Humanitarian IMPALA and Asylum Policies in Latin America Database Questionnaire

Start of Bloo	ck: Default Qu	uestion Block	X			
Q1 Which co	ountry are you	coding?				
▼ Argentina	(1) Venezu	ela (19)				
Q2 Which ye	ear are you coo	ding?				
▼ 1990 (68)	2018 (96)					
Q5 Is the c	country party to	the UN Conv	rention relating	to Refugees	? ('Party to' m	eans ratified)
			0 /5			
	Presence/Ab	sence Value	Openness/Restrictiveness Value		Sources	Comments
	Voc. (1)	No. (2)	0 (1)	1 (2)	(1)	(1)
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Legal Framework						
(1)						

	e country made nt a state can l		ions? ('Reserv	ation' are con	nditions on rati	fication of
	Presence/Ab	sence Value	Openness/Re Va	estrictiveness lue	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Legal Framework (1)						
Q9 Is the c	ountry party to	the UN Conv	rention Against	Torture? ('Pa	arty to' means	ratified)
	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Legal Framework (1)						

Q11 Is the country party to the Optional Protocol to the Convention Against Torture? ('Party to' means ratified)

	Presence/Absence Value			estrictiveness lue	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Legal Framework (1)						

Q13 Is the country party to the International Covenant on Civil and Political Rights? ('Party to' means ratified)

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Legal Framework (1)						

Q15 Is the country party to the First Optional Protocol to the International Covenant on Civil and Political Rights? ('Party to' means ratified)

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Legal Framework (1)						

Q17 Is the country party to the Convention on the Rights of the Child? ('Party to' means ratified)

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Legal Framework (1)						

Q19 Is the country party to the Optional Protcol to the Convention on the Rights of the Child? ('Party to' means ratified. This question relates to the third optional protocol: Optional Protocol to the Convention on the Rights of the Child on a communications Procedures)

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Legal Framework (1)						

Q158 Is the questions of whether the applicant has been displaced or is likely to be displaced from their home a criterion for the grant of the permit?

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Qualification (1)						

Q200 Does this track afford protection to persons who may arbitrarily be deprived of their life if returned to their country of origin?

	Presence/Absence Value			estrictiveness lue	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Qualification (1)						

Q202 Does this track afford protection to persons who have been displaced as the result of an ongoing armed conflict within a particular country?

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Qualification (1)						

Q204 Does this track afford protection to persons who have been displaced as the result of a natural/environmental disaster?

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Qualification (1)						

Q278 Is there any alternative status (subsidiary protection) for persons seeking protection, other than refugee status?

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Qualification (1)						

Q280 Does the country provide protection to persons who may be subjected to torture if returned to their country of origin?

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Qualification (1)						

Q133 Are asylum seekers detained in some circumstances while their claims are being processed?

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Reception and Detention (1)						

Q274 Are asylum seekers informed of their rights during this screening process?								
	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments		
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)		
Procedures (1)								
Q188 Are asylum claims that are deemed to be weak or unfounded subject to fast track processing?								
	asylum claims	that are deem	ed to be weak	or unfounded	subject to fa	st track		
	esylum claims Presence/Ab		Openness/Re	or unfounded estrictiveness lue	subject to fa	st track Comments		
			Openness/Re	estrictiveness				
	Presence/Ab	sence Value	Openness/Re Va	estrictiveness lue	Sources	Comments		

Q170 Are asylum seekers advised about their rights in a language they can understand? [i.e. do they have a right to an interpreter?] Openness/Restrictiveness Presence/Absence Value Sources Comments Value Yes (1) 1 (2) (1) No (2) 0 (1) (1) **Procedures** (1) Q172 Are asylum seekers required to submit a written application? Openness/Restrictiveness Presence/Absence Value Comments Sources Value Yes (1) No (2) 0 (1) (1) 1 (2) (1) **Procedures** (1)

Q174 Do applicants have a right to an interview/oral hearing?									
	Presence/Absence Value			Openness/Restrictiveness Value		Comments			
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)			
Procedures (1)									
Q180 Do a	Q180 Do applicants have a right to legal assistance or representation? Procence/Absonce Value Openness/Restrictiveness Sources Comments								
	Presence/Ab	serice value	Value		Sources	Comments			
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)			
Procedures (1)									

Q184 Is there a time limit within which asylum seekers must file an application after entering the country?

	Presence/Absence Value			estrictiveness lue	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Procedures (1)						

Q101 Can refugee protection be denied and/or restricted because an applicant has been in contact with authorities or has remained for a certain period (but not settled) in another country in which they could have sought protection?

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Exclusion and Cessation (1)						

Q103 Can refugee protection be denied to applicants who could avoid persecution by relocating to a different part of their state of origin?

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Exclusion and Cessation (1)						

Q107 Can refugee protection be denied to applicants who have committed crimes against peace, war crimes or crimes against humanity before entry?

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Exclusion and Cessation (1)						

Q113 Can refugee protection be denied to applicants who represent a danger to national security?

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Exclusion and Cessation (1)						

Q109 Can refugee protection be denied to applicants who have committed serious non-political crimes outside the country of refuge (before entry)?

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Exclusion and Cessation (1)						

Q253 Can refugee protection be denied to applicants who have committed serious non-political crimes within the country of refuge?

pointed of the country of forage.								
	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments		
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)		
Exclusion and Cessation (1)								

Q208 Are asylum seekers whose protection claims are rejected given a time limit to leave the country?

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Exclusion and Cessation (1)						

Q145 (Can c	child asylum seekers be detained?						
		Presence/Absence Value			estrictiveness lue	Sources	Comments	
		Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)	
Rights of Childre								

Q190 Are special procedures used or accommodations made for unaccompanied or separated

(1)

children?

	Presence/Absence Value			estrictiveness lue	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Rights of Children (1)						

Page 16 of 34

Q194 Is a guardian appointed to assist the unaccompanied or separated child applicants?								
	Presence/Absence Value			estrictiveness lue	Sources	Comments		
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)		
Rights of Children (1)								
Q320 Is the entrant granted protection with the option of applying for permanent status after a certain period of time?								
	Presence/Ab	sence Value	Openness/Restrictiveness Value		Sources	Comments		
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)		
Internal								
Rights (1)								

Q54 Does the permit allow the entrant to work?								
	Presence/Absence Value		Openness/Re Va	Openness/Restrictiveness Value		Comments		
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)		
Internal Rights (1)								
Q58 Can applications be made at the border/ports of entry? Presence/Absence Value Openness/Restrictiveness Value Sources Comments								
			Openness/Re	estrictiveness	Sources	Comments		
			Openness/Re	estrictiveness	Sources (1)	Comments (1)		
Exclusion and Cessation (1)	Presence/Ab	sence Value	Openness/Re Va	estrictiveness lue				

LA1	Does the	law explicitly recognize the duties imposed on the State by the 1951 Genev	12
conve	ention and o	other related ratified international treaties?	

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Legal Framework (1)						

LA3 Is the right to asylum included into the Constitution?

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Legal Framework (1)						

LA5 Does the law explicitly include the possibility to resettle refugees from third countries?								
	Presence/Ab	sence Value	Openness/Restrictiveness Value		Sources	Comments		
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)		
Legal Framework (1)								
Declaration of defines refuging have been the	LA7 Has the country incorporated into its national law the principles of the 1984 Cartagena Declaration on the scope of the refugee definition, or a variation thereof? [Such declaration defines refugees as: persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order].							
		e/Absence lue		estrictiveness lue	Sources	Comments		
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)		
Qualification (1)								

LA9	Does the	law recognize	the right to	asylum for	r people	already ı	recognized a	s refugees
in a th	nird country	, but whose life	, freedom a	and dignity	the host	country	cannot gua	rantee?

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Qualification (1)						

LA11 Are there any special provisions for cases of mass influx of asylum seekers?

	Presence/Absence Value			Openness/Restrictiveness Value		Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Reception and Detention (1)						

LA13 Does the law guarantee that asylum seekers will not be penalized for entering the country illegally?

	Presence/Absence Value			estrictiveness lue	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Reception and Detention (1)						

LA15 Does the law recognize the declarative character of the refugee condition? (This implies that asylum seekers have the same rights as refugees, as they are refugees waiting to be recognized as such by the host state)

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Reception and Detention (1)						

LA17 Does the law sanction authorities who fail to pass on to the relevant institution a request for asylum? [That is, does the law mention the duty of public officials to remit a submission for refugee status to the competent authorities?]

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Reception and Detention (1)						

LA19 Can the asylum seeker remain in the country where the application has been made until the last instance of her/his situation has been defined?

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Reception and Detention (1)						

LA23 Does the law recognize the unity of the family as a fundamental right of the refugees?								
	Presence/Absence Value		Openness/Re Va	estrictiveness lue	Sources	Comments		
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)		
Internal Rights (1)								
LA27 Does the law ease the recognition of academic and professional qualifications earned in the country of origin?								
	Presence/Ab	sence Value	Openness/Restrictiveness Value		Sources	Comments		
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)		
Internal Rights (1)								

LA29 Does the identification document provided to the recognized refugee mention her/his status as a refugee?

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Internal Rights (1)						

LA31 Does the law guarantee the right to access the asylum process?

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Procedures (1)						

LA33 Can	LA33 Can the application for refugee status be submitted through the UNHCR?								
	Presence/Absence Value			Openness/Restrictiveness Value		Comments			
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)			
Procedures (1)									
LA35 Can	LA35 Can the application for refugee status be submitted through a legal representative?								
	Presence/Ab	sence Value	Openness/Restrictiveness Value		Sources	Comments			
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)			
Procedures (1)									

LA37 Does the law recognize confidentiality as a fundamental part of the refugee application process?

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Procedures (1)						

LA39 Does the law guarantee that the lack of documentation will not impede the applicant from submitting her/his request for refugee status?

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Procedures (1)						

LA41 Does the law include a right to appeal and to a fair trial in case of a first negative decision?

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Procedures (1)						

LA43 Is the institution in charge of reviewing appeals independent from the one of the first instance?

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Procedures (1)						

LA45 Does the law guarantee the gratuity of the whole refugee application process?									
	Presence/Absence Value		Openness/Re Va	estrictiveness lue	Sources	Comments			
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)			
Procedures (1)									
LA47 Does	LA47 Does the law guarantee free legal assistance to the asylum seeker?								
	Presence/Ab	sence Value	Openness/Restrictiveness Value		Sources	Comments			
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)			
Procedures (1)									

LA49 Does the law state that the interview process should take into account the social and cultural background of the applicant?

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Procedures (1)						

LA51 Does the law prohibit national authorities from contacting the country of nationality, or origin, of the applicant, unless when expressly requested by the latter?

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Procedures (1)						

LA53 Does the committee in charge of reviewing and granting refugee status include a member of the UNHCR?

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Procedures (1)						

LA55 Does the committee in charge of reviewing and granting refugee status include a member of the civil society or a representative of the Ombudsman's Office?

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Procedures (1)						

LA57 In case of a negative decision in the last instance of appeal (if applicable), is UNHCR informed of it before any action is undertaken to remove the applicant?

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Procedures (1)						

LA59 In case of rejection in the first instance of the application, is there a reasonable time limit to submit an appeal request? (Reasonable is understood as more than 2 weeks time)

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Procedures (1)						

LA61 Are there any special measures in place to guarantee women's access to the asylum procedure?

procedure?	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Procedures (1)						

LA63 Are there special provisions in place for vulnerable asylum seekers, or asylum seekers with special needs?

	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Procedures (1)						

LA65 Can an individual be recognized as a refugee for persecution based on gender?

Presence/Absence Value

Openness/Restrictiveness Value

Sources

Comments

Yes (1) No (2) 0 (1) 1 (2) (1) (1)

Qualification (1)

End of Block: Default Question Block