



# **European Migration Network**

## Ad-Hoc Query on Libya Return

Requested by NL EMN NCP on 6<sup>th</sup> October 2008

Compilation produced on 15<sup>th</sup> May 2009

Responses from Austria, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, France, Germany, Hungary, Ireland, Latvia, Lithuania, Netherlands, Poland, Portugal, Romania, Slovenia, Sweden, United Kingdom ( 19 in Total)

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### **1. Background Information**

The Asylum Department of the Dutch Immigration and Naturalization Service is looking into return possibilities of former asylum seekers from Libya and needs information on the experience of EU member states.




### **2. Responses<sup>1</sup>**

		<b>Wider Dissemination?<sup>2</sup></b>	Ad-Hoc Query: 1. <i>On what kind of information do you examine/decide on the asylum requests of persons originating from Libya (with the Libyan Nationality)? Are these public sources (Human Right Watch, Amnesty International, UNHCR etc) or is there a report</i>
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<sup>1</sup> If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

<sup>2</sup> A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."


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			<p>specifically asked for by your Executive Agency?. How recent is the report your decision-making is based upon?</p> <p>2. How many asylum-seekers from Libya did apply in your country for asylum and <u>how many are granted asylum</u> during the years 2006, 2007 and mid-2008?</p> <p>2a. <u>What kind of protection is offered</u>, when granting asylum:</p> <ul style="list-style-type: none"> <li>- Refugee-Protection (as meant in the Geneva Convention)</li> <li>- Protection because of a realrisk of being subjected to torture or inhuman or degrading treatment or punishment in the sense of article 3 of the European Convention on Human Rights</li> <li>- other humanitarian reasons</li> <li>- otherwise</li> </ul> <p>3. In case the asylumrequest is rejected, is your decision followed by <u>an expulsion of the asylum seeker</u> to Libya? And if yes, how many asylum seekers have been expelled during 2006, 2007 and the first half of 2008?</p> <p>4. Do you <u>monitor the expulsions</u> to Libya to verify whether the person expelled is not detained or otherwise maltreated by the Libyan Government?</p> <p>4A. Have you heard of any difficulties after expulsion of Libyans or have Libyans returned to your country for applying again for asylum, allegedly they were detained after their return to Libya.</p>
	<b>Austria</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	<b>Belgium</b>	<b>Yes</b>	<p>1. As BE only has a small number of Libyan cases it requires very little additional research on a case by case basis. The little research we have done in the past wasn't always easy due to the limited number of contacts. In case research is required we would contact our national embassy and other European embassies in Libya, IOM or perhaps our Italian colleagues (view their colonial past).</p> <p>2. and 2A. During this period BE received 47 (including multiple demands) asylum applications. Only 4 were granted the status of refugee. Nobody was granted the status of subsidiary protection.</p> <p>3. BE has few Libyan asylum seekers and intercepted illegals. In case a person is arrested because of illegal stay in Belgium, the Libyan authorities are cooperative to identify and remove that person. No forced returns to Libya in this period.</p> <p>and 4A) Not applicable.</p>
	<b>Bulgaria</b>	<b>Yes</b>	<p>1. BG: The State Agency for Refugees uses the public sources (Human Right Watch; Amnesty International; UNHCR; the Annual Reports of the United States Department of State; the World Facts Book, etc). Regarding specific concrete questions, we also use information from internet sites.</p> <p>How recent is the report your decision-making is based upon? It depends when the facts, which the asylum seeker affirms, had happened. We are seeking information for that period of time.</p> <p>2. In 2006 – no asylum seekers from Libya. In 2007 - one asylum seeker. He received subsidiary protection. For the first half of 2008 – no asylum seekers from Libya.</p> <p>2A - Refugee-Protection (as meant in the Geneva Convention)</p> <ul style="list-style-type: none"> <li>- Protection because of a real risk of being subjected to torture or inhuman or degrading treatment or punishment in the sense of article 3 of the European Convention on Human Rights</li> </ul>





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			<ul style="list-style-type: none"> <li>- other humanitarian reasons</li> <li>- otherwise</li> </ul> <p>3. No rejected asylum seekers from Libya. and 4A) Not applicable</p>
	<b>Czech Republic</b>	<b>Yes</b>	In the time span mentioned CZ did not receive any asylum seekers from Lybia
	<b>Denmark</b>	<b>Yes</b>	<p>3. Yes, as a general rule. According to Section 30 of the Aliens Act, cf. Order no. 808 of 8 July 2008, an alien who is not entitled to stay in Denmark, must leave Denmark. If the alien does not leave Denmark voluntarily, the police must make arrangements for his departure. An alien must not, however, be returned to a country where he will be at risk of the death penalty or of being subjected to torture or inhuman or degrading treatment or punishment, or where the alien will not be protected against being sent on to such country (Section 31 of the Aliens Act). However, the Danish Immigration authorities have no recent experiences with enforced returns to Libya.</p> <p>4. No. Neither the Ministry of Refugee, Immigration and Integration Affairs nor any other Danish authority have the authority to monitor the treatment of people in other countries.</p> <p>4A The Danish Immigration authorities have no recent experiences with enforced returns to Libya.</p>
	<b>Estonia</b>	<b>Yes</b>	<p>Estonia has no experiences regarding asylum seekers from Libya, none from Libya hasn't applied asylum here. The asylum seekers proceedings in Estonia are based on individual approach, therefore no specific citizenship is preferred or set as a restriction.</p> <p>More statistical information about asylum seekers origincountries You may find from <a href="http://www.mig.ee/index.php/mg/eng/statistics">Estonian Citizenship and Migration Board homepage: <u>http://www.mig.ee/index.php/mg/eng/statistics</u></a></p>
	<b>France</b>	<b>Yes</b>	<p>Concernant la France, le nombre de demandeurs d'asile libyens en France est négligeable (moins de 10 par an) et aucun n'a obtenu le statut de réfugié. Dans ces conditions, nous n'avons pas d'éléments utiles à communiquer pour répondre à la demande néerlandaise.</p> <p><i>In France, the number of asylum applications is yearly less than 10 and therefore can be neglected. Moreover, none have acquired the status of refugee. So at this moment, there's no useful information for the NL ad hoc.</i></p>
	<b>Germany</b>	<b>Yes</b>	<p>1. The latest notification from the Foreign Office on the situation in Libya is dated in 2001. Other sources of information on the situation in Libya are the countries of origin information (COI) released by the Foreign Office and by non-governmental organisations (NGO). The decision makings are always case-by-case examinations.</p> <p>2. In Germany 2006 we had 28 first requests from Libya, therefrom 7 were admitted as asylum seekers (Art. 16 II German Basic Constitutional Law) /refugees (Geneva Convention) , 16 applications were rejected, 5 were finished otherwise(withdrawal of application).</p> <p>In 2007 we had 29 initial applications, therefrom 4 were admitted as asylum seekers (Art. 16 II German Basic Constitutional Law) /refugees (Geneva Convention), 8 were finished otherwise(withdrawal of application) and 5 had not yet been decided until the 31th of December 2007.</p> <p>From January 1st to September 30th 2008 were 22 initial applications for asylum, therefrom 2 were admitted as asylum seekers (Art. 16 II German Basic Constitutional Law) /refugees (Geneva Convention), in one case was granted subsidiary protection. 6 applications were refused, 3 were finished otherwise(withdrawal of application) and 10 had not been decided until the 31th of December 2008.</p>


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			3. Not applicable 4. Not applicable
	Hungary	Yes	<p>1. In Hungary a country information centre operates in the Office of Immigration and Nationality which collects, stores and (upon request or application) provides information on the country of origin of the person seeking recognition, refugee, beneficiary of subsidiary and temporary protection as well as third countries that are relevant for the recognition or the revocation thereof and about the country to which the request or application refers to. The latest information is based on the general report of Libya published by the Ministry for Foreign Affairs of the Republic of Hungary in April, 2008. Apart from this country information source, the refugee authority uses the official reports of Amnesty International, Human Rights Watch, UK Home Office and US State Department. The country information centre shall fulfil the received requests within eight days. If necessary, the refugee authority obtains the relevant country information from other public sources (e.g.: CIRCA-site, www.ecoinet.com) through the country information centre or directly.</p> <p>2. There have been 3 Libyan asylum-seekers who applied for asylum in Hungary – two of them in 2006, and one in 2007. In the year of 2008 Libyan nationals did not apply asylum in Hungary. Neither of the Libyan asylum-seekers have been granted protection. In one case the procedure has been discontinued, while in the other two cases the application has been rejected.</p> <p>2A - Refugee-Protection (as meant in the Geneva Convention)</p> <ul style="list-style-type: none"> <li>- Protection because of a real risk of being subjected to torture or inhuman or degrading treatment or punishment in the sense of article 3 of the European Convention on Human Rights</li> <li>- other humanitarian reasons</li> <li>- otherwise</li> </ul> <p>- The refugee authority <b>grants a refugee status</b> in case the applicant fulfils the conditions which are ruled by the Geneva Convention and the disqualifying circumstances determined in Article 1, paragraph D, E or F of the Geneva Convention do not prevail.</p> <p>- The Republic of Hungary shall grant <b>subsidiary protection</b> to a foreigner who does not satisfy the criteria of recognition as a refugee but there is a risk that, in the event of his/her return to his/her country of origin, s/he would be exposed to serious harm and is unable or, owing to fear of such risk, unwilling to avail himself/herself of the protection of his/her country of origin.</p> <p>- If the person seeking recognition were exposed to the risk of persecution due reasons of race, religion, ethnicity, membership of a particular social group or political opinion or to death penalty, torture, cruel, inhuman or degrading treatment or punishment in his/her country of origin for, and there is no safe third country which would receive him/her, or in the case of an unaccompanied minor, the prohibition of refoulement also prevails if the unification of the family or any state or other institutional care is not possible either in his/her country of origin or in another state receiving him/her, on the proposal of the refugee authority, the alien police authority shall recognise the foreigner as a person <b>authorised to stay</b>.</p> <p>During the examined period of time Libyan asylum-seekers have not been granted asylum.</p> <p>3. In case the asylum request is rejected, the foreigner has to leave the territory of the Hungarian Republic. A time limit of maximum thirty and minimum ten days shall be provided for the fulfilment of the obligation of leaving the country. During 2006,</p>




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			<p>2007 and the first half of 2008 there were only 2 asylum-seekers from Libya and both of them were obliged to leave the territory of the Republic of Hungary.</p> <p>Not applicable.</p>
	<b>Ireland</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. All Country of Origin information consulted by the Office of the Refugee Applications Commissioner (ORAC) is from the most up to date public sources available at the time. In assessing Libyan asylum claims we use sources such as The UK Border and Immigration Operation Guidance Note (OGN) on Libya (April 2007) which provides information on the general, political and human rights situation in that country. It also provides guidance on the nature and handling of the most common types of claims received from nationals/residents of Libya. This OGN is read in conjunction with other COI sources and all claims are considered on an individual basis. These other COI sources include the Canadian Immigration and Refugee Board National Documentation Package on Libya (last updated 2 April 2008) as well as the most recent US State Dept Report on Human Rights and reports from UNHCR, USCRI and Amnesty International. The Refugee Documentation Centre is the Refugee Appeal Tribunal's primary source of Country of Origin information.</li> <li>2. There have been 13 Libyan asylum seekers who applied for asylum in Ireland during the years 2006, 2007, 2008 (as at 30th June). For the same period there have been no recommendations to grant asylum to Libyan nationals. <ol style="list-style-type: none"> <li>2A - Refugee-Protection (as meant in the Geneva Convention) <ul style="list-style-type: none"> <li>- Protection because of a real risk of being subjected to torture or inhuman or degrading treatment or punishment in the sense of article 3 of the European Convention on Human Rights</li> <li>- other humanitarian reasons</li> <li>- otherwise</li> </ul> </li> <li>3. No rejected asylum seekers from Libya have been expelled to Libya</li> <li>4. Not applicable.</li> </ol> </li> <li>4A Not applicable.</li> </ol>
	<b>Latvia</b>	<b>Yes</b>	Until now Latvia has not received any asylum application from asylum seekers from Libya, therefore we have no experience with asylum seekers from Libya.
	<b>Lithuania</b>	<b>Yes</b>	Lithuania did not have any cases from Libya therefore we do not have any practice regarding their return.
	<b>Netherlands</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. The latest information is based on the general report on Libya of the Department of Foreign Affairs published in 2002. In this report, it was stated that it could not be excluded that asylumseekers expelled to Libya could encounter a "real risk" of a violation of article 3 of the European Convention of Human Rights. Since then the Department has no facilities and possibilities to examine the situation in Libya and to update this general report. Additionally Ref World from UNHCR and reports of Human Right Watch and Amnesty International are used as reference material. However, there has been a verdict by the District Court of Rotterdam of 5 October 2005, that the general report of the Department of Foreign Affairs of 2002 is not conclusive about the security situation of rejected Libyan asylumseekers upon their return to Libya. Unfortunately the Department of Foreign Affairs is not able to draft a new general report with up to date information on the security situation of expelled Libyan asylumseekers to Libya. The consequence is that the asylumrequests of Libyan asylumseekers are granted a residence permit for serious humanitarian reasons, because there are plausible arguments that expulsion would entail a "real</li> </ol>



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			<p>risk” of being subjected to torture or inhuman or degrading treatment or punishment in the sense of article 3 of the European Convention on Human Rights. Since the asylum motives advanced do not give reason to grant such a status or a refugee status, there is a need of updated information on the security situation of expelled Libyan asylumseekers in order to be able to reject the requests.</p> <p>2. There have been 144 asylumseekers who applied for asylum in The Netherlands during the the years 2006, 2007,. 2008 until recently. From July 2007 onwards until May 2008 at about 77 persons from Libya have been granted protection. Before The Netherlands had a decision-stop.</p> <p>2A.- Refugee-Protection (as meant in the Geneva Convention)</p> <ul style="list-style-type: none"> <li>- Protection because of a realrisk of being subjected to torture or inhuman or degrading treatment or punishment in the sense of article 3 of the European Convention on Human Rights</li> <li>- other humanitarian reasons</li> <li>- otherwise</li> </ul> <p>3. No rejected asylum seekers from Libya have been expelled to Libya</p> <p>4. Not applicable</p> <p>4A Not applicable</p>									
	<b>Poland</b>	<b>Yes</b>	<p>1. In Poland, the institution responsible for examination asylum applications is the Office for Foreigners. There is a special division (the Division for Information about Countries of Origin), which prepares data base on countries of origin. Access to this data base is available for every person working in the decision-making department (Department for Refugee Proceedings). These data base consists of information collected from every possible public source. In problematic, individual cases there is a possibility of asking Polish diplomats in Libya for verification of some facts.</p> <p>2. Data on asylum seekers from Libya in Poland between 2006-2008:</p> <p>Applications:</p> <table style="margin-left: 20px;"> <tr><td>2006</td><td>-</td><td>2</td></tr> <tr><td>2007</td><td>-</td><td>0</td></tr> <tr><td>2008</td><td>-</td><td>1</td></tr> </table> <p>Granted asylum 2006-2008: 0</p> <p>2a Protection offered in Poland:</p> <ul style="list-style-type: none"> <li>• granted refugee status (Geneva Convention)</li> <li>• granted subsidiary protection status</li> <li>• granted temporary protection</li> <li>• granted tolerated stay (authorisation to stay for humanitarian reasons)</li> <li>• granted asylum (national).</li> </ul> <p>3. In Poland rejected asylum application is followed by an expulsion. In the period between 2006-2008 one such decision was issued (in 2007).</p>	2006	-	2	2007	-	0	2008	-	1
2006	-	2										
2007	-	0										
2008	-	1										

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			/4a We do not have any information of any difficulties after expulsion to Libya. In the period between 2006-2008 there was no repeated application of Libyan citizens.
	<b>Portugal</b>	<b>Yes</b>	<p>1. The main sources used are: BBC News; Human Rights Watch (HRW); UK Home Office; UN High Commissioner for Refugees (UNHCR, US Department of State; International Committee of the Red Cross (ICRC). These sources usually have information about the main nationalities of asylum applicants in PT. Other are used as well, but not so often.</p> <p>Other questions: none – not applicable.</p>
	<b>Romania</b>	<b>Yes</b>	<p>1. RIO uses only public available information. The COI Bureau is keeping a rather independent position from the decision making process. We provide COI also to judges and other interested third parties. Romanian Immigration Office (RIO) doesn't make it's own reports - such as reports after fact finding missions or country analysis - using experts. All the recent information is acquired from the Internet – reports made by DIS, UK Home Office, BAMF, UNHCR etc. or news from the agencies. In this respect, the countries which are producing the materials are mentioned.</p> <p>UN Reports; UNHCR Recommendations and reports; Danish Immigration Service; UK Home Office; Romanian Ministry of Foreign Affairs; IRB Canada; BAMF; U.S. State Department; Human Rights Watch; Amnesty International; Center for Strategic and International Studies; Internal Displacement Monitoring Centre (formerly Global IDP Project); Institute for War and Peace Reporting; BBC; IRIN; RFE/RL etc.</p> <p>2. There is only one asylum seeker from Libya, who lodged an application in 2006 and the case was rejected through a final decision. Since then, no case was registered.</p> <p>2a. What kind of protection is offered, when granting asylum:</p> <ul style="list-style-type: none"> <li>- Refugee-Protection (as meant in the Geneva Convention)</li> <li>- Protection because of a realrisk of being subjected to torture or inhuman or degrading treatment or punishment in the sense of article 3 of the European Convention on Human Rights</li> <li>- other humanitarian reasons</li> <li>- otherwise</li> </ul> <p>Romania grants the following forms of protection to persons in need:</p> <ul style="list-style-type: none"> <li>- Refugee status according to The 1951 Geneva Convention;</li> <li>- Subsidiary protection – granted for grounds other than those mentioned by the 1951 Geneva Convention;</li> <li>- Temporary protection – is an extraordinary measure taken in case of massive influx of asylum seekers;</li> <li>- Temporary humanitarian protection – is granted to persons coming from an area of armed conflict to which Romania is not belligerent on a temporary basis.</li> </ul> <p>3. There is no rejected asylum seeker returned to Libya.</p> <p>4. Not applicable.</p>
	<b>Slovenia</b>	<b>Yes</b>	According to the available statistical data of the Ministry of the interior of the Republic of Slovenia there have been no persons seeking the international protection from Libya since 1991.

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	Sweden	Yes	<p>1. The sources used are in general public. They are published in our Country Information System (LIFOS) which is accessible for the public on the Migration Board web site (<a href="http://www.migrationsverket.se/lifos/sok.do">http://www.migrationsverket.se/lifos/sok.do</a>). The latest document is published September 19 2008. Reports from the UK Home Office and from various state departments - as well as our own reports - are widely used when it comes to examining asylum claims.</p> <p>2. – 2a. In the year 2006, 318 persons from Libya applied for asylum in Sweden. 5 Libyans were granted asylum as refugees according to the Geneva Convention. 20 persons were in need of subsidiary protection. 4 were given residence permit on humanitarian grounds and 31 due to a lenient temporary legislation.</p> <p>In 2007, 420 persons from Libya applied for asylum in Sweden. 23 libyans were granted asylum as refugees according to the Geneva Convention. 5 persons were in need of subsidiary protection and 11 were given residence permit on humanitarian grounds. In mid 2008, 295 Libyans had applied for asylum in Sweden. During the period 1 was given a residence permit.</p> <p>3. In Sweden if an application for asylum is rejected this decision includes a decision of expulsion. The number of expulsed are as follows:</p> <table border="1" data-bbox="607 715 1610 879"> <thead> <tr> <th></th> <th>Voluntary return</th> <th>Forced return</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>2006</td> <td>66</td> <td>28</td> <td>94</td> </tr> <tr> <td>2007</td> <td>75</td> <td>56</td> <td>131</td> </tr> <tr> <td>2008 (first half)</td> <td>46</td> <td>19</td> <td>65</td> </tr> <tr> <td>Total</td> <td>187</td> <td>103</td> <td>290</td> </tr> </tbody> </table> <p>So in total 290 persons has returned to Libya in the period of 2006-june 2008.</p> <p>4. No. There is no legal requirement or obligation for the Swedish Migration Board to follow up what happen to asylumseekers when they return to Libya.</p> <p>4a. Swedish authorities have in one specific case recently tried to investigate what happened to a returning asylum seeker who allegedly was subjected to severe maltreatment in Libyan detention. The result of the investigation was inconclusive. There are no statistics regarding cases where Libyans - returning to Sweden - have stated they were subjected to detention when they returned to Libya after expulsion.</p>		Voluntary return	Forced return	Total	2006	66	28	94	2007	75	56	131	2008 (first half)	46	19	65	Total	187	103	290
	Voluntary return	Forced return	Total																				
2006	66	28	94																				
2007	75	56	131																				
2008 (first half)	46	19	65																				
Total	187	103	290																				
	United Kingdom	Yes	<p>1. - All asylum claims, including those from Libyan nationals, are carefully considered on their individual merits in accordance with the 1951 United Nations Convention Relating to the Status of Refugees and the European Convention on Human Rights against the background of the latest accurate, sourced and up-to-date information on asylum seekers' countries of origin, produced by the UK Border Agency Country of Origin (COI) Service.</p> <p>- Country of Origin Information (COI) Service is part of the Asylum Policy Directorate within the UK Border Agency. COI Service is a team of specialist country officers whose job is to research, collate and summarise information on countries giving rise to asylum claims in the UK. Country officers monitor the situation in their countries daily and have access to the most up-to-date sources.</p> <p>- All COI Service products focus on human rights issues and matters frequently raised in asylum and human rights claims. They</p>																				

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are compiled from reliable material produced by a wide range of external information sources such as the US State Department, UNHCR, human rights organisations, and news media. All COI Service products are in the public domain and are based on published or unclassified source material. Hyperlinks are provided within the COI products to most of the original source documents referred to. COI Service products do not contain any UK Border Agency opinion or policy.

- The most recent report on Libya is dated 22 April 2008

2. /2A

Year	Asylum applicants from Libya	Asylum applications from applicants from Libya granted
2006	90	5
2007	45	5
Mid 2008	20	5

**Asylum** is protection given by a country to someone who is fleeing persecution in their own country. It is given under the 1951 United Nations Convention Relating to the Status of Refugees. The United Kingdom also adheres to the European Convention on Human Rights, which precludes sending someone back to a country where there is a real risk they will be exposed to torture, or inhuman or degrading treatment or punishment.

#### **Humanitarian Protection**

Subject to certain exclusion grounds, Humanitarian Protection (HP) will be granted to anyone who is unable to demonstrate a claim for asylum but who would face a serious risk to life or person arising from the death penalty, unlawful killing, torture, inhuman or degrading treatment or punishment. HP is granted for up to 3 years, if at the end of 3 years, it is decided that further protection is needed, a claimant will usually receive Indefinite Leave to Remain (ILR). If protection is no longer needed and a person has no other basis of stay in the UK they will be expected to leave.

#### **Discretionary Leave**

Discretionary Leave (DL) may be granted for a limited number of specific reasons. These people will either not be considered to be in need of international protection, or will have been excluded from such protection. DL may be granted to an applicant who has an Article 8 claim or Article 3 claim only on medical grounds or severe humanitarian cases. DL is also granted to Unaccompanied Asylum Seeking Children (UASC) for whom adequate reception arrangements in their country are not available. Applicants who would qualify for asylum or Humanitarian Protection but have been excluded, and those who are able to demonstrate particularly compelling reasons why removal would not be appropriate may also be granted DL. An individual grant of DL is for up to 3 years. A person on DL will normally become eligible to apply for ILR after 6 years.

3. If an applicant does not qualify for asylum they may receive humanitarian protection or discretionary leave to remain. Otherwise they will be removed or depart voluntarily. 35 Libyan principal asylum applicants were removed or departed voluntarily to Libya in 2006; 25 in 2007, and 5 between January and June 2008 inclusive.<sup>3</sup> On 9/4/08, a UK appeals court, the Court of Appeal (Civil Division), cited torture and ill-treatment in Libya as grounds for barring the deportation of two Libyans. The Special Immigration Appeals Commission (SIAC) had previously ruled that the two Libyans must be returned to Libya because they were national security suspects and that the UK had received a "memorandum of understanding" from Libya that promised that suspects

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			<p>would not be tortured and would receive fair trials upon return.</p> <p>4. <b>Post-return monitoring</b></p> <ul style="list-style-type: none"> <li>• There is no post-return monitoring or sustainability programme for those persons who choose not to return as part of an assisted voluntary return package and whose subsequent removal from the UK is enforced. However, removal will only be carried out where it is considered both appropriate and safe to do so, and only after an assessment of each case has been thoroughly conducted. In reaching such a decision, consideration will be given to our domestic and international obligations and the unique circumstances of each case. No individual will be removed whilst any asylum claim is pending.</li> <li>• We do not actively or routinely monitor individual returnees following removal: we would not remove them if we considered that they were likely to suffer persecution on their return.</li> <li>• It would generally be inappropriate and impractical for the UK to actively monitor individual citizens of another country once they return there. However the Foreign and Commonwealth Office will investigate any reports of ill-treatment.</li> <li>• This should certainly not be interpreted as disinterest. The Foreign and Commonwealth Office follows the human rights situation through its network of posts around the world, including in the countries to which we return failed asylum seekers. They will pass on to the Home Office any allegations that returnees have been mistreated, and where appropriate may be asked to make discreet enquiries, often through NGOs or other third parties. Such information will always be taken fully into account as a factor in the formulation of asylum policies and hence in the decision whether it is safe to return an individual.</li> <li>• Those who would face persecution or other ill-treatment on return are granted asylum or other forms of appropriate protection and for them the question of removal does not arise.</li> </ul> <p>4a</p> <ul style="list-style-type: none"> <li>• No corroborating evidence has been found for any reports and there is no evidence that returnees have been systematically ill-treated or that they have been targeted because they are returning failed asylum seekers.</li> <li>• Inevitably, on occasions some individuals who have been returned to their country of origin after having made an unsuccessful asylum application will succeed in returning to the UK. They may attempt to apply for asylum a second time, claiming they have been detained or suffered other mistreatment after their return. This applies with all nationalities of asylum seekers, not just Libyans. As with all asylum claims the application would be considered on its individual merits, but the fact that the individual had previously made an unsuccessful asylum application in the UK would be taken into consideration in reaching a decision.</li> </ul> <p><sup>1</sup> Figures include enforced removals, port asylum removals which have been performed by Enforcement Officers using port powers of removal (and a small number of cases dealt with at juxtaposed controls), persons departing voluntarily after enforcement action had been initiated against them, persons leaving under Assisted Voluntary Return Programmes run by the International Organization for Migration and persons who it has been established have left the UK without informing the immigration authorities. Figures are rounded to the nearest 5; 2007 and January to June 2008 figures are provisional.</p>
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			Please note that it is not possible to say at what stage in the asylum process all the returnees have reached at the time of their removal, including whether their claim has failed at that point, because those departing voluntarily can do so at any stage.
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