a safe third country.

Applicants denied asylum in Austria's accelerated procedure have ten days to file an appeal. Applicants deemed inadmissible on safe-third-country grounds or because another European Union (EU) member state is responsible

### The EU: Toward a Common Asylum Policy

Efforts to increase cooperation and coordination between member states of the European Union (EU) have given rise, in recent years, to a movement to “harmonize” states’ asylum policies. The interest in developing a uniform asylum policy has also reflected concern over the sharp increase in refugees arriving in Western Europe during the last few decades. Since 1986, EU leaders have concluded a series of binding conventions and non-binding inter-governmental agreements that have laid the groundwork for a common asylum policy. While many of these developments have aided in expediting claims and regularizing procedures, refugee advocates argue that “harmonization” has come at the expense of refugee rights and protections.

#### 1986 Single European Act

This agreement committed member states to creating a single internal market, in which goods, services, and capital could move freely across borders by the end of 1992. While human transit was also included in the act's provisions, citizens of EU states did not enjoy fully free movement until the Schengen Convention (see below) entered into force.

#### 1990 Dublin Convention

Seeking to end the practice of asylum seekers traveling to more than one nation to have their claim assessed, the Dublin Convention established common criteria for EU member states to determine the state responsible for reviewing an asylum request. Before Dublin, asylum seekers often moved—or were moved—from country to country, with their application being reviewed either several times or not at all. Refugee advocates have noted that by requiring asylum seekers to file their claim in

the first EU state of entry, significant variations in states’ asylum procedures have left some asylum seekers without protection. The Convention entered into force for all 15 EU member states in September 1997.

#### 1990 Schengen Convention

Based on a similar 1985 agreement between six EU member states, the Schengen Convention permitted free movement within participating states, while strengthening external border controls. The agreement provided for improved police and judicial cooperation between states, in addition to introducing common visa policies and carrier sanctions. The increase in border surveillance on the EU's outer periphery has led to criticism that legitimate asylum seekers are being turned away along with economic migrants, and that asylum seekers are increasingly forced to use traffickers to gain access to the EU. Individual states began implementing the convention in March 1995.

#### 1992 Treaty on European Union

Also known as the Maastricht Treaty, this agreement established the European Union and increased inter-governmental cooperation on issues including asylum and immigration policies. The treaty, which entered into force in November 1993, also introduced the concept of EU citizenship.

#### 1992 London Resolutions

Dealing with a number of important EU-wide asylum issues, the London talks established a series of non-binding resolutions that defined three key elements of asylum policy: “manifestly unfounded” asylum claims; “safe third countries” transited by asylum seekers; and

for reviewing the application under the Dublin Convention (see box, p. 190) and applicants whose cases are considered manifestly unfounded are subject to the accelerated procedure. In 2001, the Austrian government denied refugee status in 312 cases based on the Dublin Convention.

Austria's 1997 asylum law also created an accelerated airport procedure. Under the law, the UN High Commissioner for Refugees (UNHCR) has the power to refer negative decisions in airports to the normal asylum procedure, a process that the refugee agency has confirmed works as intended.

**Assistance and Accommodation** Under the Federal Care Provisions Act of 1991, asylum seekers are, in principle, given accommodation, basic health care, and modest stipends if they are unable to care for themselves. However, in practice,

only about one-third of asylum seekers receive federal care. Many are excluded from state assistance for various reasons, including lack of identity papers or for having committed a criminal offense. Asylum seekers ineligible for federal care often must rely on increasingly overburdened religious and charitable organizations for their basic needs. In 2001, UNHCR sharply criticized the Austrian government for failing to accommodate asylum seekers adequately, charging that between 50 and 100 asylum seekers were forced to sleep outside—sometimes in freezing temperatures—every week.

**Detention and Deportation** In a decision made public in January, the High Administrative Court ruled that asylum seekers may not be deported while their applications are still pending. While welcoming the decision, refugee advocates pointed out that the ruling only protects applicants in

countries in which no serious risk of persecution is deemed to exist. Designed to expedite asylum procedures, these definitions have been applied by participating states as well as states outside the EU's borders. Critics have argued that the "manifestly unfounded" principle is applied inconsistently, and that returns to "safe third countries" do not carry any guarantee that the asylum seeker will have their case heard.

#### Other EU Council Resolutions and Recommendations

The EU Council of Ministers concluded a series of resolutions, recommendations, and joint positions, none of them legally binding, throughout the 1990s. Two recommendations on readmission agreements, adopted in 1994 and 1995, established a model agreement for returning rejected asylum seekers and applicants whose claims are deemed unfounded. Between 1993 and 1996, a series of "burden-sharing" measures established procedures for dealing with large-scale influxes of refugees. A resolution approved by the Council of Ministers in June 1995 laid out minimum guarantees for asylum procedures, including procedural rights and obligations. In March 1996, the ministers agreed upon a joint position regarding a harmonized application of the definition of "refugee." Some refugee advocates feel that these agreements have gravitated to the lowest common denominator in terms of maintaining procedural standards and protecting the rights of refugees.

#### 1997 Treaty of Amsterdam

The treaty established a five-year time frame for member states to develop common immigration and asylum policies. Until then, the European Commission and EU member states will share the right to propose measures on asylum. After five years, the Commission will gain the sole right to propose asylum legislation. The treaty entered into force in May 1999.

#### 1999 European Council Meeting in Tampere

Meeting in October 1999 in Finland, EU leaders affirmed the importance of the "absolute respect of the right to seek asylum." They also pledged that any common European asylum system would be based on the full and inclusive application of the 1951 UN Refugee Convention, and that the principle of *nonrefoulement* would be maintained. The common system would establish guidelines for determining the state responsible for the examination of an asylum application, develop fair and efficient asylum procedures and minimum reception standards, and lay down rules on the recognition and content of the refugee status. Subsidiary forms of protection, such as temporary protected status, would also be agreed upon.

#### Developments in 2000 and 2001

During 2000, the Justice and Home Affairs Council adopted a decision to create a European Refugee Fund. The common fund distributes money and assists member states in processing and hosting refugees, particularly in situations of mass influx. During 2001, the European Commission set forth proposals on a range of issues, including a common definition of "refugee" and a common standard of refugee rights that would provide protection for victims of nonstate persecution, minimum standards for reception of asylum seekers, and replacement of the Dublin Convention with new mechanisms for determining the member state responsible for reviewing an asylum application. The Council adopted a directive in July on minimum standards for temporary protection in the event of a mass influx. In response to the September 11 terrorist attacks in the United States, the Commission released a working document that examined mechanisms for excluding suspected terrorists from international protection.



the first-instance appeal procedure, since higher appeals against negative asylum decisions—to Austria's High Administrative Court or Constitutional Court—are not considered part of the asylum procedure.

In October, three policemen were charged with “torture leading to death” in the 1999 case of a rejected Nigerian asylum seeker who suffocated to death during his deportation. The trial for the officers, who bound and gagged the asylum seeker, then placed a tight strap over his chest before his flight from Vienna, will begin in spring 2002.

In August, Austria's Human Rights Advisory Council, which was established following the Nigerian's death and includes representatives of the Interior Ministry and nongovernmental organizations, criticized detention conditions for asylum seekers in Austria. The council found that medical and psychological assistance to detainees was not always adequate, and that a lack of interpreters compounded the problems.

**Migration Control** Austria has signed readmission agreements with Belgium, Czech Republic, Estonia, France, Germany, Hungary, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, the Netherlands, Slovak Republic, Slovenia, and Switzerland. These agreements do not refer to asylum seekers and refugees, but to foreigners in general. Austria also has signed a bilateral protocol with Romania that applies solely to the return of nationals of both states.

In May, Austria and the Czech Republic agreed to form a joint force to combat illegal migration between the two countries. Austria also signed an agreement in July with the Czech Republic, Hungary, Poland, Slovakia, and Slovenia to cooperate in fighting organized crime, regulating border traffic, and coordinating asylum issues.

In 2000, the Aliens Act was amended to include a provision that imposed penalties on people who assist illegal immigrants, even if the assistance is provided for humanitarian reasons. Under the amendment, a person can face criminal charges for providing aid, such as an apartment rental, to an immigrant who lacks a valid residence permit, or for soliciting the services of a trafficker to help bring a refugee into Austria from a region in conflict.

In October, a ruling by the Austrian Constitutional Court challenged the government's policy of imposing sanctions on carriers that transport third-country nationals lacking valid documentation to Austria. Declaring the provisions of the 1997 Aliens Act that impose financial penalties on carriers for undocumented passengers (about \$1,296 per passenger, or 1,453 euros) to be null and void, the court ruled that the obligations to which carriers are held, outlined in the Aliens Act, are not adequately specific and thus violate Austria's Constitution. The court also noted that the provisions do not specify whether or how carriers should comply with Austria's commitments as a signatory to the UN Refugee Convention. The government reportedly began preparing new legislation that will address the court's concerns. ■

## Azerbaijan

At the end of 2001, more than 572,000 people were still internally displaced from western regions of Azerbaijan under Armenian occupation since 1993. The UN High Commissioner for Refugees (UNHCR) registered about 7,000 refugees and asylum seekers at year's end.

In addition, about 272,000 persons were living in refugee-like circumstances in Azerbaijan in 2001. These included about 220,000 ethnic Azeris from Armenia and 52,000 Meskhetian Turks.

In 2001, UNHCR assisted in resettling 234 refugees to countries outside the region, including 151 Afghans. Another 114 persons accepted for resettlement had not yet departed by year's end. The largest number (57) were accepted by Canada, followed by Sweden (15) and the United States (13).

During 2001, nearly 3,500 persons from Azerbaijan applied for asylum in other European countries, an 11 percent decrease from the previous year.

**Internal Displacement** Since a 1994 cease-fire ended much of the fighting in the disputed territory of Nagorno-Karabakh, about 72,000 displaced Azeris have returned to regions bordering ethnic Armenian-controlled areas, mostly to the Fizuli and Agdam regions, according to the government. Because Armenian forces continue to control Nagorno-Karabakh and surrounding provinces that make up about 16 percent of Azerbaijan's territory, the vast majority of the displaced cannot return to their home regions.

Those who remained displaced in 2001 included about 40,000 from Nagorno-Karabakh and 530,000 from regions just outside Nagorno-Karabakh, including Fizuli (130,909 persons), Agdam (129,865), Lachin (62,872), and Kelbajar (60,770). The overwhelming majority were ethnic Azeris. However, about 4,000 Kurds from the Lachin and Kelbajar regions and several hundred ethnic Russians were also displaced.

Although most of the displaced originated from rural areas, about 55 percent settled in urban areas after being displaced, mostly in the capital, Baku, and Sumgait. More than half of the displaced persons still lived in “temporary” accommodations at year's end, such as public buildings (83,037 persons), hostels (77,309), schools and day-care centers (40,586), abandoned railroad cars (6,512), partially constructed buildings (13,489), sanatoriums (25,740), camp settlements (46,889), and makeshift roadside settlements (14,332).

The more fortunate (or well-to-do) lived with relatives or host families (117,303 persons), on farms (28,542), in houses built by humanitarian agencies (35,889), or houses built by the State Committee for Refugees (7,848). Another 48,566 were living in apartments that they occupied illegally.

The government restricted the movement and resi-

dence of displaced people through the continued use of the Soviet-era *propiska* system, which required the displaced to seek approval from local officials before changing their residences and to register their locations with the authorities.

In May 1999, the government passed a law on the “social protection of forcibly displaced persons and persons equated to them” which—on paper—grants refugees, internally displaced persons, and formerly deported Meskhetian Turks the same access to health care, primary and secondary education, and social services as citizens. However, in practice, refugees and displaced persons reported having to pay for the services—including schooling and medical care—that were supposed to be free to them under the law.

Throughout the year, displaced communities struggled to cope with their situation, often facing severe economic hardship. Few among the displaced had jobs or access to farmland. According to the World Bank, the internally displaced were among the poorest segments of Azerbaijani society.

International humanitarian funding for Azerbaijan has been decreasing for several years. UNHCR’s annual appeal for Azerbaijan decreased 61 percent from \$12 million for 1999 to \$4.7 million for 2000; its actual budget in 2000 was \$4 million. In 2001, the budget slipped to \$3.9 million. The World Food Program continued to provide food aid, but to a reduced number of beneficiaries.

**Asylum** In 1993, Azerbaijan signed the UN Refugee Convention and in 1999 adopted a national refugee law that established a legal basis for receiving asylum seekers and refugees from outside the former Soviet Union. In 2000, President Heydar Aliyev approved a decree, drafted in cooperation with UNHCR, to enable the government to begin conducting refugee status determinations. During 2001, UNHCR began training Azerbaijani officials in status determination procedures and set a late 2002/early 2003 goal for turning over responsibility for adjudicating asylum claims to the Azerbaijani government. In the meantime, however, UNHCR continued conducting status determinations.

UNHCR granted 360 persons refugee status during the year (246 Afghans, 62 Chechens, and 45 others). Another 5,573 Chechens and 1,127 Afghans had asylum applications pending with UNHCR at year’s end.

**Chechens** UNHCR provided all registered Chechen asylum seekers in Azerbaijan with “letters of concern,” calling upon the authorities not to return the asylum seekers to the Russian Federation. The letters—only valid for a limited time and not automatically renewable—are written in English, Russian, and Azeri, and explain to authorities that the bearer of the letter (whose photograph is appended) is of concern to UNHCR under an extended interpretation of its mandate.

Thousands of Chechens were also believed to be living in Azerbaijan without documentation and without having registered asylum claims with UNHCR. Chechens

in Azerbaijan complained of police harassment, and many appeared reluctant to make their presence known.

During an October visit to Baku, Russian Interior Minister Boris Grylov commented that Chechen refugees should be barred from entering the country and that those currently in Azerbaijan should be extradited to Russia. The comments, which came in the context of public remarks on cooperation against terrorism, drew little distinction between refugees and terrorists.

Because most refugees from Chechnya in Azerbaijan were not officially registered, tracking their movement was difficult. According to an Azerbaijani newspaper report in October, the chairman of the Committee for Chechen Refugee Affairs said that most of the estimated 7,000 Chechen refugees had returned to Chechnya during a three-month period in late summer. He reportedly said that they left because they could not feed themselves in Azerbaijan. His estimates could not be independently confirmed. Other estimates put the number of Chechens in Azerbaijan at 10,000 at year’s end.

Although the Azerbaijani government generally does not *refoule* Chechen refugees (forcibly return them to Russia) or detain them for living in Azerbaijan without proper documents, authorities deny them *propiskas* and the rights and services accorded to government-registered Meskhetian and Azeri refugees, legal residents, and citizens. As a result, Chechens in Azerbaijan reportedly have almost no access to social services or public health care, are not allowed to work, and cannot send their children to Azerbaijani schools.

**Afghans** After U.S. military action began in Afghanistan in early October, Azerbaijan reportedly expelled an undetermined number of Afghans along its border with Iran. UNHCR issues “protection letters” to registered Afghan asylum seekers comparable to the letters provided to registered Chechens.

**Ethnic Azeris from Armenia and Meskhetian Turks** The government of Azerbaijan has granted *prima facie* refugee status and conferred citizenship rights on two groups: about 220,000 ethnic Azeris, most of whom fled Armenia between 1988 and 1991 when fighting erupted in Nagorno-Karabakh, and about 52,000 Meskhetian Turks—deported en masse from Georgia to Central Asia by Soviet dictator Joseph Stalin in the 1940s—who fled ethnic violence in the Fergana Valley region of Uzbekistan in 1988.

The roughly 200,000 ethnic Azeris and 51,649 “formerly deported” Meskhetian Turks have largely integrated into Azerbaijan, are eligible for citizenship under the 1998 Citizenship Law, and face no threat of forced repatriation or expulsion from Azerbaijan.

Throughout the year, UNHCR continued efforts to help the authorities implement a 1998 citizenship law that enables ethnic Azeris who fled or were expelled from Armenia and formerly deported Meskhetian Turks to obtain citi-





zanship. According to UNHCR, most eligible Azeris and Meskhetians were believed to have naturalized or to be in the process of naturalizing by year's end. However, the government did not provide statistics on the number of persons who naturalized in 2001.

Because many of these two groups still live in "temporary" accommodations and struggle to survive, and because the government has not been able to provide statistics on persons who have naturalized, the U.S. Committee for Refugees counts them as persons in refugee-like circumstances. ■

### Belarus

At the end of 2001, more than 3,100 asylum seekers and refugees in need of protection were living in Belarus. These included 130 individuals granted refugee status by the Belarusian government, 353 asylum seekers with pending cases, 98 persons who had registered with the UN High Commissioner for Refugees (UNHCR) but not with the authorities, and 2,545 persons—mostly from outside the former Soviet Union, including 1,959 from Afghanistan—who were rejected by the Belarusian authorities, but whom UNHCR continues to regard as "applicants." They remain of concern to UNHCR because Belarus lacks a humanitarian status to provide complementary protection to refugees fleeing generalized violence who do not meet the criteria for asylum under the UN Refugee Convention, and because of procedural barriers, including the government's wide application of the "safe third country" concept, which bars all arrivals from bordering countries from the asylum procedure. UNHCR recognized one Convention refugee rejected by Belarus in 2001.

During the year, 215 persons filed asylum applications with the Belarusian government, of whom 146 were admitted into the procedure and 65 ruled inadmissible. The majority came from Afghanistan (136).

Since it began hearing cases in 1997, the Committee on Migration (and its successor since December 2001, the Department of Migration in the Ministry of Labor and Social Protection—DOM) has granted refugee status to 460 persons. In 2001, DOM issued 183 merits decisions, granting 130 applicants refugee status, a 71 percent approval rate. The largest groups granted refugee status during the year were Afghans (85) and Georgians (25). Factoring in asylum seekers rejected at the registration phase as well as cases "otherwise closed" reduces the approval rate to 48 percent.

During 2001, almost 2,800 persons from Belarus applied for asylum in other European countries, nearly a 15 percent increase from the previous year, when about 2,400 Belarusians lodged asylum claims in Europe.

Another 20,500 stateless persons of former Soviet origin were living in Belarus in refugee-like circumstances.

In 2001, the government reported that 1,353 un-

documented foreigners were apprehended, the largest number of whom were Afghans (270) and Vietnamese (140).

**Asylum Procedure** In August 2001, Belarus ratified the UN Refugee Convention and Protocol. The government adopted its national Law on Refugees in February 1995, and has conducted refugee status determinations since 1997.

The Belarus Migration Service determines admissibility of cases into the asylum procedure. At this preliminary stage, asylum seekers are often rejected on procedural grounds (and, under Article 8 of the Law on Refugees, can also be rejected on the grounds of not meeting the refugee standard, thereby being denied the chance to enter the status-determination procedure to establish their refugee claims).

The Law on Refugees includes a "safe third country" provision that bars asylum seekers from the procedure if they have traveled through countries where they ostensibly could have requested asylum. In 1999, the Council of Ministers issued a decree designating all neighboring countries—Russia, Ukraine, Poland, Latvia and Lithuania—as "safe." The safe-third-country rule does not allow individual asylum seekers to rebut the presumption of safety in the third country to which they are to be returned. The law also allows the authorities to reject asylum applications from persons whose cases they deem "manifestly unfounded." During 2001, Belarusian authorities strictly applied the safe-third-country rule (in most cases with respect to transit through Russia).

Chechens fleeing the war in Russia were also barred from the asylum process. According to the Belarusian government's interpretation of the Union Treaty between Russia and Belarus, Chechens may settle legally and obtain residence permits based on their Russian citizenship, and have no need to enter the asylum procedure. During 2001, UNHCR provided legal assistance to some Chechens seeking to acquire permanent residence based on the Union Treaty.

Although the Law on Refugees explicitly states that asylum seekers should not be penalized for illegal entry, it also grants undocumented asylum seekers only 24 hours upon arrival to register their claims with the authorities. Apart from those who can demonstrate that exceptional circumstances prevented them from applying within 24 hours, asylum seekers who do not meet the deadline are rejected at the registration phase.

Although the Law on Refugees permits asylum seekers to apply at the country's borders, in practice, claims are only accepted in six regional Migration Service centers. Additionally, because of a Council of Ministers decree—Regulations on the Stay of Refugees—undocumented asylum seekers in the capital, Minsk, must contend with obscure and complicated rules governing registration for the asylum procedure. In most cases, the regulations effectively prevent them from applying for asylum in Minsk, the initial destination of nearly all asylum seekers; by the time they

are able to present themselves to a regional Migration Service center, the 24-hour time limit on asylum applications has usually expired.

Another bar to asylum-procedure access are the fees—50,000 rubles (about \$30)—for registering asylum claims. Asylum applicants are not permitted to work, and receive insignificant aid from the state. The Migration Service does not issue a document when registering asylum seekers, which causes difficulties if applicants encounter the police and other authorities.

Using information provided by the Migration Service, the Department of Migration in the Ministry of Labor and Social Protection (DOM) judges the merits of the asylum claim. UNHCR registers applications of rejected asylum seekers and conducts some refugee status determinations, seeking resettlement for those found to be Convention refugees.

Recognized refugees have the same economic and social rights as citizens. Refugee status is granted for a three-year period, which can be extended for up to another five years if the situation in the country of origin remains unchanged.

Belarus maintains the Soviet-era *propiska* system, requiring residence permits for all its citizens, as well as foreign legal residents. To obtain a *propiska*, foreigners, including refugees, must establish their legal residency in Belarus, have a legal contract with a landlord, and obtain the consent of all other *propiska*-holders living in the housing where they will reside. In practice, *propiskas* are required for social benefits such as medical care and education, as well as legal employment, and to avoid police harassment.

Regional executive committees were responsible for providing recognized refugees with temporary housing. However, an acute housing shortage—particularly in Minsk—made accommodation hard to obtain. Bureaucratic difficulties in acquiring even a temporary *propiska* forced some asylum seekers and refugees to rent apartments illegally. ■

## Belgium

At the end of 2001, Belgium hosted about 42,160 refugees and asylum seekers in need of protection. These included 24,000 awaiting an admissibility decision on appeal, 17,000 awaiting a decision on the merits of their claims, and 1,160 granted asylum during the year.

During the year, 24,549 asylum seekers submitted applications, down 42 percent from 2000. The top five countries of origin were the Russian Federation (2,451), Yugoslavia (1,932), Algeria (1,709), Congo-Kinshasa (1,371), and Iran (1,164).

The Aliens Office deemed 2,481 claims admissible, and 33,135 claims inadmissible. The General Commission for Refugees and Stateless Persons (GCRS) confirmed 20,689

of those negative decisions and reversed 5,580. The GCRS granted 901 cases refugee status and rejected 2,551. The Committee of Appeals (CPRR) granted refugee status in 259 cases and rejected 1,705.

**Asylum Procedure** The asylum system in Belgium consists of an admissibility phase and a substantive phase. When an individual requests asylum, the Aliens Office in the Ministry of the Interior first determines whether another European Union member state should be responsible for the asylum application, in accordance with the Dublin Convention (see box, p. 190). In 2001, Belgium referred 961 requests to other Schengen states (see box, p. 190) under the terms of the convention, of which 733 cases were accepted and 113 cases refused. At year's end 94 cases were pending a decision, while 21 cases were withdrawn during the year. Other Schengen states requested transfer of 1,161 asylum seekers to Belgium. Belgium accepted 735 requests and refused 185. Another 183 cases were pending decisions at year's end, while 58 cases were withdrawn during the year.

If the Aliens Office decides that Belgium is responsible for examining an asylum application, authorities have eight working days to rule on the admissibility of the claim. Manifestly unfounded claims are rejected at this stage. Since February 1999, the Aliens Office has automatically placed applications from Czech, Romanian, Bulgarian, and Slovak nationals into accelerated procedures.

The CGRS reviews appeals of negative admissibility decisions (within five working days at the border, or 30 days in-country), and issues decisions on the merits of admissible claims. Applicants may contest negative decisions before the Permanent Commission for Appeals, the last recourse on the merits of the case. The UN High Commissioner for Refugees (UNHCR) plays a consultative role through this stage of the procedure. Belgium's highest administrative court, the State Council, is the last recourse for the suspension or annulment of orders to leave the territory.

Asylum seekers in Belgium are entitled to a further, nonsuspensive appeal on procedural grounds to the State Council. Rejected asylum seekers who can afford the legal costs of this procedure most often use it to seek to annul orders to leave Belgian territory, or to try to win release from detention.

Recognized refugees given unlimited leave to remain must renew their residence permit annually. The authorities may also issue residence permits to rejected asylum seekers on humanitarian grounds.

**New Legislation** The Belgian parliament passed a ministerial instruction in January that replaced cash financial aid to asylum seekers with food and shelter. Some observers attributed the significant drop in asylum requests during the year to this change; asylum applications dropped from some 1,500 per week in December 2000 to about 470 per week in 2001. Asylum seekers whose claims are in the admissibility



stage of the procedure but who choose not to live in an open reception center are not eligible for assistance.

In 2001, readmission agreements were finalized with Albania and Hungary. Belgium also has readmission agreements with Bulgaria, Croatia, Estonia, Latvia, Lithuania, Poland, Romania, the Slovak Republic, Slovenia and Ukraine. The Belgian government returned 5,722 persons to their country of origin, and 5,350 to a third country. The number of registered persons who returned voluntarily reached 3,633. There are no available data on whether these persons applied for asylum or not, or whether they were readmitted to other countries under readmission agreements.

**Restrictive Practices** Since 1988, Belgium has declared only 27 percent of all asylum claims to be admissible. In 2001, approximately 70 percent of all new asylum claims were rejected as manifestly unfounded. Processing time for the remaining claims was one year on average.

In addition to the replacement of financial aid by material assistance, the significant decline in the number of asylum requests filed in 2001 compared to previous years has been attributed to stepped-up measures to prevent organized human smuggling, and a policy of dissuasion in the countries of origin.

Following a September 2000 incident in which 45 Kosovars were allegedly “dumped” into Belgian territory by a French police unit, the Belgian Minister of the Interior and his French counterpart met in the southern Belgian town of Tournai on March 5, 2001 to sign an agreement on cross-border police and customs cooperation. The agreement establishes a joint police station, initially staffed with about 20 police officers from the two countries, for the purpose of exchanging information on illegal immigrants. France has already signed similar agreements with Germany and Spain.

On February 18, a German-based group, the Ethiopian Political Prisoners Joint Committee, accused the Belgian authorities of forcibly repatriating an Ethiopian asylum seeker without examining the merits of his claim of persecution. The man was returned on February 13, allegedly after he was denied the opportunity to put forward his claim for political asylum. According to the Ethiopian Committee, Belgian authorities attempted to send him to Egypt, but Egyptian security officers in Cairo refused to grant him entry. After being sent back to Belgium, he was repatriated to Ethiopia.

**Reception and Integration** Undocumented persons arriving at ports of entry are detained in closed centers for up to five months. Asylum seekers who require assistance must live in one of 27 open reception centers throughout Belgium pending an admissibility decision. Although they receive food, medical aid, and education for their children, they are not permitted to work. The open centers have a total capacity of 5,000 beds, and overcrowding is a recurrent problem. Those allowed to enter into the asylum pro-

cedure are moved to local communities where they are provided housing and allowed to work.

Belgium decided in 1999 not to require refugees to obtain work permits. Recognized refugees may apply for family reunification upon receiving their status. Rejected applicants who are granted residence “under exceptional circumstances” may apply for family reunification after three years, and must demonstrate that they can support their relatives.

**Roma Asylum Seekers** The Belgian government does not record the ethnicity of asylum seekers. However, nearly all asylum seekers from the Slovak Republic and the Czech Republic are believed to be of Roma origin. In 2001, 898 asylum seekers from the Slovak Republic and 370 from the Czech Republic applied for asylum. Nearly 700 Romanians also sought asylum in Belgium in 2001.

Most Slovak Roma asylum seekers claim to be escaping discrimination in their country of origin, but nearly all are rejected on grounds of being economic migrants, since Belgium considers the Slovak Republic to be a safe country. The rate of recognition is estimated to be under the 5 percent mark. The Belgian government first introduced an entry visa requirement for Slovak nationals in April 2000 to curb the influx of Slovak asylum seekers. Belgium suspended travel visa requirements for Slovak nationals on March 20, 2001, and in April and the beginning of May 2001 the number of claimants increased. The subsequent drop has been attributed to the new stricter asylum conditions, in particular the abolition of financial aid for claimants.

Numerous Roma reportedly arrived in Belgium without claiming asylum. Instead, they stayed with relatives or friends who helped them find accommodation, many in the town of Gent, west of Brussels.■

## Bosnia and Herzegovina

At the end of 2001, roughly 650,000 Bosnians remained uprooted as a result of the ethnic conflicts of the 1990s. These included about 210,000 Bosnian refugees outside the country in need of durable solutions and about 438,500 internally displaced persons inside Bosnia. During the year, increasing numbers of refugees and displaced persons returned to their places of origin. Consequently, the number of Bosnian refugees decreased by 16 percent from the previous year and the number of internally displaced persons by 15 percent.

About 210,000 internally displaced persons were in the predominantly ethnic Muslim and Croat entity known as the Federation, another 232,000 were in Republika Srpska, the Bosnian Serb entity, and 23,000 were living in Brcko, a neutral district.

Bosnia hosted an estimated 33,200 refugees and asylum seekers in 2001, a 13 percent decrease from the previous year. The total included about 23,600 refugees from

Croatia, an estimated 9,100 from Yugoslavia, and 37 from outside the Balkans. Another 425 claims were pending at year's end, including 313 from Macedonia. The total represented a rough estimate, however, as many Croatian Serbs were believed not to have registered (indicating that the number from Croatia was probably higher) and many refugees from Yugoslavia may have returned without registering (indicating that the number of Yugoslavs was probably lower).

Refugee returns to Bosnia fell from a high of 120,000 in 1997 to 18,700 in 2001. In contrast, the UN High Commissioner for Refugees (UNHCR) registered increasing numbers of internally displaced persons returning to their places of origin. From a low of 29,600 in 1998, the number of returning internally displaced persons in 2001 climbed to 80,200. Of the internal returnees in 2001, about 93 percent (74,738) were minority returns.

At year's end, about 210,000 Bosnian refugees remained abroad in need of durable solutions, including 143,000 in Yugoslavia, 24,000 in Germany, 18,300 in Croatia, and about 25,000 Bosnians in other countries. More than 11,000 Bosnians filed asylum applications in Western countries in 2001. The number of Bosnian asylum applicants in 2001, while about the same as in 2000, represented an increase of 66 percent from 1999. The largest numbers of new Bosnian asylum applicants in 2001 were in Sweden (2,774), Germany (2,116), and Denmark (1,448).

UNHCR assisted in the resettlement of 178 mostly Yugoslav refugees in Bosnia to countries outside the region in 2001. They were resettled to Norway (129), Canada (33), Sweden (11), and Australia (5).

**Political Developments** Bosnia remained a political minefield in 2001, with nationalist and non-nationalist parties vying for power as popular support and the international community attempted to tilt the balance toward the non-nationalists. Although neighboring Croatia and Serbia have voted into office less-nationalist parties that were not in power during the war, nationalist parties continued to play an important role in Bosnia.

November 2000 general elections did little to resolve the political impasse with the vote demonstrating overwhelming support for the extreme nationalist Croat and Serb parties, the Croat Democratic Union (HDZ) and the Serb Democratic Party (SDS). The Muslim vote was split between the nationalist Party of Democratic Action (SDA) and non-nationalist Social Democratic Party (SDP). In March 2001, the non-nationalist SDP formed a government, displacing the SDA, which had headed the government for the previous ten years. After Bosnia's Croat National Assembly rejected the elected government and unilaterally declared Croat self-rule in March, the Office of the High Representative (OHR), established by the Dayton accord in 1995 to maintain the peace, removed Croat leader Ante Jelavic as the Croat member of the three-member Bosnian presidency and as head of the HDZ. OHR repeatedly intervened during the year to remove par-

ticularly obstructionist nationalists from office, and to impose legislative and regulatory changes. In Republika Srpska in January, the Bosnian Serb entity government appointed a member of the SDS—the party of indicted war criminal Radovan Karadzic—to hold the cabinet portfolio on refugees.

**Refugees from Croatia** UNHCR registered 23,607 Croatian refugees in Bosnia at year's end, most of whom were ethnic Serbs expelled from the Krajina region of Croatia in 1995. Most lived in western Republika Srpska, many occupying the homes of ethnic Croats and Muslims who were forced out during the Bosnian war. Like many displaced persons in Bosnia, substantial numbers of ethnic Serb refugees in 2001 were unemployed and destitute and faced the prospect of eviction from the homes they occupied.

Although Republika Srpska has granted citizenship to a large number of Croatian Serb refugees, the legality of these decisions and the question of whether they confer Bosnian citizenship remained unclear at year's end.

While the change in government in Croatia seemed to bode well for refugee repatriation, the lack of effective property laws in Croatia, refugees' fear of being arrested upon return and charged with war crimes, and obstruction at the local level impeded return in 2001. Nevertheless, about 1,270 Croatian Serb refugees repatriated from Bosnia during the year. Current residents in the Krajina, including many Bosnian Croat refugees who were settled in the homes of ethnic Serbs who fled, in some cases provided a harsh reception for repatriating Croatian Serbs.

An increase in evictions of Croatian Serb refugees illegally occupying the homes of other refugees in Republika Srpska also may have been a factor in encouraging refugee return to Croatia.

**Refugees from Yugoslavia** At the end of 2001, Bosnia continued to host more than 9,000 refugees from Yugoslavia, most of whom arrived in 1998 and 1999 as a result of the Kosovo conflict. Although an exact breakdown for the Yugoslav refugee population was not available in 2001, it likely included several thousand draft evaders and army deserters from Serbia, and several thousand ethnic Serbs from Kosovo. Smaller numbers of Sandjak Muslims and Kosovo Roma also resided in Bosnia during the year.

Host families accommodated most Yugoslav refugees, although the Bosnian government provided housing on a needs basis for Yugoslav refugees in one of five UNHCR-run reception centers. Of the 1,700 refugees accommodated with government assistance at mid-year, 1,074 were from Kosovo, 493 from Serbia, 94 from Montenegro, and 102 from other countries. The ethnic composition of the accommodated refugees was 51 percent Roma, 14 percent Sandjak Muslims, 13 percent Albanians from Yugoslavia, 5 percent Serbs, and 11 percent others.

A "temporary admission" regime, which had been in effect for persons arriving from Yugoslavia after May 1999



(the time of the NATO intervention in Kosovo), expired on November 21, 2001. Thereafter, refugee claimants from Yugoslavia were required to submit their claims to Bosnia's regular asylum procedure (which is administered by UNHCR on behalf of the government).

Prior to the November deadline, 1,487 newly arrived refugees from Yugoslavia registered for temporary admission status during the year.

UNHCR reported that 5,405 Yugoslav refugees repatriated during the year, although the actual number is probably higher, since the border between Republika Srpska and Yugoslavia is open and many may have returned without formally deregistering, including some wanting to maintain residences in both Republika Srpska and Yugoslavia. A relatively small number, 75, sought UNHCR's assistance in repatriating to Yugoslavia in 2001.

**Repatriation to Bosnia** Between the December 1995 signing of the Dayton agreement and the end of 2001, more than 388,000 refugees returned to Bosnia, about half from Germany. More than two-thirds of the repatriating refugees were Muslims (260,672), about one-fifth ethnic Croats (75,525), and about one-tenth ethnic Serbs (47,741).

More than 90 percent of refugees returned to the Federation (354,779), often becoming internally displaced upon return. Of the refugees who returned to the Federation, 71 percent were Muslims, 20 percent ethnic Croats, and 7.5 percent ethnic Serbs. Of the 33,593 who returned to Republika Srpska, 62 percent were ethnic Serbs, 24 percent Muslims, and 12 percent ethnic Croats.

UNHCR registered 18,693 Bosnian refugees repatriating in 2001, of whom 17,323 (93 percent) were returning to areas where they would be in the ethnic minority (so-called "minority returns"). The majority, 13,901, returned to the Muslim-Croat Federation, while 4,792 returned to Republika Srpska. The largest number of assisted returns during the year, 1,588, repatriated from Yugoslavia. Significant numbers also were assisted in returning from Croatia (1,170) and Germany (668).

Since 1997 and 1998—during which 120,000 and 110,000 refugees repatriated, respectively—the number of Bosnian refugees returning home from abroad has fallen substantially. The decrease indicates that most of the "easy" cases—people returning to homes in places controlled by members of their own ethnic group—have already gone home. The remainder—persons who had fled or been forced out of areas where they are now in the ethnic minority—have encountered substantial obstacles to return, despite the Dayton agreement guarantees for freedom of movement and the return of refugees to their homes.

Western European countries that had granted temporary protection to Bosnians during the war continued to pressure refugees to return in 2001. In August 2000, UNHCR urged asylum countries not to repatriate Bosnians belonging to one of five categories of people that the agency identified

as still in need of international protection: persons who would be ethnic minorities in the areas to which they returned, unless it can be reasonably assessed that they can return in safety and dignity; humanitarian cases (the severely traumatized, war crimes witnesses, and those in need of special care); persons of mixed ethnicity or in mixed marriages; potentially stateless persons; and other specific categories (including Roma, draft evaders and deserters from the Bosnian Serb army, and former supporters of Fikret Abdic, who had a following among Muslims in Bihac and sought a separate accommodation with the Serbs during the Bosnian war).

Germany deported 595 Bosnians in 2001, a 39 percent decrease from the 979 forcibly returned from Germany in 2000. Another 855 Bosnian refugees voluntarily repatriated from Germany during the year (including 668 assisted returns). In February, interior ministers of the German states agreed to allow economically self-sufficient Bosnians who had lived in Germany for at least six years to apply for renewable two-year residence permits. Most Bosnians in need of durable solutions in Germany were expected to benefit from the regulation.

**Internal Displacement** Internal displacement during the war in Bosnia occurred either between or within the areas that were to become the Federation and Republika Srpska. Inter-entity displacement constituted the largest group: people unwilling or unable to return to places governed by the same authorities who caused them to flee, and many returning refugees who settled at least temporarily in areas where they belonged to the ethnic majority. Intra-entity displacement resulted both from the Muslim-Croat war of 1993-1994 and the appropriation of urban dwellings by rural displaced persons.

In 2001, many displaced persons continued to occupy the homes of others displaced during the war, a major obstacle to many minorities wanting to return to their pre-war places of origin. Others lived with relatives and friends. Some 7,500 displaced persons resided in collective centers during the year, a decrease from the 9,500 in 2000, and a substantial reduction from the 45,000 living in collective centers immediately after the war. Many of those remaining in collective centers were among the most vulnerable in Bosnian society, including the elderly or disabled with the poorest prospects of becoming self-sufficient.

**Minority Returns** More than 92,000 Bosnians (refugees and internally displaced persons) returned to areas in 2001 where they would be in the ethnic minority, 93 percent of all Bosnian returns during the year. Of these, 47,156 were Muslims (or "Bosniacs"), 34,189 ethnic Serbs, and 9,587 ethnic Croats. This represented a 36 percent increase over the 67,500 minority returns in 2000, which, in turn, had been a 63 percent increase from 1999. Minority returns in 2001 (both refugees and internally displaced) included 46,848 to or within the Federation, 40,253 to Republika Srpska, and 4,960 to Brcko.

Several factors contributed to the increase in minority returns in 2000 and 2001. Members of returning minorities appeared to have fewer concerns regarding their physical safety during 2000 and 2001 than in years past. Extremists continued to resort to violence and intimidation to prevent minority returns, but there were fewer serious security incidents than in previous years. The passage of six years of relative calm in Bosnia, aided by the presence of NATO troops (known as SFOR in Bosnia, for Stabilization Force), also emboldened larger numbers of would-be minority returnees to take the initiative to relocate to their areas of origin.

Improvement in the rule of law also facilitated minority returns. The renewed determination of the UN's Office of the High Representative to implement Bosnia's property laws resulted in a higher success rate in restoring properties to their rightful owners during the year. By the end of October 2001, 37 percent of persons who had submitted claims under Bosnia's property laws—93,698 out of 256,328 claimants—had successfully repossessed their property. By contrast, the implementation rate in 2000 was 21 percent, and only 3 percent in 1999. Claims had a better chance of being resolved in the Federation (46 percent) than in Brcko (33 percent) or Republika Srpska (27 percent). While local authorities in many cases continued to obstruct the return of properties to their rightful owners (particularly in eastern Republika Srpska and Croat-controlled areas such as Stolac, Glamoc, Drvar, and West Mostar), the overall results of implementing Bosnia's property laws during 2001 were an improvement from previous years.

In December 2001, the High Representative amended Bosnian property laws by, among other measures, restricting the right to alternative accommodations to only the most vulnerable cases, to expedite implementation of property claims.

**Obstacles to Minority Returns** Despite the increase in minority returns during 2000 and 2001, several critical aspects of the minority return process raised far-reaching questions regarding its overall success and sustainability. Significantly, large numbers of minority returnees were elderly or otherwise perceived as non-threatening to the controlling majority group. Majority obstruction in a variety of guises, particularly in Republika Srpska and Croat-controlled areas of the Federation, served as a powerful disincentive to—and in some cases simply prevented—the return of younger adults with children, who would be more likely to create an enduring minority presence.

Despite improvements in the legal process of restoring homes and properties to rightful owners, many claims remained unresolved because local authorities failed to implement evictions against illegal occupants, or otherwise obstructed minority returns. In September, the head of the Organization for Security and Cooperation in Europe (OSCE) mission in Bosnia called upon Republika Srpska to

resolve more than 90,000 outstanding property claims. “Until this task is accomplished,” he said, “donors and investors will have little reason to believe that Republika Srpska is capable of protecting basic property rights.”

Security problems continued to mar minority returns in 2001, particularly in Republika Srpska. Major incidents during the year included the July murder of a 16-year-old Muslim girl who had returned to her home in Piskavica, a village about 30 miles (50 km) northwest of Srebrenica. She was killed while sitting in her home by a shot fired from outside; the shooting occurred on the sixth anniversary of the Srebrenica massacre. In May, another returnee to the same village in eastern Republika Srpska was shot and injured. A 78-year-old Muslim man was hacked to death in his home in Pale in November, having returned to the Serb-dominated town in eastern Bosnia in August 2000. Other incidents included arson and grenade attacks, and other forms of vandalism on returnee homes and properties.

The U.S. State Department's annual human rights report noted that incidents of violence against minorities were twice as high in Republika Srpska as in the Federation. “Such violence often was connected to the return of refugees and displaced persons to their prewar homes where the returnees are a minority,” the report noted. “The severity of incidents in the RS remained far greater than in the Federation and Brcko District. While the incidents in the Federation involved verbal harassment and occasional damage to property, the incidents in the RS involved the use of explosives, shootings, physical attacks, significant damage to property, and violent demonstrations.”

Another impediment to return was lack of funding for housing reconstruction. In July, UNHCR announced that reconstruction needs were not being met, and said that 22,000 housing units urgently needed to be rebuilt. The Program for Regional Action, under the auspices of the Southeast Europe Stability Pact, stipulates that the international donor community was to have supported the reconstruction of 52,000 housing units, the building of 60,000 new apartments, and the provision of 50,000 loans for individual home construction during a two-year period.

Poor job prospects—resulting from both the depressed economy and employment discrimination—also inhibited return during the year. Less than half of the adult Bosnian population was employed during the year, and prospects for returnees, especially minorities, were dismal. In a study of minority returns conducted in early 2000, UNHCR found that only 5.5 percent of the minority returnees it interviewed had found employment.

In addition to lack of jobs, the insufficiency of suitable educational opportunities for minority children was also high on the list of factors hampering the return to Republika Srpska of minority members with families. The curriculum used in Republika Srpska schools—skewed in its accounting of the Bosnian war and general history—also deterred minority families from returning. Among those



surveyed in UNHCR's minority return study, 85 percent of minority school-aged children in Republika Srpska attended Federation schools.

That members of minorities overwhelmingly returned to remote rural villages rather than towns and cities also indicated that the international community's agenda of promoting Bosnian reintegration remained far from complete. Members of minorities returning to rural areas, often far removed from majority populations, faced less opposition to their return, in part because they had fewer occasions to interact with majority populations, and because most returned to reclaim abandoned, albeit usually destroyed, properties, the ownership of which usually was not in dispute.

In contrast, minorities returning to urban areas faced far greater obstacles (with the exception of Muslim-controlled towns and cities, which were somewhat more open to minority returnees) because their return usually was predicated on the eviction of members of the controlling majority occupying their properties and because of their higher profile, which galvanized greater political and popular opposition.

**Asylum** Although Bosnia adopted the Law on Immigration and Asylum in December 1999, the Bosnian government did not have the funds or the organizational capacity to implement the law during 2001. The law grants permanent residency rights to recognized refugees, but is vague on many points. A working group was in the process of drafting a new law in 2001, but had not completed its task by year's end.

In the meantime, on December 12, 2001, Bosnian authorities adopted bylaws to implement the 1999 legislation. The bylaws define asylum seekers and confirm their right to seek asylum despite their illegal entry or presence. They also provide for humanitarian visas for persons who do not meet the refugee definition but who may nevertheless fear torture or inhuman or degrading treatment upon return.

By year's end, the government had established neither an asylum unit within the Ministry for Human Rights and Refugees nor an appeals panel within the Council of Ministers, both of which were needed to fulfill the requirements of the law. In the absence of a functioning national asylum procedure and bureaucracy, UNHCR conducted status determinations for extra-regional asylum seekers during the year, seeking resettlement in other countries for the extra-regional refugees it recognized in Bosnia.

During the year, 732 persons applied for asylum in Bosnia, with the largest numbers originating from Macedonia (313), Iran (110), and Turkey (107). UNHCR recognized 36 as refugees, including 22 Iranians, and rejected 83 claims. At year's end, 425 asylum seekers had cases pending, including about 300 of the asylum applicants from Macedonia. Although Bosnia lacked a temporary admission regime for new arrivals from Macedonia and entered their claims into the regular asylum procedure, the delay in adjudicating the applications provided the Macedonians de

facto temporary protection during the year.

**Transit Migration** During 2001, Bosnia was a key transit country for extra-regional asylum seekers and migrants, most attempting to reach Western European countries. An estimated 50,000 unauthorized migrants transited from Bosnia to the European Union during the year. During the year, the Bosnian State Border Service reported turning away 11,351 foreign nationals who did not meet the legal requirements of entry.

Several factors explain Bosnia's popularity as a gateway to the European Union. In addition to its porous borders, Bosnia has maintained a liberal visa policy for Turks, Tunisians, and nationals of other refugee- and migrant-producing countries. The strength of organized criminal networks in the Balkans, as well as widespread corruption among Bosnian border guards, has contributed to the problem.

Responding to pressure from Western European countries, on December 7, 2000, the Bosnian government imposed visa requirements on Iranians, who, along with Turks, formed the majority of extra-regional migrants and asylum seekers traveling to Western Europe via the Balkan route.

Bosnia also cooperated with Western European countries on border control during the year. In September, the United Kingdom deployed British immigration officers to Bosnia to train and advise the Bosnian State Border Service. The British immigration officials were reportedly to be joined by counterparts from Denmark, Germany, Greece, Belgium, Ireland, and France.

In July 2000, Bosnia signed a readmission agreement with Croatia, providing for the return of undocumented migrants to Bosnia. During 2001, Croatia returned 2,133 undocumented migrants to Bosnia, including 682 from Turkey, 422 from Yugoslavia, 408 from Iraq, and 295 from Iran. Many of those returned appeared to be potential asylum seekers. ■

## Bulgaria

At the end of 2001, Bulgaria hosted about 2,900 refugees and asylum seekers in need of protection. These included 385 persons granted asylum, 1,172 individuals issued residence permits on humanitarian grounds, and 1,349 asylum seekers with pending claims.

During the year, 2,428 asylum seekers applied for asylum in Bulgaria, up 38 percent from the 1,755 applicants in 2000. The largest numbers of asylum seekers came from Afghanistan (1,081), Iraq (720), and Armenia (160).

The Bulgarian Agency for Refugees (BAR), which is responsible for adjudicating asylum claims in the first instance, decided the cases of 2,190 applicants during 2001. Of these, 385 applicants received refugee status, an approval rate of 17.6 percent. Iraqis made up the largest group of

successful asylum applicants (140), followed by Afghans (102). Additionally, 1,172 applicants received residence permits on humanitarian grounds for varying lengths of time, the majority from Afghanistan and Iraq.

The BAR denied 633 asylum claims and revoked the status of 36 persons during the year (4 with refugee status and 32 with humanitarian status).

Some 2,900 Bulgarians, most of whom were believed to be members of the Roma minority, sought asylum in other European countries during 2001.

**Asylum Procedure** Bulgaria acceded to the UN Refugee Convention in 1993. The country's 1991 Constitution includes a provision for granting asylum "to foreigners persecuted for their opinion and activity in defense of internationally recognized rights and freedoms."

Bulgaria's asylum procedure is governed by the Law on Refugees, which became effective in August 1999. Under the law, asylum seekers may apply at the border, in police stations, or at Bulgarian missions abroad. Asylum seekers in Bulgaria must apply within 72 hours of arrival, and the BAR should adjudicate asylum claims within three months. The agency may grant an asylum seeker Convention refugee status for up to three years, or humanitarian protection, valid for varying periods up to one year. Both statuses may be renewed.

Rejected asylum seekers may appeal negative decisions to the chairman of the BAR on administrative grounds, and to the Supreme Administrative Court on legal grounds. In the normal procedure, applicants have seven days to appeal negative decisions. Submitting an appeal suspends deportation proceedings.

The law also provides for an accelerated procedure for "manifestly unfounded" applicants, which refers to asylum seekers arriving from "safe" countries, or applicants who knowingly provide false information or documentation. In 2000, Bulgaria adopted a list of 105 "safe" countries that included Yugoslavia, Indonesia, and India. According to the UN High Commissioner for Refugees (UNHCR), Bulgaria uses the list only as a reference tool, examining each application on a case-by-case basis.

Bulgaria's accelerated procedure has not been fully implemented, according to UNHCR, and less than ten cases were denied as "manifestly unfounded" in 2001.

In the accelerated procedure, the border police determine admissibility to the normal procedure. Applicants rejected in the accelerated procedure have only 24 hours to appeal a negative decision, a time period that nongovernmental organizations (NGOs) consider insufficient. Decisions made in the accelerated procedure are subject only to administrative, not judicial, review. The authorities do not process the applications of unaccompanied minors in the accelerated procedure.

Upon arrival, asylum seekers may be accommodated in one of Bulgaria's two reception centers. After regis-

tering with the authorities, some asylum seekers move into private accommodations. While awaiting a decision, asylum seekers receive food, basic medical care, and a small financial allowance.

The government does not provide asylum seekers with legal aid, and sometimes fails to inform claimants of the legal counsel available from the Bulgarian Helsinki Committee (BHC), financed by UNHCR.

Recognized refugees receive renewable residence permits, social assistance on the same terms as Bulgarian nationals, travel documents, and the right to work. Refugees may apply for family reunification, and three years after recognition may apply for Bulgarian citizenship. The BAR provides integration assistance, such as language courses and employment training, for recognized refugees through programs implemented by UNHCR, the Bulgarian Red Cross, and other NGOs.

**Restrictive Measures** Bulgaria's 1999 asylum legislation includes extensive exclusion clauses under which asylum seekers may be denied refugee status if they already hold residence permits (not protection statuses) in Bulgaria or another safe country; fail to apply within 72 hours of legal entry; or upon illegal entry, fail to submit a claim immediately. Bulgarian authorities may also deny asylum to an alien who, "having had ample opportunity earlier to submit an application, submits an application to forestall an impending administrative measure such as withdrawal of right of temporary residence, expulsion or extradition." Bulgarian NGOs consider these provisions excessively strict and contrary to the Refugee Convention.

However, Bulgaria drafted amendments to the Law on Refugees during 2001 that are expected to bring the law further in line with European Union (EU) and international standards, by strengthening protections against *refoulement* (forced return), improving access to the asylum procedure for persons applying at the border, and removing exclusion and cessation clauses that exceed those contained in the Refugee Convention.

In the BHC's annual report, the rights group criticized the national border police as poorly trained in receiving asylum seekers, charging that *refoulement* is "a widespread practice" and that border police often do not follow regulations that require them to ascertain whether the country to which they are returning an asylum seeker "presents a risk to the person's life, liberty, and personal security."

Although Bulgaria is not part of the EU, since April, Bulgarians have been able to travel without visas to all Schengen member states (see box, p. 190). Consequently, in October, Bulgaria instituted visa requirements for citizens of Russia, Ukraine, and Georgia.

Since 1993, Bulgaria has signed readmission agreements with Austria, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Italy, Lithuania, Norway, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain,





Sweden, and Switzerland, and is expected to ratify agreements with Belgium, the Netherlands, Luxembourg, and Ukraine in 2002.

**Roma** Despite the adoption of the Framework Program for Equal Integration of Roma in Bulgarian Society in April 1999, the government has failed to enforce domestic legislation adequately to combat discrimination and protect minority rights. Roma faced discrimination in housing, social services, and health care, and continued to constitute a disproportionate number of the victims of police violence during 2001.

In a positive development, the National Police Service set up a human rights committee during 2001 with the goal of aligning Bulgarian police practices with international law and providing training. Local projects, some with funding from international donors, were begun to improve housing and employment opportunities for Roma.

Some 2,900 Bulgarians, most of whom were believed to be Roma, sought asylum in other European countries during 2001, up slightly from 2,690 in 2000. ■

## Croatia

At year's end, Croatia hosted about 21,900 refugees, including about 20,400 from Bosnia, about 1,600 from Yugoslavia (including about 1,100 from Kosovo), and about 50 from Macedonia. Croatia was also home to some 23,400 internally displaced persons.

At least 272,000 Croatian refugees remained outside the country and in need of a durable solution, including 246,000 in Yugoslavia and 24,000 in Bosnia at year's end. In 2001, Croatian nationals lodged 1,216 asylum applications in Norway, 385 in Sweden, and 292 in Ireland.

The pace of refugee and internally displaced returns slowed in 2001 compared to 2000. About 22,500 refugees and internally displaced persons returned to their places of origin in Croatia in 2001, compared to about 36,000 combined refugee and internally displaced returns in 2000. Croatian authorities estimated that 327,000 persons had returned to their homes since the 1995 Dayton peace agreement, of whom about 223,000 had been internally displaced and 104,000 had been refugees.

**Refugees from Bosnia** The 18,587 Bosnians with temporary protected status in Croatia included 12,311 ethnic Croats, 5,477 Muslims, 236 ethnic Serbs, 52 Roma, and 511 of unknown ethnicity. Another 1,834 refugees from Bosnia (mostly Muslim), as well as some Roma and other minorities, were pending resettlement to countries outside the region at year's end. During the year, 635 Bosnian refugees in Croatia were resettled to countries outside the region, the largest number (512) to the United States.

On December 11, 2001, the governments of Croatia

and Bosnia signed an agreement to harmonize their plans for the organized, voluntary two-way return of refugees between the countries.

**Refugees from Yugoslavia** Only 1,396 persons from Yugoslavia with temporary protected status remained in Croatia at year's end. Most (1,135) were from Kosovo. By ethnicity, the refugees from Kosovo included 606 Albanians, 412 Croats, 48 Muslims, 40 Roma, and 29 others. The 261 from the remainder of Yugoslavia included 192 Croats, 23 Albanians, 14 Serbs, and 31 others. Three refugees from Yugoslavia were resettled from Croatia to countries outside the region in 2001.

**De-registration of Refugees and Displaced People** The Croatian government's Ministry of Public Works, Reconstruction, and Construction Office for Expelled Persons, Refugees, and Returnees (still referred to as ODP, based on its former name, the Office for Displaced Persons and Refugees) de-registered about 10,700 internally displaced persons and 2,673 refugees in 2001. Since the Dayton peace accord, about 150,000 ethnic Croat refugees from Bosnia (120,000) and Yugoslavia (30,000) have been de-registered. Most have obtained Croatian citizenship.

Ethnic Croats, regardless of their previous nationality, are able to gain Croatian citizenship simply by declaring themselves, in writing, to be Croatian citizens. The naturalization process is considerably harder for non-Croats, including habitual residents of Croatia prior to the war in 1991, particularly Serbs and Roma.

**Refugee Repatriation to Croatia** During the year, 11,867 refugees, mostly ethnic Serbs, returned to Croatia. Of those, 10,597 repatriated from Yugoslavia and 1,270 from Bosnia. Although the number of ethnic Serbs returning to Croatia in 2001 decreased by 41 percent from the previous year, a larger proportion (58 percent) was between the ages of 19 and 65 than in previous years, when a larger proportion (up to 80 percent) was elderly.

Approximately 104,000 refugees have repatriated to Croatia since the Dayton agreement, about 47,000 of these with the help of the Croatian government or the UN High Commissioner for Refugees (UNHCR). Since Dayton, about 63,000 refugees have returned from Yugoslavia, 6,000 from Bosnia, and about 35,000 from other countries, mostly in Western Europe.

Despite positive statements and initiatives at the central-government level, many of the obstacles to return that existed before 2001 remained unchanged, resulting in fewer returns than expected during the year. While repatriation movements continued, sustainable return remained elusive, with many returnees reportedly "commuting" between their original homes and their place of asylum.

During September, landmines injured four ethnic Serb returnees. Ethnic Serbs charged that the mines were