



Information Leaflet for Asylum-Seekers in Pakistan

The purpose of this leaflet is to provide information on UNHCR Pakistan's refugee status determination procedure as well as on the rights and obligations of asylum-seekers and refugees in Pakistan. Please read this leaflet carefully, and you may request assistance from UNHCR or its partners in Pakistan for any matter that needs further clarification.

1. Who is a refugee?

Afghan nationals who have been issued a Proof of Registration (PoR) card by the Government of Pakistan that is currently valid¹ are considered as refugees by the authorities of Pakistan and UNHCR. Therefore, persons holding a valid PoR card cannot be admitted to the refugee status determination (RSD) procedure as their refugee status is already recognized. They may, however, undergo a Protection Needs Assessment (see point 2.i.) for other purposes.

Any other person, who is not a national of Pakistan, can be recognized as a refugee by UNHCR in an individual refugee status determination procedure provided certain criteria are met. Under the mandate of UNHCR and international refugee law, in order to be recognized as a refugee you must be able to demonstrate that you:

- Are outside the country you are from; and
 - Are unable or unwilling to return because you have a well-founded fear that you would be persecuted (e.g. there is a threat to your life, freedom or other human rights);
 - Based on your race, religion, nationality, political opinion or membership of a particular social group.
- or that:
- You are unable to return to the country you are from because of serious threats to your life, physical integrity or freedom because of war or other generalized violence.

Since only a very small number of Afghans, currently living in Pakistan, are likely to meet the criteria of the refugee definition, people should think carefully before submitting an application and going through a lengthy procedure that requires repeated visits to the responsible UNHCR office and its partners.

2. How is a person recognized as a refugee?

Pakistan is not a signatory state to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, which requires signatory states to establish a refugee status determination procedure. Pakistan has also not enacted a national refugee legislation. For this reason, UNHCR conducts refugee status determination on behalf of the Government of Pakistan.

In order to be recognized as a refugee, you need to go through several processes and your case may be rejected at any of these stages. Each step is explained in detail below:

i. Protection Needs Assessment:

As a first step, you need to undergo a Protection Needs Assessment (PNA) that is also available for Afghan PoR cardholders. To apply for a PNA interview, depending on where you are residing, you should come to the following partner or UNHCR offices² *in person*:

¹ The current validity of the PoR cards extends to 31 December 2015.

² An annex with the contact details of these offices can be found at the end of this leaflet.

In Khyber Pakhtunkhwa (KP) province:

- UNHCR office in Peshawar (for Peshawar, Charsadda and Nowshera districts);
- SHARP office in Kohat (for Kohat, Hangu, Bannu, Karak, Lakki Marwat, D.I. Khan and Tank);
- SHARP office in Mardan (for Mardan, Malakand, Upper and Lower Dir, Buner, Swabi, Chitral and Swat);
- SHARP office in Haripur (for Haripur, Abbottabad and Mansehra).

In Balochistan province: SEHER office in Quetta.

In Punjab province and Islamabad Federal Territory: SHARP office in Islamabad, Lahore or Mianwali.

In Sindh province: SHARP office in Karachi.

You must bring original documents, such as passports, ID cards and birth/death/marriage/divorce certificates and employment records, if available. Photocopies of these documents will be taken and the originals returned to you. Please be aware that you should not obtain and submit any documents that have not been issued by the responsible authorities and are genuine in nature, as you are not required to prove elements of your claim through documentary evidence. By contrast, if you submit a forged document, you may be investigated for fraud and/or your application might be rejected.

You must submit a written application in your native language or any language in which you are able to express yourself well. If you cannot read and/or write, support will be provided in putting your application into writing. However, you have to be able to personally express your reasons for applying for a protection needs assessment, provide the names of all family members, your contact details in Pakistan and date of arrival in Pakistan.

You will then be issued an appointment slip for the PNA interview that confirms the date of your interview with the responsible UNHCR partner organization. The PNA interview is conducted in order to collect information related to your protection needs and why you are seeking assistance.

On the day of the PNA interview, you should be present with all your accompanying family members including minor children and other dependents. If one or more of your family members cannot attend, you will need to provide the reasons for their absence. Your PNA interview might be rescheduled to a later date when all family members are available.

The information that has been collected during the PNA interview will be shared with UNHCR in order to decide whether any intervention by UNHCR is required and possible. Based on the outcome of the interview and identified needs, your case may be referred for one or more of the following services (*list is non-exhaustive*):

- Refugee status determination (RSD) with UNHCR;
- Family tracing with the International Committee of the Red Cross (ICRC);
- Legal aid, for instance interventions with authorities/police in cases of unlawful arrest/detention on the basis of immigration laws or in cases of family disputes;
- Psychosocial counseling/ treatment;
- Medical services;
- Vocational training;
- Enrolment for education;
- Facilitation of voluntary repatriation;
- Resettlement assessment of Afghans holding valid PoR cards that face specific protection risks.

UNHCR's decision following a careful review of your PNA interview will be communicated to you in writing.

ii. Registration:

If your case is referred for refugee status determination (RSD), you will be scheduled for a verification of your fingerprints against the database of PoR cardholders (if you are an Afghan national) and then for a registration interview with UNHCR.

On the day of the registration interview, you should be present with all your accompanying family members, including minor children and other dependents. Absent persons cannot be registered. If one or more of your family members cannot show up on the day of the registration interview, please ask the interview to be re-scheduled to a date on which the missing family member(s) will be able to attend. If a family member is permanently prevented from attending the interview, because of a serious disease, severe disability, detention or similar reasons, you must submit supporting documents (like medical reports) and can then proceed without him/her for the interview. At any rate, the absent family member will need to be registered as soon as he/she is able to come to the office. If after registration, a child is born in your family, please inform UNHCR as soon as possible. For the child to be registered, you need to present it to UNHCR along with the birth certificate or vaccination card.

You should also bring along all the documents that are pertinent to your application such as passports, ID cards, birth/death/marriage/divorce certificates and employment records, if available.

In the registration interview, you should provide the names of all family members (husband, wife, children, mother, father, siblings) and close relatives (uncles, aunts, grandparents) who are living in Pakistan, including those who do not belong to your household, of all family members and close relatives in your country of origin and of those who might be living abroad. You should also provide an accurate address and telephone number in Pakistan so that we can contact you. We will also inquire about your date of arrival in Pakistan, your reasons for having left your country of origin and whether you can return to that country.

The photos of all your family members will be taken during the registration interview and will be stored by UNHCR in a safe place. UNHCR will also take your biometric data (fingerprints, iris scan etc.) and check it against various databases in order to verify your profile.

During the registration interview, you can state your choice of language and preferred sex of the interpreter for your RSD interview.

At the end of the registration interview, a Certificate for Asylum-Seeker will be issued to your family (renewable every three months during the duration of the RSD procedure) as well as an appointment slip/letter for your RSD interview. The Certificate for Asylum-Seeker confirms that you are registered with UNHCR and are undergoing refugee status determination procedures.

iii. RSD Interview:

Following registration, you will be called for a RSD interview. On the day of the interview, you should bring all accompanying family members (please refer to section 2.ii.), as well as the appointment slip/letter issued at the time of registration. When considering your claim for refugee status, UNHCR relies on your statements so it is important to be truthful. To the extent possible, you should provide relevant documentation to support your statements. Identity cards, military service papers, school or university certificates, political party membership cards/certificates, birth/death/ marriage/divorce certificates, employment documents and documents of release from detention etc. may be useful evidence.

It is your responsibility to help UNHCR assess your claim by providing true and complete facts as well as any concrete evidence in your possession. However, UNHCR is aware that applicants might not have been able to bring with themselves all the documents from their home country. Therefore, failure to produce any supportive documents will not be held against you while submitting forged documents may result in sanctions for fraud.

Please note that you might be called for an interview more than once in order to clarify certain points.

iv. First Instance RSD Decision:

After the interview(s), you will be notified in writing whether or not you have been recognized as a refugee. Please note that the RSD procedure can take several months, especially in complicated cases.

Recognition

If you are recognized as a refugee, UNHCR will ask you to come to the office and issue a Refugee Identity Card to each member of your family. This card is valid for 12 months and is renewable upon expiry. It does not provide you with a long-term legal immigration status in Pakistan, but only allows you to temporarily stay in Pakistan and protects you against any forcible return to your country of origin. At the same time, UNHCR will try to assist you in finding a long term solution.

Rejection

If your application for refugee status is rejected following the first instance RSD interview, you will receive a letter from UNHCR explaining the reasons for the rejection. The letter will also explain that you have the right to file an appeal to the relevant UNHCR office to ask them to reconsider your case. The appeal must be filed within one month from the day on which you have been notified of the rejection.

v. Appeal Against First Instance RSD Rejection:

If you choose to appeal against the rejection of your application for refugee status in the first instance, you need to provide written arguments. It is recommended that you concentrate on the reasons given for the rejection in the letter you have received and focus on the facts that are the most important for your claim, i.e. the reasons why you cannot return to your home country. Also, if you believe that any events during the RSD procedure affected your ability to present your claim, for example language problems during the interview, you should indicate these in your appeal letter.

The appeal letter should be submitted to the relevant UNHCR or partner office, upon which you may be called for an appeal interview if needed. Otherwise, your case will be decided on the basis of the appeal letter and your file.

The appeal interview and the appeal decision will be carried out by a different caseworker from the first instance RSD caseworker to ensure an impartial and independent review of your case at the appeal stage.

vi. Appeal Decision:

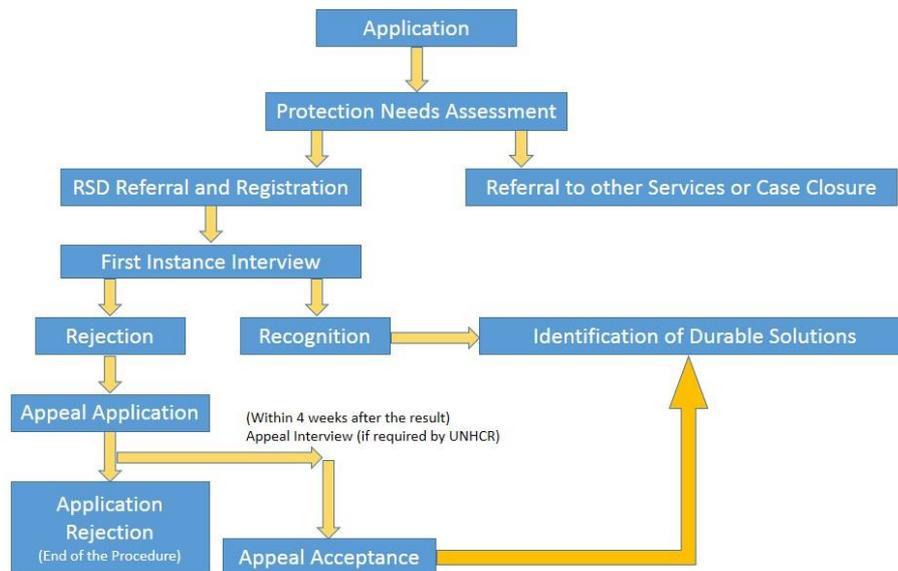
First Instance Decision is Overruled

If the first instance decision is overruled at the appeal stage, you will be granted refugee status. UNHCR will invite you to the office and issue Refugee Identity Cards to each member of your family. This card is valid for 12 months and renewable upon expiry. It does not provide you with a long-term legal immigration status in Pakistan, but only allows you to temporarily stay in Pakistan and serves to protect you against any forcible return to your country of origin. At the same time, UNHCR will try to assist you in finding a long term solution.

First Instance Decision is Upheld

If the first instance decision is upheld, i.e. if your claim is also rejected at the appeal instance, you have no further right to appeal, the Certificate for Asylum-Seeker previously issued to you will not be extended, and your case with UNHCR will be closed. You will also not be entitled to any assistance provided by UNHCR or its partners. If you remain in Pakistan after the expiry date of the Certificate for Asylum-Seeker, you are subject to the immigration laws of Pakistan. This means you can be arrested, detained and deported to your country of origin.

The following chart explains the whole procedure starting with your application for a PNA interview:



vii. Duties of Asylum-Seekers and Refugees

- Throughout your stay in Pakistan, you have to comply with the laws and regulations of the Islamic Republic of Pakistan.
- Make sure UNHCR is always aware of your current address and telephone number. If you change your address/contact details, please inform UNHCR immediately.
- Always provide accurate, truthful information to UNHCR and cooperate fully with UNHCR in matters regarding your refugee claim.
- Be on time for your appointment(s) with UNHCR and partner agencies.
- Take good care of documents issued by UNHCR and partner organizations. You should carry your original identity documents with you at all times and do not let others use them or take them away. If Pakistani law enforcement authorities such as the police wish to check your identity documents, please comply with the request. In case of loss or damage or if the documents are confiscated by authorities, please inform the issuing authority immediately.

viii. Rights and Services related to the RSD Procedure:

- You must not be forcibly returned to your country of origin once you have been registered as an asylum-seeker with UNHCR and are undergoing a RSD procedure or have been recognized as a refugee (principle of *non-refoulement*).
- You have the right to confidentiality and data protection. All information (statements and documentation) collected throughout the case processing by UNHCR and its partners will be kept strictly confidential and will only be used to determine your claim to refugee status and for any other protection services and assistance provided to you. UNHCR may need to share information with third parties (such as the Pakistani authorities, non-governmental organizations and other UNHCR partners) in the context of a RSD procedure. Before any information is shared, we will ask your permission and you will be asked to sign a disclosure consent form at the registration stage. If exceptionally UNHCR needs to share information with authorities in your country

of origin, we will not do so until we have obtained your specific written consent, which you have the right to decline.

- You have the right to present any relevant information and evidence to support your refugee claim at any stage of the procedure.
- You have the right to ask for assistance in translation or interpretation.

ix. Durable Solution Considerations for Recognized Refugees

Under international refugee law, being a refugee should be a temporary situation and refugees as well as UNHCR should be actively exploring more durable solutions.

Globally, there are three durable solution options:

- (a) Voluntary repatriation to the country of origin;
- (b) Local integration in the country of asylum; and
- (c) Resettlement to a third country.

a. Voluntary Repatriation:

Voluntary repatriation is the most appropriate durable solution for the vast majority of the refugees world-wide. Once reintegrated in your country of origin, you enjoy the rights of a citizen that no other legal status can match.

If you have reached a free and informed decision (i.e. after learning relevant facts on the prevailing conditions in the intended area of return and available return and reintegration assistance) to return to your country of origin, you are entitled to receive assistance from UNHCR when repatriating. If you are interested to find out more about available assistance and the procedure to be followed, you can obtain a document titled Frequently Asked Questions (FAQs) on Voluntary Repatriation and Reintegration of Afghan Refugees, available at UNHCR and partner offices in Pakistan. Non-Afghan refugees can approach UNHCR for specific repatriation information.

b. Local Integration:

At the moment, integration in the legal sense, i.e. obtaining a permanent legal status, is not available in Pakistan. However, depending on your individual circumstances and in case of specific needs that have been identified in your case, UNHCR in partnership with other agencies might be able to provide you with certain forms of assistance to improve your socio-economic situation in the country while working with the Government of Pakistan in order to try to identify more long-term solutions for your stay in Pakistan, if it is assessed that this is the most appropriate durable solution option in your case. Be advised, however, that UNHCR may not be in a position to effectively influence all legal aspects of your stay in Pakistan, as your legal status is governed by Pakistani laws.

c. Resettlement³:

Resettlement as a durable solution is available only to refugees who meet very precise criteria and present very serious protection needs as defined by the resettlement countries and UNHCR. Resettlement countries offer only a very limited number of resettlement places every year. Less than 1% of the global refugee population has the opportunity to benefit from resettlement.

While you may express an interest in resettlement to UNHCR, you are not entitled to resettlement. UNHCR may assess your situation to determine whether you meet the strict criteria that apply and call you for an interview for this purpose. However, the decision on who is accepted for resettlement is taken by the resettlement countries and not UNHCR.

³ For detailed information, please refer to separate resettlement leaflet prepared by UNHCR Pakistan.

x. **Fees and Charges**



All UNHCR services and assistance (which also includes services provided by its partner organizations like SHARP, SEHER, SACH, ICMC and IOM) **are free of charge**. Any demand by UNHCR and/or partner staff for monetary compensation or other favors from asylum-seekers and refugees should be immediately reported to UNHCR directly or through the established complaints procedure by dropping a letter into the complaint boxes that are available at all UNHCR and partner offices. These complaint boxes are emptied by designated UNHCR staff only and complaints are treated strictly confidential. Your cooperation in this regard will help ensure that refugee status determination procedures and other services provided by UNHCR and partners will remain fair.

xi. **Misconduct by UNHCR or Partner Staff**

If you have experienced any other form of misconduct by UNHCR or its partners' staff, you should report it through the above-described complaints procedure, which provides strict confidentiality. Misconduct can also be reported directly to the Inspector General's Office at UNHCR Headquarters in Geneva.

Misconduct includes, but is not limited to: request for money or anything else in return for services; fraud; physical assault; threats; harassment; abuse of authority; misrepresentation or false certification with regard to benefits or claims; sexual exploitation or abuse.

The complaints procedure should not be used to request a review of the RSD decision in your case or for any other RSD related queries.

If you want to file a complaint, you need to identify yourself with your name, nationality and contact details, as UNHCR is not in a position to effectively follow up on anonymous complaints.

Filing a complaint will not negatively affect the processing of your claim for refugee status with UNHCR or any other assessment of your case.

Please be advised that you must be truthful in registering a complaint. Malicious or fabricated accusations may result in consequences under local laws.

ANNEX

UNHCR and Partner Offices' Contact Details

If you are residing in **Islamabad Federal Territory or Punjab province**, please contact:

SHARP Office in Islamabad

Address: House no. 279-A, Nazim ud din Road, F-10/1, Islamabad
Working hours: Monday-Thursday (08:00-16:30) and Friday (08:00-12:30)
Tel: 051-2211621, 2211740
Fax: 051-2212773
Hotline: 0334-1112004

SHARP Office in Lahore

Address: House no. 365, PAK Block, Allama Iqbal Town, Lahore
Working hours: Monday-Thursday (08:00-16:30), and Friday (08:00-12:30)
Tel: 042-37800710-37800711
Fax: 042-37495030
Hotline: 0334-1112005

SHARP Office in Mianwali

Address: House no. 5/A, Rehman Street, Usama Garden, Muslim Colony
Working hours: Monday-Thursday (08:00-16:30), and Friday (08:00-12:30)
Tel: 0459-232237
Fax: 0459-232236

Depending on where you are residing in **Khyber Pakhtunkhwa province**, please contact:

UNHCR Sub-Office Peshawar

Address: 1 Gul Mohar Lane, University Town
Working Hours: Monday-Thursday (08:00-16:30), and Friday (08:00-12:30)
Tel: 091-5842375/6
Fax: 091-5842102

SHARP Office in Kohat

Address: House no. 102, Sector-9, KDA, Kohat
Working hours: Monday-Thursday (08:00-16:30) and Friday (08:00-12:30)
Tel: 0992-513792
Hotline: 0315-5009503

SHARP Office in Mardan

Address: House no.162, Street 5, Sector-K, Sheikh Maltoon Town, Mardan
Working hours: Monday-Thursday (08:00-16:30) and Friday (08:00-12:30)
Tel: 0937-840379
Hotline: 0315-5009502

SHARP Office in Haripur

Address: Talokar Road, Near Railway Crossing, Street no.1, Haripur City
Working hours: Monday-Thursday (08:00-16:30) and Friday (08:00-12:30)
Tel: 0995-612023
Hotline: 0315-5009501

If you are residing in **Balochistan province**, please contact:

SEHER Office in Quetta

Address: Shalimar Bungalows, Banglalow # 5 (near NADRA office), Airport Road, Quetta

Working hours: Monday-Friday (09:00-17:00)

Tel: 081-2301626

Appointment cell no. 0333-7819143 (10:00-16:00)

If you are residing in **Sindh province**, please contact:

SHARP Office in Karachi

Address: House no. B-108, K.D.A Scheme 24, Block 10, Gulshan e Iqbal, Karachi

Working hours: Monday-Thursday (08:00-16:30) and Friday (08:00-12:30)

Tel: 021-34811571, 34972697

Fax: 021-34812184

Hotline: 0334-1112008

UNHCR Offices in Pakistan**UNHCR Representation Islamabad**

Address: PO Box 1263, Diplomatic Enclave-2, Quaid-e-Asam University Road, G-4, Islamabad

Working hours: Monday-Thursday (08:00-16:30) and Friday (08:00-12:30)

Tel: 051-2829502-6

Fax: 051-2279455

Hotline: 0300-5018568

E-mail: pakisprt@unhcr.org

UNHCR Sub-Office Peshawar

Address: 1 Gul Mohar Lane, University Town

Working hours: Monday-Thursday (08:00-16:30) and Friday (08:00-12:30)

Tel: 091-5842375/6

Fax: 091-5842102

UNHCR Sub-Office Quetta

Address: House No. 36-E, Chaman Housing Scheme, Quetta

Working hours: Monday-Thursday (08:00-16:30) and Friday (08:00-12:30)

Tel: 081-2828964, 2829368 or 2829369

Fax: 081-2829370

Hotline: 0333-7819601

UNHCR Field Office Karachi

Address: Bungalow #F/65, Block-4, KDA Scheme-5, Kehkeshan Clifton, Karachi

Working hours: Monday-Thursday (08:00-16:30) and Friday (08:00-12:30)

Tel: 021-35833787

Fax: 021-35862213

Hotline: 0342-2704888

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