APLA 1990 2020 - The Asylum Policies in Latin America Database

Start of Bloo	ck: Default Qu	uestion Block	(
Q1 Which country are you coding?								
▼ Argentina	(1) Venezu	ela (19)						
Q2 Which ye	ar are you coo	ding?						
▼ 1990 (68) 2020 (98)								
Q5 Is the country party to the UN Convention relating to Refugees? ('Party to' means ratified						eans ratified)		
	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments		
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)		
Legal Framework (1)								

	Has the country made any reservations? ('Reservation' are conditions on ratification of the instrument a state can have placed)							
	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			estrictiveness lue	ctiveness Sources Comr			
	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/Ab	sence 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/Ab	sence Value		estrictiveness lue	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/Ab	sence Value		estrictiveness lue	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/Ab	sence Value		estrictiveness lue	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)

Yes (1) No (2) 0 (1) 1 (2) (1) (1) Legal Framework (1)	Presence/Ab	sence Value		estrictiveness lue	Sources	Comments
Framework	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(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, Val			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 ong	oing ar	med conflict within a particular country?	

	Presence, Val			estrictiveness lue	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, Val			estrictiveness lue	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, Val			estrictiveness lue	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? Openness/Restrictiveness Presence/Absence Value Sources Comments Value Yes (1) 1 (2) (1) No (2) 0 (1) (1) Reception and Detention (1) Q274 Are asylum seekers informed of their rights during this screening process? Openness/Restrictiveness Presence/Absence Value Sources Comments Value 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? Openness/Restrictiveness Presence/Absence Value Sources Comments Value Yes (1) No (2) 0 (1) 1 (2) (1) (1) **Procedures** (1) 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) No (2) 0 (1) (1) (1) **Procedures** (1)

Q172 Are a	Q172 Are asylum seekers required to submit a written application?									
	Presence/Absence Value		Openness/Re Va	estrictiveness lue	Sources	Comments				
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)				
Procedures (1)										
Q174 Do a	pplicants have	e a right to an i	interview/oral h	nearing?						
	Presence/Ab	sence Value	Openness/Restrictiveness Value		Sources	Comments				
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)				
Procedures (1)										

Q180 Do a	pplicants have	a right to lega	al assistance c	r representat	ion?	I		
	Presence/Absence Value		Openness/Re Va	estrictiveness lue	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 Openness/Restrictiveness Value 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?

	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 child asylum seekers be detained?

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

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

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

Q194 Is a guardian appointed to assist the unaccompanied or separated child applicants?

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

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Q320 Is the entrant granted protection with the option of applying for permanent status after a certain period of time?

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

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Q58 Can	258 Can applications be made at the border/ports of entry?								
	Presence/Absence Value			Openness/Restrictiveness Value		Comments			
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)			
Exclusion and Cessation (1)									
LA1 Does the law explicitly recognize the duties imposed on the State by the 1951 Geneva convention and 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	A3 Is the right to asylum included into the Constitution?							
	Presence/Absence Value			Openness/Restrictiveness Value		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/Absence Value Openness/Restrictiveness Sources Comments								
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)		
	103 (1)	140 (2)	0 (1)	1 (2)	(1)	(1)		
Legal Framework (1)								

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

			olence, foreign stances which l			
	Presence, Val			estrictiveness lue	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)
Qualification (1)						
	_	-	to asylum for p		-	-
	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/Ab	sence Value	Openness/Re Va	estrictiveness lue	Sources	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 Openness/Restrictiveness Value 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?

until the las	t instance of h	er/his situatior	n has been def	fined?		I		
	Presence/Absence Value			Openness/Restrictiveness Value		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/Ab	sence Value	Openness/Restrictiveness Value		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/Absence 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		Comments		
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)		
Procedures (1)								
LA33 Can the application for refugee status be submitted through the UNHCR?								
	Presence/Absence Value		Openness/Restrictiveness Value		Sources	Comments		
	Yes (1)	No (2)	0 (1)	1 (2)	(1)	(1)		
Procedures (1)								

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

LA47 Does the law guarantee free legal assistance to the asylum seeker?							
	Presence/Absence Value			estrictiveness lue	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/Ab	sence 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?

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

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

with Special i	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