Flygtningenævnets baggrundsmateriale

Bilagsnr.:	**359**
Land:	Sudan
Kilde:	British Home Office
Titel:	Country Information and Guidance. Sudan. Treatment on return
Udgivet:	August 2016
Optaget på baggrundsmaterialet:	16. januar 2017

Home Office

Country Information and Guidance

Sudan: treatment on return

Version 1.0

August 2015

Preface

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

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

Country Information

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

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please e-mail us.

Independent Advisory Group on Country Information

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

IAGCI may be contacted at:

Independent Chief Inspector of Borders and Immigration,

5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.

Email: chiefinspectorukba@icinspector.gsi.gov.uk

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

Contents

Guidance

Date Updated: 28 August 2015

1. Introduction

1.1 Basis of Claim

1.1.1 Fear of persecution or serious harm on return to Sudan because the person has unsuccessfully claimed asylum in the UK.

Back to Contents

1.2 Summary of Issues to Consider

1.2.1 Do persons who have unsuccessfully claimed asylum in the UK and return to Sudan form a particular social group (PSG)?

1.2.2 Are failed asylum seekers who return to Sudan at risk of persecution or serious harm?

1.2.3 Are those at risk able to seek effective protection?

1.2.4 If a claim is refused, is it likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002?

Back to Contents

2. Consideration of Issues

2.1 Do persons who have unsuccessfully claimed asylum in the UK and return to Sudan form a particular social group (PSG)?

2.1.1 Failed asylum seekers returned to Sudan do not form a particular social Group (PSG) simply by virtue of making an unsuccessful asylum claim. This is because they do not:

(a) share an innate characteristic, or a common background that cannot be changed, or

(b) share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, or

(c) form a group has a distinct identity in Sudan because it is perceived as being different by the surrounding society.

2.1.2 For guidance on assessing membership of a particular social group, see section 7.6 of the Asylum Instruction on Assessing Credibility and Refugee Status. A person may have another basis of claim independent of the fact that they are a failed asylum seeker.

Back to Contents

2.2 Are failed asylum seekers who are returned to Sudan at risk of mistreatment or serious harm?

2.2.1 In the case law of UK - HGMO (Sudan) CG [2006] UKAIT 0006, the Upper Tribunal found that the Sudanese authorities are likely to know that a returnee is a failed asylum seeker. The Tribunal also found that neither

involuntary returnees nor failed asylum seekers are as such at real risk of mistreatment on return to Khartoum (paragraph 309, subparagraphs 1 and 2).

2.2.2 Although groups have raised concerns in the past over re-documentation procedures conducted by the Home Office to facilitate removals, there is no evidence to substantiate a claim that this may place returnees at risk on return (see country information, Re-documentation procedures in the UK for returning failed asylum seekers).

2.2.3 The Sudanese authorities are likely to identify a person as a failed asylum seeker on return, especially if they are travelling on an emergency travel document, lack a valid passport or exit stamp from when they left Sudan; or are accompanied by escort staff on their return. Such a person would likely have their document(s) removed and be detained for investigation by the immigration authorities for a period of up to 24 hours upon arrival at Khartoum International Airport (KIA). During this time it is likely that they would be questioned about their activities since leaving Sudan, including any political affiliations or contacts they may have. See the country information and guidance on: Sudan: Treatment of persons involved in 'sur place' activity in the UK.

2.2.4 The National Intelligence and Security Services (NISS) are known to operate at KIA and detain 'persons of interest'. There have also been a few testimonies from failed asylum seekers claiming they experienced mistreatment on return. The majority of these are anonymous and none have been verified, for example through UN or human rights groups operating in Sudan (See country information, Reported cases / testimonies of mistreatment and harassment from failed asylum seekers).

2.2.5 Removals from the UK and other countries continue to take place, albeit in relatively low numbers (see Annex C: Home Office data on returns to Sudan 2004 – 2015 (voluntary and enforced)). In light of enquiries made by the British Embassy in Khartoum with locally engaged sources including UNHCR, in both 2013 and 2015 about the safety of such returns, there is no verifiable evidence to demonstrate that a FAS, if detained on arrival in Khartoum, would become of interest to NISS or would be at real risk of mistreatment, merely by virtue of the fact they claimed asylum in the UK (See country information, Enquiries made by the British Embassy in Khartoum).

2.2.6 Somewhat dated, yet still relevant, information from UNHCR and OHCHR further corroborates these findings. There is also no evidence from European states who return to Sudan that FAS are ill-treated.

2.2.7 The act of claiming asylum and returning to Sudan as a FAS is not likely in itself give rise to a risk of persecution or serious harm. Therefore the findings in UK - HGMO (Sudan) CG [2006] UKAIT 0006 at paragraph 309, subparagraphs 1 and 2 remain good.

Back to Contents

2.3 Are those at risk able to seek effective protection?

2.3.1 As the person's fear is of ill treatment/persecution at the hands of the state they would not be able to avail themselves to the authorities for protection.

2.3.2 For further information on assessing the availability or not of state protection, see section 8.1 of the Asylum Instruction on Assessing Credibility and Refugee Status.

Back to Contents

2.4 If a claim is refused, is it likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002

2.4.1 Where a claim falls to be refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

2.4.2 For further information on certification, see the Asylum Instruction on Non-Suspensive Appeals: Certification Under Section 94 of the NIA Act 2002.

Back to Contents

3. The role of the Commission of Refugees and National Intelligence and Security Services (NISS)

3.1.1 The Commission of Refugees, which comes under the Ministry of Interior, is responsible for monitoring Sudanese refugee populations abroad. It is believed to have close links with the National Intelligence and Security Service (NISS) who are responsible for border security and are known to be present at Khartoum International Airport.

3.1.2 For further background information on NISS, including its treatment of persons see the country information and guidance on: Sudan: Treatment of persons involved in 'sur place' activity in the UK.

Back to Contents

4. Re-documentation procedures in the UK for returning failed asylum seekers

4.1.1 A joint report from Waging Peace, the South Yorkshire Migration & Asylum Action Group and the Northern Refugee Centre, dated September 2011, provided testimonies of 12 failed asylum seekers who underwent a redocumentation exercise on 16 April 2011 by Sudanese embassy officials. According to the source the exercise took place at Vulcan House in Sheffield. The report observed:

'Three Sudanese Embassy Officials were present at each interview. Despite the fact that we were assured by the Home Office that there would be two UKBA staff present at the interviews, none of the asylum seekers we interviewed could confirm that even one UKBA staff member was present. We suspect none were there.' [1]

4.1.2 The article further observed:

'According to the asylum seekers' testimony the Sudanese Embassy interviewers appeared to possess confidential information about the interviewees.' The report further remarked: 'If this is the case, it would constitute a serious breach of confidentiality by the UKBA and may amount to a breach of Section 13(3) of the Immigration and Asylum Act 1999

[1] Waging Peace, the South Yorkshire Migration & Asylum Action Group and the Northern Refugee Centre, '"The Border Agency are playing a game to scare us": A report and recommendations on Sudanese re-documentation interviews, September 2011, http://www.wagingpeace.info/images/pdf/Exclusives/2011_09_A_report_and_recommendations_on_Sudanese_re-documentation_interviews.pdf, date accessed: 19 June 2015

whereby the Secretary of State must not disclose whether the person concerned has made a claim for asylum in providing identification data.' [2]

4.1.3 The same found that:

'At least one of the interviewees claimed he was offered a financial bribe by the Embassy officials to encourage him to answer their questions ... The conduct of the interviews placed the attending asylum seekers in an excessively intimidating position, putting them in front of the very people from whom they are seeking political asylum with no third party witnesses or protection.' [3]

4.1.4 In a response to emails sent by Waging Peace over the re-documentation exercise of 16 April 2011, Phil Douglas, Home Office director, replied noting:

'I have been informed by colleagues in the North East, Yorkshire and Humber Region that prior to the 16th April they were in touch with Waging Peace and the status of the proposed interviewees was discussed; it was also re-iterated that attendance was on a purely voluntary basis. Assurances were given that any case which had an appeal outstanding would be processed in line with our asylum policy and process.'[4]

Back to Contents

5. Information from United Nations sources including the UN High Commissioner for Refugees (UNHCR)

5.1.1 The UNCHR's position paper dated February 2006, noted that '[f]orced returns to Sudan entails risks for certain categories of Sudanese, regardless of their place of origin, including Darfurians. These categories include young

[2] Waging Peace, the South Yorkshire Migration & Asylum Action Group and the Northern Refugee Centre, '"The Border Agency are playing a game to scare us": A report and recommendations on Sudanese re-documentation interviews, September 2011, http://www.wagingpeace.info/images/pdf/Exclusives/2011_09_A_report_and_recommendations_on_Sudanese_re-documentation_interviews.pdf, date accessed: 19 June 2015

[3] Waging Peace, the South Yorkshire Migration & Asylum Action Group and the Northern Refugee Centre, '"The Border Agency are playing a game to scare us": A report and recommendations on Sudanese re-documentation interviews, September 2011, http://www.wagingpeace.info/images/pdf/Exclusives/2011_09_A_report_and_recommendations_on_Sudanese_re-documentation_interviews.pdf, date accessed: 19 June 2015

[4] Waging Peace, the South Yorkshire Migration & Asylum Action Group and the Northern Refugee Centre, '"The Border Agency are playing a game to scare us": A report and recommendations on Sudanese re-documentation interviews, September 2011, Annex 4, http://www.wagingpeace.info/images/pdf/Exclusives/2011_09_A_report_and_recommendations_on_Sudanese_re-documentation_interviews.pdf, date accessed: 19 June 2015

men of fighting age who are regularly singled out for detention and interrogation. [5]

5.1.2 Hans Schodder, Senior Protection Officer of the United Nations High Commissioner for Refugees (UNHCR) Representative in Khartoum, speaking at a COI conference on Sudan in Budapest, held between 1 – 2 December 2005 stated: '... Failed asylum seekers won't face severe problems upon return, as long as they are not recognized as a threat to the state. However, if they are seen as a threat – there is no guarantee. In the beginning of the 90ies there were cases of people who just disappeared. A lot of persons who left the country after the [1989] coup returned from exile. Of course they feared that they would be arrested at the airport, but nothing happened. However, this does not mean that the situation will continue like this.' [6]

5.1.3 On the same subject, Dr Homayoun Alizadeh, Regional representative of the Office of the United Nations High Commissioner for Human Rights (OHCHR) noted:

'—In the past persons who left the country after the coup and stayed away for more than one year, would be questioned upon return automatically. This is no routine policy anymore; also the practice of arrests straight at the airport is not common anymore at the moment. Returnees might get visits from security officers later and be questioned or warned not to start any _funky business' in Sudan. I have no information that these people are particularly being targeted. Instead, some people who have been abroad for many years, maybe for political reasons, have come back to Khartoum. They are subject to close surveillance and they know that they cannot engage in political activities. They also know that they can be arrested, questioned, and detained at any time. They feel a little bit more secure if they obtained a foreign passport before their return. But if they are still Sudanese citizens, they have no protection at all. —There have been some positive developments [recently (circa 2005)], but the security is monitoring the situation very closely and it is quite unpredictable.' [7]

Back to Contents

6. Reported cases / testimonies of mistreatment and harassment from failed asylum seekers

[5] UNHCR Position on Sudanese asylum-seekers from Darfur, February 2006, http://www.refworld.org/mwg-internal/de5fs23hu73ds/progress?id=FcfJyGtjnK, date accessed: 26 June 2015

[6] Accord, 10th European Country of Origin Information Seminar, 1-2 December 2005, Budapest, republished 29 November 2006,p.23, http://www.ecoi.net/file_upload/918_1164896371_coi-se-budapest200611-sudan-report-revised-version.pdf, date accessed: 19 June 2015

[7] Accord, 10th European Country of Origin Information Seminar, 1-2 December 2005, Budapest, republished 29 November 2006,p.23, http://www.ecoi.net/file_upload/918_1164896371_coi-se-budapest200611-sudan-report-revised-version.pdf, date accessed: 19 June 2015

6.1.1 Several published testimony accounts from the UK NGO Waging Peace, provided in their 2012[8] and 2014[9] reports refer to cases in which failed asylum seekers claimed they had experienced mistreatment or harassment on return to Khartoum. In the 2012 report this included the cases of Mr M, Mr A and Badaoui Malik Badaoui.[10] In all of these cases the persons claimed to be from conflict areas and/or affiliated to opposition or rebel groups.[11]

6.1.2 The more recent Waging Peace report, published in 2014, included the cases of Mr U and Mr Y.[12] In the case of Mr Y, who returned on his own passport, he was finger printed and questioned on arrival, including as to why he did not have an exit stamp, but the account did not indicate he was physical assaulted or detained. The account did suggest that officials spoke to him in an intimidating manner during his questioning. After leaving the airport, Mr Y, was not subsequently detained and, later, left Sudan on his passport.[13]

6.1.3 In the case of Mr U, he was questioned on arrival and accused of being a member of Girfina. He was detained and beaten by NISS, and although subsequently released, required to report to the security services. According to the testimony, the Sudanese authorities '... insisted that I was a member of Girfna and asked me to provide them with additional information about the group.' He was subsequently detained on a second occasion by NISS and informed there was further evidence of his links to Girfna. At the time his testimony was taken, on 10 August 2014, Mr U was unable to leave Sudan as he did not have a passport. It is not clear from the account if Mr U had any links with opposition group Girfna.[14]

---

[8] Waging Peace, 'The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan', September 2012, http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HOME.pdf, date accessed: 26 June 2015

[9] Waging Peace, 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese nationals who leave Sudan', September 2014, http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf, date accessed: 26 June 2015

[10] Waging Peace, 'The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan', September 2012, http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HOME.pdf, date accessed: 26 June 2015

[11] Waging Peace, 'The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan', September 2012, http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HOME.pdf, date accessed: 26 June 2015

[12] Waging Peace, 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese nationals who leave Sudan', September 2014, http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf, date accessed: 26 June 2015

[13] Waging Peace, 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese nationals who leave Sudan', September 2014, Annex 13, http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf, date accessed: 26 June 2015

[14] Waging Peace report, 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese nationals who leave Sudan',

6.1.4 The cases can individually be read in full in the reports.

6.1.5 A number of the testimonies documented by Waging Peace also indicated that the act of claiming asylum was negatively viewed by the Sudanese authorities on return. For example, according to the testimony of Mr A, he was told that 'applying for asylum gives Sudan a bad name'.[15] While the testimony of Badaoui Malik Badaoui noted that during his interrogation he was told he should be 'ashamed for leaving Sudan.'[16] Mr Y, referring to his initial detention at Khartoum airport similarly noted:

'Someone standing by the door beside me said to the boss, "These people [from Darfur] go the UK for asylum and they say what we do in the Darfur province" ... The boss asked me if that was true. I said, "I dont know what you mean or are talking about." ... He asked, "You dont know? Or you dont see any stupid people from your tribe there in the UK seeking asylum or talking about what we do in your province?"' [17]

6.1.6 Other testimonies (for example those provided by Mr M[18] and Mr T[19]) indicated that returnees had been accused of spying for the West when returned to Sudan. Mr El-Baghdady, who was not a failed asylum-seeker, claimed he was accused of spying for Israel because he spoke Polish.[20]

See also: CIG, Sudan: Treatment of persons involved in 'sur place' activity in the UK, July 2015

Back to Contents

September 2014, Annex 9, http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf, date accessed: 26 June 2015

[15] Waging Peace, 'The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan', September 2012, http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HOME.pdf, date accessed: 26 June 2015

[16] Waging Peace, 'The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan', September 2012, http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HOME.pdf, date accessed: 26 June 2015

[17] Waging Peace, 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese nationals who leave Sudan', September 2014, http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf, date accessed: 26 June 2015

[18] Waging Peace, 'The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan', September 2012, http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HOME.pdf, date accessed: 26 June 2015

[19] Waging Peace, 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese nationals who leave Sudan', September 2014, http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf, date accessed: 26 June 2015

[20] Waging Peace, 'The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan', September 2012, http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HOME.pdf, date accessed: 26 June 2015

7. Enquiries made by the British Embassy in Khartoum

7.1.1 A British Embassy letter, dated 8 April 2013, noted that: 'We [the British Embassy] have contacted the office of the United Nations High Commission for Refugees here in Khartoum. They are the lead agency for dealing with refugee issues in Sudan and have large protection teams operating throughout the country in Sudan. They have no knowledge of returned failed asylum seekers being mistreated by the Sudanese security agencies.[21]

7.1.2 An updated letter dated from the British Embassy in Khartoum, dated 19 February 2015 further noted: 'As reported in our letter of April 2013 it remains the case that none of our international partners were aware of any cases of returnees being mistreated on return to Sudan.'[22] Although the letter further clarified: 'Counterparts at other embassies in Khartoum have told us that the numbers returned from their countries is very limited. if it happens at all, and that even when individuals are returned they do not actively monitor every case.'[23] The letter also noted: 'It is our understanding that UNHCR has no role in monitoring the situation of Sudanese returned to Khartoum International Airport, but that representatives of IOM would normally meet any individual being returned under the global programme of assisted voluntary returns.' [24]

7.1.3 The same letter went onto clarify the procedure of returns for failed asylum seekers:

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

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

'It is our understanding that any intervention by the National Intelligence and Security Service (NISS) would necessarily await the outcome of the immigration procedures. It is our firm belief that a failed asylum seeker, including an individual that had been subject to investigation by the immigration authorities on return, would not be at risk of further investigation

[21] British Embassy in Khartoum, Deputy Head of Mission, 8 April 2013, Annex B
[22] British Embassy in Khartoum, Deputy Head of Mission, 19 February 2015, Annex A
[23] British Embassy in Khartoum, Deputy Head of Mission, 19 February 2015, Annex A
[24] British Embassy in Khartoum, Deputy Head of Mission, 19 February 2015, Annex A

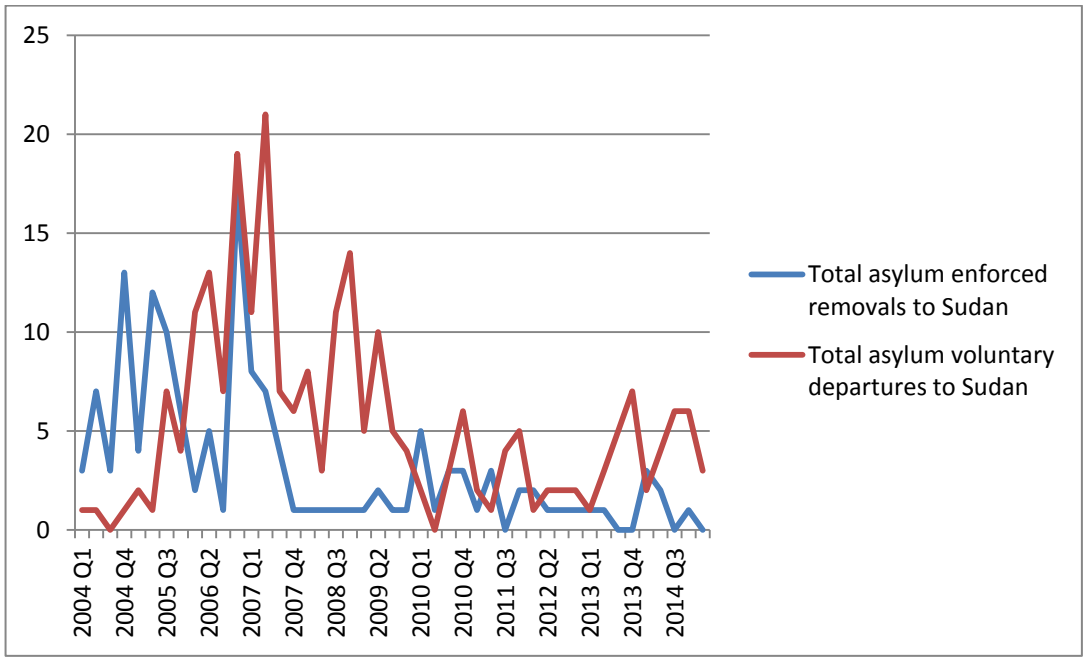
by NISS on that basis alone. We do know however, that returnees can be subjected to further questioning by security should they be determined to be a potential person of interest. While it is difficult to offer a definitive statement on who would fall into such a category, activities likely to be of interest would include: being of previous interest to the authorities (in which case they may appear on a travel watch list); having a record of contact with Sudanese opposition groups outside of Sudan; or, having attracted the attention of the authorities during time overseas including through engagement with opposition groups within the diaspora.' [25]

Back to Contents

8. Removal statistics from the UK

8.1.1 Home Office figures recorded over the period 2004 to 2015 (Q1) a total of 141 failed asylum seekers being forcibly removed from the UK to Sudan, with 235 asylum seekers recorded as voluntarily returning to Sudan. However recent figures listed only 2 enforced returns and 15 voluntary returns in 2013, 6 enforced and 18 voluntary in 2014 and 0 enforced returns and 2 voluntary in the first quarter of 2015.[26]

The following graph shows the removal of failed asylum seekers and voluntary returns over the period 2004 to 2015:



[27]

[25] British Embassy in Khartoum, Deputy Head of Mission, 19 February 2015, Annex A

[26] Data taken from Home Office published figures, Removals and voluntary departures data tables immigration statistics January to March 2015, volume 3, table rv05 and rv05q, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/427921/removals3-q1-2015-tabs.ods, date accessed: 15 July 2015

[27] Data taken from Home Office published figures, Removals and voluntary departures data tables immigration statistics January to March 2015, volume 3, table rv05 and rv05q,

9. Information obtained from other countries returning failed asylum seekers to Sudan

9.1.1 The British Embassy in Khartoum, in a letter dated 19 February 2015 noted: 'As reported in our letter of April 2013 it remains the case that none of our international partners were aware of any cases of returnees being mistreated on return to Sudan.'[28] Although the letter further clarified: 'Counterparts at other embassies in Khartoum have told us that the numbers returned from their countries is very limited. if it happens at all, and that even when individuals are returned they do not actively monitor every case.'[29]

Back to Contents

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/427921/removals3-q1-2015-tabs.ods, date accessed: 15 July 2015

[28] British Embassy in Khartoum, Deputy Head of Mission, 19 February 2015, Annex A

[29] British Embassy in Khartoum, Deputy Head of Mission, 19 February 2015, Annex A

Annex A: Letter from the British Embassy, Khartoum, 19 February 2015

British Embassy
Khartoum

Country Policy and Information Team
Home Office

19 February 2015

Dear Country Policy and Information Team

TREATMENT OF RETURNEES IN SUDAN

This letter aims to update our understanding of the situation for failed asylum seekers in Sudan since our last letter of April 2013. In preparing this letter we have consulted with the Sudanese Immigration Authorities, relevant UN agencies (UNHCR and IOM) and a number of other embassies present in Khartoum.

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

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

It is our understanding that any intervention by the National Intelligence and Security Service (NISS) would necessarily await the outcome of the immigration procedures. It is our firm belief that a failed asylum seeker, including an individual that had been subject to investigation by the immigration authorities on return, would not be at risk of further investigation by NISS on that basis alone. We do know however, that returnees can be subjected to further questioning by security should they be determined to be a potential person of interest. While it is difficult to offer a definitive statement on who would fall into

such a category, activities likely to be of interest would include: being of previous interest to the authorities (in which case they may appear on a travel watch list); having a record of contact with Sudanese opposition groups outside of Sudan; or, having attracted the attention of the authorities during time overseas including through engagement with opposition groups within the diaspora.

It is important to note that the National Security Act of 2010 provides NISS officers with broad powers of arrest on the basis of suspicion alone with no burden of evidential proof. Their remit, as defined in a January 2015 amendment to the National Interim Constitution of 2010, covers “political, military, economic and social threats, besides terrorism.” Individuals suspected of presenting such a threat may be detained without charge for up to 45 days without judicial review, which the director of security may extend for a further three months. The National Security Act further provides NISS officials with impunity for acts involving their official duties. Allegations of mistreatment amounting to cruel and inhumane treatment or torture by NISS are a matter of public record.

It is our understanding that UNHCR has no role in monitoring the situation of Sudanese returned to Khartoum International Airport, but that representatives of IOM would normally meet any individual being returned under the global programme of assisted voluntary returns. As reported in our letter of April 2013 it remains the case that none of our international partners were aware of any cases of returnees being mistreated on return to Sudan. Counterparts at other embassies in Khartoum have told us that the numbers returned from their countries is very limited, if it happens at all, and that even when individuals are returned they do not actively monitor every case.

Although the British Embassy in Khartoum has no independent evidence of overseas surveillance of asylum seekers by the Sudanese government, in October 2012 a Sudanese diplomat was expelled from Norway following allegations of spying on Sudanese refugees there. Article 25 of the 2014 Asylum Act states that the Commissioner for Refugees has an “obligation to monitor the situation of Sudanese refugees abroad and to expressly encourage them to return to Sudan”, although we have not received a clear answer as to what this means in practice. The Office of the Commissioner for Refugees comes under the Ministry of Interior, but it is the understanding of the British Embassy that they also maintain close relations with NISS.

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

Yours sincerely,

David Belgrove

Deputy Head of Mission and Consul General
British Embassy, Khartoum

Back to Contents

Annex B: Letter from the British Embassy, Khartoum, 8 April 2013

British Embassy
Khartoum

British Embassy
Off Sharia Al-Baladiya
Khartoum
Sudan

8 April 2013

We have contacted the office of the United Nations High Commission for Refugees here in Khartoum. They are the lead agency for dealing with refugee issues in Sudan and have large protection teams operating throughout the country in Sudan. They had no knowledge of returned asylum seekers being mistreated by the Sudanese security agencies. We also contacted the German and Netherlands Embassies. None were aware of any cases of returnees being mistreated on return to Sudan, although they do not actively monitor every case of Sudanese being returned from their countries. We have also raised our concerns about allegations of returnees being mistreated verbally with EU partners at EU Human Rights meetings. Again EU partners had no knowledge of mistreatment of returnees but were also concerned at the reports.

However there is evidence from domestic and international human rights groups to show that those who openly oppose the Government from abroad will likely be arrested on return. Recently a number of opposition leaders who signed a political manifesto (New Dawn Charter) in Uganda calling for reform and the overthrow of the Government of Sudan were detained for a number of weeks. These were widely reported in the Sudanese press and acknowledged as fact by the Sudanese Government. One of the arrestees was a dual Sudanese/British National and this Embassy has had direct contact with the Government of Sudan about the case. We have also received credible reports from political parties and human rights groups in Sudan that those who are overly critical of the government are usually subject to surveillance and intimidation by security services. Reports from human rights groups suggest that Darfuris and Nubans are also more likely to be at risk from this type of persecution.

We should also acknowledge that in 2012 Norway expelled a Sudanese diplomat who they believed was involved in spying on Sudanese refugees there.

Deputy Head of Mission
British Embassy
Khartoum

This letter has been compiled by staff of the British Embassy in Khartoum entirely from information obtained from the sources indicated. The letter does not reflect the opinions of the author(s), nor any policy of the Foreign and Commonwealth Office. The author(s) have compiled this letter in response to a request from UKBA and any further enquiries regarding its contents should be directed to UKBA.

Back to Contents

Version Control and Contacts

Contacts

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

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

Clearance

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

- version **1.0**
- published for Home Office staff on **1 September 2015**
- approved on **28 August 2015**

Changes from last version of this guidance

First version of country information and guidance in new template.

Back to Contents