

OHR RRTF Report July 1997 - Annex 2

RRTF: Report July 1997

Annex 2

"Temporary protection – Additional information on the main host countries"

July 1997

- Austria The current temporary protection in Austria will expire as of the 30 August 1997, however, the Minister of Interior publicly announced to the press on 12 June 1997 that for some groups temporary protection will be extended upon application until 30 June 1998; a final decision will be taken on a case-by-case basis.

According to a press statement, these groups encompass:

- persons who would be in a minority in their place of origin;
- unaccompanied minors and orphans;
- elderly without any income of their own or family support in Austria or BH;
- severely sick persons who receive medical treatment in Austria;
- students and pupils in education;
- mixed marriages and their children.

The Minister stated that UNHCR's criteria for further protection, which have been discussed over the last months, have been taken into consideration.

In addition to temporary protection, BH citizens also have the opportunity to acquire a residence permit according to the Aliens Act (this has become very difficult due to the difficult situation on the job market). As for asylum applications, this route has not been used by many yet, especially as the asylum authorities use the internal flight alternative argument and, so far, temporary protection has been sufficient.

- Belgium Approximately 6,000 refugees from Bosnia-Herzegovina are currently living in Belgium. As at 1 April 1997, 296 were granted refugee status, 1,500 were rejected and have been remaining illegally in Belgium. For the time being, the possibility of repatriating them by force is not being taken into consideration. The remaining 4,400 refugees enjoy temporary protection, and it is likely that their status will be extended for another six months or one year period, during which they will be offered the opportunity to integrate themselves into Belgian society.
- Czech Republic The temporary protection scheme will expire as of 30 September 1997. No extension of the scheme is envisaged for any special group. Citizens of Bosnia-Herzegovina can either apply for asylum, permanent residence or long term stay (provided income and housing are available) or for the Special Humanitarian Program for the Handicapped (permanent residence for elderly and handicapped persons, including mentally and physically disabled persons, as well as those who would otherwise be without support in BH).
- Denmark Some 19,500 refugees from Bosnia-Herzegovina were given temporary residence permits (in accordance with a special Yugoslavia Act). Meanwhile, some 17,000 refugees were granted permanent residence permits in accordance with Article 7 of the Aliens Act. Those whose application for the permanent residence permits had been denied were given temporary protection in accordance with Article 9 of the Aliens Act.

Out of 845 asylum applications, the Immigration Board has now rejected 644 claims of Bosnia-Herzegovinan asylum-seekers who arrived in Denmark in 1995. The decisions were mainly rejected with the arguments that the refugees would have an internal flight alternative. Rejected asylum-seekers are not deported but given temporary residence permits for 6 months in accordance with Article 9 of the Aliens Act. The Board has recently started to decide upon applications from persons who arrived in 1996; out of 173 claims, 146 were decided negative. Rejected asylum-seekers from Bosnia and Herzegovina will, however, not be returned until a political decision is taken to start with deportation.

- Finland All refugees from Bosnia-Herzegovina – some 1,200 people – benefit from permanent residence permits.
- Germany Generalised temporary protection in Germany for refugees from Bosnia and Herzegovina ended on 1 October 1996. From that date onwards, certain categories of refugees have been required to leave Germany, although the specific requirements differ from one Federal state to another. Persons who have been ordered to leave Germany and who do not do so by the specified date may be subject to deportation. As of mid-June 1997, around 270 persons had been deported to Sarajevo. Up to an estimated 60,000 had returned voluntarily, most of these after having received an order to leave the country. Since 1 June 1997 the social welfare for refugees from Bosnia-Herzegovina was reduced to 80% of the amount for the German nationals, with the difference to be made available for a fund for reconstruction projects in Bosnia-Herzegovina.

The 5/6 June 1997 meeting of the Federal and State Interior Ministers reaffirmed that the compulsory return scheme should continue, but agreed that the return of refugees of Bosniac and Croat origins whose homes are in the Republika Srpska requires particular care. The ministers agreed that the deportation of such persons should not be a priority. As a result, the majority of the 16 Federal States have now extended temporary protection for minorities from the Republika Srpska. In some cases, temporary protection has been extended until the end of the 1997; in others until 1 April 1998. In some cases, the extension only applies to families with minor children, in others to all minorities from the Republika Srpska, regardless of family structure.

- Italy The time-frame and modalities of phasing out of temporary protection for Bosnians is still under discussion among the competent authorities and Government. The Italian Government has basically agreed to the phasing out of temporary protection and is not pressing for any involuntary repatriation.
- Luxembourg The temporary protection scheme will expire as of 15 July 1997. Out of 1,750 Bosniacs, 1,300 have already obtained a definitive status. The Government would like to participate in the Benelux Voluntary Repatriation Plan.
- Netherlands Currently, some 25,000 refugees from Bosnia-Herzegovina are living in the Netherlands. So far, 19,000 have obtained a definitive status. The Dutch Government also decided to launch a repatriation plan on a strictly voluntary basis, targeting the entire refugee population. This plan [- the details of it will be finalised at the time of the compilation of this annex, but it is likely that there will be financial rather than material support -] will be of greater interest for those who have not yet received a definitive status. The Dutch Government also decided that asylum seekers from Bosnia-Herzegovina would no longer be granted temporary protection as of 1 June 1997 and, therefore, have to undergo the “normal” asylum procedure. Dutch officials are exploring the possibility, under UNHCR auspices, to have a common approach with their Benelux Counterparts concerning the Repatriation Plan.
- Norway Under a temporary law – to expire on 31 December 1997 –, citizens of Bosnia and Herzegovina were granted temporary protection. All those who had a residence permit on 7 November 1996 have been guaranteed by the Norwegian Government that they will not be forcibly returned. Persons who arrived after 7 November 1996 benefit from temporary protection. So far, the temporary protection regime has not been lifted.
- Slovakia The temporary protection scheme expired as of 30 June 1997. No further temporary

protection is envisaged for any special groups. Some persons still in collective accommodation who are Bosniaks originating from the Republika Srpska have indicated a willingness to relocate to the Federation (roughly 40 persons), although they encounter difficulties to receive "invitation letters" from their chosen municipalities of return.

In addition, Bosnia-Herzegovinan citizens in the Slovak Republic may apply for long-term residence, asylum – humanitarian cases, mixed marriages and Bosniaks from the Republika Srpska are taken into consideration – or resettlement.

- **Slovenia** The temporary protection scheme will be terminated by 31 July 1997 for refugees coming from an entity in which they belong to the majority (Bosniacs and Bosnian Croats from the Federation, Bosnian Serbs from RS). Refugees coming from an entity in which they belong to minorities (Bosnian Muslims and Bosnian Croats from the Republika Srpska, Bosnian Serbs from the Federation) will have their temporary protection status extended until the end of the year. The temporary protection status has already been extended until December 1997 for more than 1,000 vulnerable cases (elderly, handicapped, mixed marriages, women-at-risk, war-traumatised persons).

Recently, a Law on Temporary Protection has been adopted. The Slovenian Government is currently drafting an implementation decree to regularise the procedure for the extension of the temporary protection status to refugees from Bosnia-Herzegovina.

- **Sweden** Some 57,230 citizens from Bosnia and Herzegovina have already received permanent residence permits.

The asylum claims of some 4,000 refugees are currently under consideration. According to the guidelines issued by the Government in November 1996, people with Bosnia-Herzegovinan citizenship originating from so-called minority areas and persons living in mixed marriages will be given refugee status in accordance with the 1951 Convention. Asylum-seekers originating from so-called majority areas will be rejected and returned. They will be given a time limit of six months from the date of the decision to the date of departure to prepare for their return.

- **Switzerland** The decision taken by the Federal Council on 29 January 1997, implemented by March directives, has not yet changed despite criticism by Swiss MPs, NGOs, some Cantons and UNHCR. The Swiss Government requested all refugees who are singles or couples without minor children to leave Switzerland by 30 April 1997. The Federal Council indicated that no forceful return should be implemented at all by the cantonal authorities. Families are entitled to remain in Switzerland until 30 April 1998.

No differentiated approach has yet been applied linked to the former place of residence or to ethnicity; the Swiss authorities will not return any person to his region of origin if s/he no longer belongs to the ethnic majority but if s/he is nevertheless expected to relocate elsewhere in Bosnia and Herzegovina. Exceptions to this rule have only been made for mixed couples/families, elderly persons (above 65 years old), students finishing their academic year in 1997, draft evaders, and deserters. These persons can ask for a prolongation of their temporary protection in Switzerland until 30 April 1998.

- **United Kingdom** There has been no push by the Government to return individuals to Bosnia and Herzegovina, let alone to those individuals from areas now territory of the Republika Srpska. Individuals enjoying temporary protection in both countries are granted leave to remain, renewable on a yearly basis.

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