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**REFUGEE STATUS DETERMINATION UNDER THE COMPREHENSIVE
PLAN OF ACTION FOR INDOCHINESE ASYLUM SEEKERS IN ASIA**

by

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I. In General

The Comprehensive Plan of Action ("CPA") for Indochinese asylum seekers requires the introduction of a "consistent, region-wide refugee status determination process to be conducted in accordance with national legislation and internationally accepted practice." The CPA further provides that the determination process will make specific provision for status determinations, within a prescribed period, determined by a qualified national body, and in accordance with the criteria recognized in the 1951 Convention and 1967 Protocol relating to the Status of Refugees. The Office of the United Nations High Commissioner for Refugees ("UNHCR") is to participate both as an observer and advisor, advising "each individual of the nature of the procedure, of the implications for rejected cases and the right to appeal the first-level determination."¹

The criteria to be applied in status adjudications are those set forth in the 1951 Convention and 1967 Protocol relating to the Status of Refugees "bearing in mind ... the 1948 Universal Declaration of Human Rights and other relevant international instruments concerning refugees."² Perhaps most importantly, the CPA requires that refugee criteria "be applied in a humanitarian spirit taking into account the special

¹UN Doc. A/44/523 at 13-14.

²Id.

situation of the asylum seekers concerned and the need to respect the family unit."³

The UNHCR Handbook on Procedures and Criteria for Determining Refugee Status (the "UNHCR Handbook") is to be the authoritative guide in developing and applying the criteria.⁴

The procedures contemplated by the CPA include:

- The provision of information to the asylum seekers about the procedures, the criteria and the presentation of their cases;
- Prompt advice of the decision in writing within a prescribed period;
- A right of appeal against negative decisions and proper appeals procedures for this purpose, based upon the existing laws and procedures for the individual place of asylum, with the asylum seeker entitled to advice, if required, to be provided under UNHCR auspices.⁵

Finally, the CPA provides that UNHCR will institute a comprehensive training program for officials involved in the determination process.⁶

³In practice, this means that asylum seekers should be accorded status if they can simply show that they are immediate family of previously recognized refugees. The nuclear family concept is the operative norm, although, according to UNHCR, first asylum countries in the region apply the concept in a flexible manner.

⁴Id.

⁵Id.

⁶Id. at 14.

With respect to oversight of implementation, the CPA established a Steering Committee consisting of representatives of all governments party to the CPA to address "specific aspects of the implementation of the Plan, particularly with regard to status determination, return and resettlement."⁷ The Steering Committee has met four times since the inception of the CPA. In addition, there have been 11 informal, technical or informational meetings of the Steering Committee.

In 1990, UNHCR issued a Note on fair and efficient procedures in connection with a judicial challenge brought in the Hong Kong High Court concerning alleged unfairness in the screening and review procedure. The Note sets forth UNHCR's own interpretation of standard procedures necessary to ensure fair refugee status adjudications.

The UNHCR described its monitoring role in the Hong Kong procedure as involving counseling of asylum seekers, monitoring of screening interviews, advice on general policy issues to the government, and legal assistance to deserving asylum seekers who take appeals. Specifically, the UNHCR emphasized the following relevant requirements:

⁷Id. at 16.

The applicant should receive the necessary guidance as to the procedure to be followed (para.(e)(ii) of Conclusion No. 8).⁸ Given the vulnerable situation of an asylum seeker in an alien environment, it is important that he/she should on arrival receive appropriate information on how to submit his/her application. Such advice is most effective on an individual basis and is provided in many countries by legal counseling services, funded by government, UNHCR or non-governmental sources.

The applicant should be given the necessary facilities, including the services of a competent interpreter for submitting his case to the authorities concerned. (Para.(e)(iii) of Conclusion No. 8). This requirement entails, first of all, that the applicant should be given the opportunity to present his/her case as fully as possible. As refugee status is primarily an evaluation of the applicant's statement, the quality of the interview is crucial to a proper determination of the claim. Paragraphs 196-205 of the [UNHCR] Handbook deal with this aspect of the procedure and make it clear that "while the burden of proof in principle rests on the applicant, the duty to ascertain and evaluate all the relevant facts is shared between the applicant and the examiner" and also that the examiner should "ensure that the applicant presents his case as fully as possible and with all available evidence." The interviewer therefore has a particular responsibility to ensure that the interview is comprehensive and the records reflect accurately what has been said. The reference to "necessary facilities" could, in UNHCR's view, also include legal advice and representation, if the applicant requires these in order to present his case properly.

If the applicant is not recognized, he should be given a reasonable time to appeal for a formal reconsideration of the decision, either to the same or different authority, whether administrative or judicial, according to the prevailing system (para.(d)(vi) of Conclusion No. 8). Although this requirement is phrased in general terms, in UNHCR's view the notion of "appeal for a formal reconsideration" includes some basic principles of fairness applicable equally to judicial or administrative reviews, such as the possibility for the applicant to be heard by the review body and to be able to obtain legal advice and representation in order to make his submission; for the reconsideration to be based on all relevant evidence; and for a consistent and

⁸Reference is to Conclusion Number 8 on the Determination of Refugee Status, adopted by the governmental Executive Committee of the UNHCR Programme, 28th session (1977); see also UNHCR Handbook, at para.192.

rational application of refugee criteria in line with the guidelines established in the UNHCR Handbook. UNHCR believes that the notion of fairness also requires the review body to provide the grounds for its decision, so that the applicant can be reassured that he has had a fair hearing and the criteria have been applied properly.

The application should be examined by "qualified personnel having the necessary knowledge and experience, and an understanding of an applicant's particular difficulties and needs" (UNHCR Handbook, para.190). An understanding of the application of refugee criteria as well as a knowledge of the situation in the country of origin are necessary, in particular, for assessing an applicant's credibility and the well-foundedness of his fear of persecution.

The applicant should be granted the benefit of the doubt if his statement is coherent and plausible and does not run counter to generally known facts (paras. 203-204, UNHCR Handbook). Because of problems of obtaining evidence to substantiate a refugee claim, and the serious consequences which could result from an erroneous decision, the evidential requirements should be approached with flexibility.⁹

The UNHCR Branch Office Representative in Malaysia serves as Regional Coordinator for Refugee Status Determination and Special Procedures. Among its regional responsibilities, the Malaysia Branch Office hosts a computer database of literature on conditions in Vietnam for use by UNHCR legal consultants, and, in at least one instance, national adjudicators. Since the database was created in 1991, two documentalists from the Danish Refugee Council were seconded to UNHCR, in part to update the database. At the outset, UNHCR intended to incorporate significant amounts of information from individual cases into the database, but this objective has

⁹UNHCR, Note on the subject of the role of UNHCR in the Hong Kong procedure for refugee status determination (1990).

not been realized, limiting the utility of the database. Currently, there are 24 individual cases contained in the database.

II. Regional Implementation of the CPA

A. Indonesia

Upon arrival at the camp on Galang, UNHCR distributes a leaflet which, like other written information distributed in the region, explains the status adjudication process but does not articulate what the "internationally recognized criteria" are with respect to the asylum seeker's claim to refugee status. A pictorial leaflet on the screening process is being developed to aid those asylum seekers who cannot read. Prior to the screening interview, an asylum seeker has contact with the UNHCR Eligibility Unit in a weekly information session. UNHCR legal consultants then interview asylum seekers prior to their contact with the Indonesia authorities. An initial assessment of the claim for refugee protection is forwarded to the Indonesian authorities.

Two-thirds of the P3V Committee, the screening entity, is composed of high-ranking military officers. The P3V Committee conducts the main interview and make the decision. Currently, there are eight UNHCR legal consultants and nine Indonesian

government interviewing teams consisting of one interviewing officer and one interpreter. UNHCR legal consultants do not observe the screening interviews. When the assessments of the P3V committee and UNHCR conflict, discussions between the interviewers and consultants are possible with a view toward resolution. UNHCR's assessment is followed in the majority of cases.¹⁰

Applicants who are denied refugee status receive a written decision. Reasons for the decisions are cursory. Upon notification of denial, asylum seekers are informed of their right to file a "leave to appeal" within 15 days of receipt of the decision. They also receive a form with which they may submit their appeal. UNHCR Durable Solutions staff counsel asylum seekers on the voluntary repatriation program prior to appeals counseling by a legal consultant.

The "leave to appeal" is forwarded, through UNHCR, to a Review Committee in Jakarta composed of government officials in the ministries of foreign affairs and immigration as well as the P3V. The Review Committee can reverse the decision if new evidence is provided that shows that the decision below was improper. The Review Committee will uphold the denial if the appeal does not add anything new to the findings below. Should the Review Committee find that facts or elements of the

¹⁰Recently, a controversial "fast-track" screening procedure with interviews of 10-15 minutes in duration has been operating in Indonesia.

claim were misinterpreted, the appeal will be forwarded to the Appeal Board with a recommendation for consideration. The Appeal Board consists of nine members of the same entities making of the Review Committee, except on a higher level. A UNHCR representative is present at meetings of both the Review Committee and the Appeal Board.

UNHCR is in a position to give its own views on individual cases at meetings of the Review Committee and Board of Appeals. In case of disagreement among its members, the Review Committee and Board of Appeals decides by majority vote.

While asylum seekers who were denied are offered counseling, UNHCR does not assist in the preparation of the appeal. However, "screened-in" Vietnamese refugees with English language skills are available and have been trained by UNHCR, P3V, and a voluntary agency, to advise asylum seekers on the appeals process and help prepare appeals.

As of July 1992, 11,039 of the 16,543 Vietnamese asylum seekers present in Indonesia had received decisions in the first instance. Screening of those at Galang should conclude by November 1992, and review processing by January 1993, assuming there are no further arrivals. Of those who received decisions, the adjudication experience was as follows:

Number interviewed	10,253 persons	7,423 cases
Positive decisions	3,657 persons	2,293 cases
Negative decisions	7,382 persons	5,263 cases
Positive review decisions	165 persons	112 cases
Negative review decisions	1,815 persons	1,409 cases.

B. Malaysia

Upon arrival, asylum seekers receive information leaflets prepared by UNHCR, which address the following issues: General Information, Refugee Status Determination, Orderly Departure Program, Special Procedures for Unaccompanied Minors, and Voluntary Repatriation. Unlike other countries in the region, the leaflet does address the definition of "refugee" by explaining the purpose of the interview.¹¹ In addition, prior to the screening interview, UNHCR provides group counseling on the adjudication process where asylum seekers may ask questions.

Screening is conducted by military officers attached to National Task Force VII, a governmental task force that includes navy, police, civilians and army officers. A lengthy questionnaire is used. Currently, on any given day, there are six officials

¹¹The relevant portion of the leaflet reads as follows: "The interview should establish whether your life in Vietnam had become intolerable through measures by the Government aimed at you personally because of your race, religion, nationality, political opinion, ethnic origin or your particular background. You are eligible for refugee status if the measures taken by the Government amounted to persecution, and if they affected you more than they affected the population of Vietnam in general."

interviewing Vietnamese asylum seekers at the cumulative rate of two cases per day. According to UNHCR, the Malaysian Government plans to complete the first instance interviews by the end of December 1992. UNHCR will thus be required to strengthen its team of observers to match the number of government officers. Therefore on a given day there will be eight teams, interviewing three cases each.

Malaysia is the only country in the region where UNHCR legal consultants observe all of the screening interviews. The UNHCR legal consultant provides a written assessment to the authorities on every case. As the interviews are collective and the merits of the claim are discussed between the interviewer and the legal consultant, discrepancies are ordinarily resolved. Dialogue between the interviewer and the legal consultant also fosters exchange of information with respect to country conditions and the application of criteria. Internationally recruited interpreters are provided by UNHCR through the International Catholic Migration Committee.

Upon completion of the interview, the asylum seeker's file, including the written assessment of the UNHCR legal consultant, is submitted to a senior officer of the National Task Force for decision. A written notice of the decision is hand-delivered to each asylum seeker. No reasons are given for the decision.

In terms of review procedures, a Refugee Status Review Board ("RSRB") has been established composes of government officials at a senior level and different from those who conduct interviews and make first-instance decisions. The UNHCR is a member of the RSRB as an observer and advisor. The RSRB is chaired by the director of the National Task Force and sits in a three-member panel. Asylum seekers have seven days in which to file a formal notice of intent to seek review, and 30 days thereafter to prepare the grounds on which review is being sought.

Review Advice Groups have been organized from among asylum seekers consisting of boat people who have undertaken university studies in various fields, including law. Recognizing the need to enhance the preparation of the review grounds, UNHCR has recruited three Malaysian lawyers to advise, guide, and train the Review Advice Groups.

Reasons are not provided in connection with negative decisions on appeal. There is no provision for judicial review in Malaysia.

As of August 1992, 12,781 of the 13,738 Vietnamese asylum seekers present in Malaysia had received decisions in the first instance. Screening in Malaysia should conclude by the end of 1992, and review processing by August 1993, assuming there

are no further arrivals. Of those who received decisions, the adjudication experience was as follows:

Number interviewed	12,781 persons	7,322 cases
Positive decisions	3,060 persons	1,558 cases
Negative decisions	6,412 persons	3,630 cases
Positive review decisions	906 persons	453 cases
Negative review decisions	3,952 persons	2,180 cases.

C. Thailand

Arriving Vietnamese in Thailand are considered "illegal immigrants" to whom officials "who do not have any duty involved" have no access. New arrivals are transferred to Sikhiu camp.

Prior to their screening interviews, asylum seekers in Thailand are provided with leaflets explaining the screening process. Like other brochures distributed to asylum seekers in the region, no explanation of the criteria upon which the refugee determination is made is offered. No pre-screening counseling is conducted by UNHCR or any other entity. The leaflet is the only information the refugee has before being called to the screening interview.

To address the backlog, the government last year established a task force composed of 30 interviewers and 25 interpreters. New interviewers are trained as they are added to the process.

The screening interviews are conducted by task force interviewers employed by the Ministry of Interior ("MOI"), the majority of whom have backgrounds in law or political science. Field supervisors have at least five years experience working for MOI and must have a background in political science.

Once the interview is complete, the interviewer drafts a recommendation and submits the file with the recommendation to the field supervisor. The case is then forwarded to the Refugee Status Determination Committee ("Screening Committee") in Bangkok. Currently, UNHCR legal consultants observed about 20 percent of the screening interviews. In those cases where a UNHCR legal consultant is present, a written assessment of the case is provided. In cases where UNHCR is not present, the field supervisor makes a copy of the file without the recommendation for UNHCR who may then request the case to be re-interviewed either by UNHCR or the MOI interviewer. UNHCR, on the basis of the MOI interview report, makes an oral assessment of cases it did not observe at the Screening Committee meeting where UNHCR acts as both an observer and advisor. Thus, UNHCR makes

recommendations on all cases. The Thai authorities and UNHCR agree on the determination in the vast majority of the cases.

The Screening Committee is chaired by the Deputy Director of the Operations Centre for Displaced Persons ("OCDP") in Bangkok, and includes the Assistant Director of OCDP, the Chiefs of Foreign Affairs and Border Information Unit, Planning Division, Coordination with International Organizations, Budgetary Division and Operation Division of MOI. Committee determinations are forwarded to the director of OCDP for approval.

Those asylum seekers denied by the Screening Committee are given form letters with cursory reasons for the denial and advised that appeals may be taken through UNHCR within seven days of a Committee determination with the opportunity within 30 days to submit additional information for reconsideration. An inter-agency Appeal Board in Bangkok is chaired by the Deputy Secretary General of MOI and includes the Chief of Operations of MOI, as well as representatives of the National Security Council, Ministry of Foreign Affairs, Navy, Immigration, and Marine Police. With the exception of the representatives from MOI, members of the Appeal Board have no formal training in country conditions or refugee law.

UNHCR has considerable responsibility on appeals and attends all Appeal Board meetings as an observer and advocate. UNHCR counsels on a group basis those asylum seekers wishing to appeal their case on how to write an appeal and the procedures involved; all applicants are re-interviewed by UNHCR. Although UNHCR reviews all the appeals, it will only assist those cases which it believes have valid grounds for appeal. For those cases it supports on appeal, UNHCR prepares an additional written statement to the Appeal Board. Final decisions are in writing. There is no provision for judicial review in Thailand for cases denied under this procedure. The UNHCR mandate is exercised occasionally.

As of July 1992, 6,480 of the 13,586 Vietnamese asylum seekers present in Thailand had received decisions in the first instance. Screening in Thailand should conclude by early 1993, and review processing by the end of 1993, assuming there are no further appeals. Of those who received decisions, the adjudication experience was as follows:

Number interviewed	13,586 persons	4,706 cases
Positive decisions	1,364 persons	792 cases
Negative decisions	5,063 persons	3,237 cases
Positive review decisions	29 persons	19 cases
Negative review decisions	857 persons	600 cases.

D. Philippines

The procedure for the determination of refugee status in the Philippines involves three stages: reception, status determination, and appeal. Upon arrival in the Philippines, asylum seekers are transferred to a government administered first asylum camp ("PFAC") in Puerto Princesa, Palawan. In the PFAC, an initial registration is conducted by UNHCR staff. Asylum seekers are then interviewed by UNHCR legal consultants who prepare reports of the predetermination interviews for submission to officials from the Bureau of Immigration and Deportation ("BID"), who interview the asylum seekers and make the refugee determination. The BID officials treat the report as non-binding and consider it together with any documents submitted by the asylum seeker.

Asylum seekers in the Philippines have four opportunities for UNHCR counseling prior to their screening interview. First, upon arrival in the PFAC asylum seekers are given a verbal explanation of the CPA and a written one in Vietnamese, including status determination procedures. Second, within two weeks of their arrival they are registered by a UNHCR registrar who at such time distributes the information leaflet. Third, before the interview with the UNHCR legal consultant, they are counselled on a group basis on the status determination interview. Finally, they are interviewed individually by a UNHCR legal consultant who prepares a

predetermination report which, if the asylum seeker agrees to its accuracy, is then signed by the applicant and sent to the authorities.

At the time BID officers conducted the first screening interviews (screening has been concluded in Palawan), they were assigned to interview in PFAC for a period of three months. UNHCR conducted training for these officers. To assess the asylum seeker's claim, the BID official conducts his or her own status determination interview, in the presence of a UNHCR observer. UNHCR does not participate in the screening interview except to the extent a BID official asks UNHCR for its views. Decisions on refugee status are drafted in PFAC and signed in Manila by the Commissioner of the BID. All decisions are in writing and are delivered to each asylum seeker.

In terms of appeals, within 15 days of receipt of a denial, asylum seekers may submit, through the Task Force on International Refugee Assistance and Administration ("TFIRAA"), a notice of appeal to the Appeals Board. The Appeals Board is composed of three government officials from the Departments of Justice, Foreign Affairs and National Defense, Social Welfare and Development, and the Office of the President, who receive the same training as the BID officers. In the notice to appeal, the asylum seeker must state the reasons why the decision should be reversed and may ask to submit, within another 15-day period, an extended written

statement together with any other additional documentation he or she deems pertinent to the case. If no appeal is taken within 15 days from the date the initial letter is served on the asylum seeker, denial of status becomes final and the asylum seeker is deemed to have chosen to be repatriated.

The Appeals Board notifies UNHCR of all appeals by furnishing it with a copy of the asylum seeker's notice of appeal. UNHCR may, within seven days from receipt of such notice or within seven days from receipt of the copy of the extended written statement of appeal, submit to the Appeals Board its comment on the appeal. UNHCR attends all the Appeals Board sessions and is given an opportunity to represent those cases which it supports. For those cases not supported by UNHCR on appeal, a "self-help" group composed of Vietnamese asylum seekers has been established to advise persons wishing to appeal. A UNHCR legal consultant has been provided to supervise and advise the group. Two non-governmental organizations (JRS and LAVAS) are involved in rendering legal assistance in appeals cases.

The Appeals Board is to render its decision, which then becomes final, within two months from the date of receipt of the asylum seekers notice of appeal or from receipt of the copy of the extended written statement of appeal. The Appeals Board issues written decisions that do not give reasons for negative decisions but mention

family unity in positive decisions. Where it deems necessary for a proper evaluation of the case, the Appeals Board may conduct its own interview of the asylum seeker.

As of July 1992, 8,063 of the 8,108 Vietnamese asylum seekers in the Philippines had received decisions in the first instance. Screening in the Philippines has been concluded, and review processing should be concluded by the end of 1994, assuming there are no further arrivals. Of those who received decisions, the adjudication experience was as follows:

Number interviewed	7,952 persons	5,640 cases
Positive decisions	3,245 persons	2,044 cases
Negative decisions	3,622 persons	2,674 cases
Positive review decisions	71 persons	56 cases
Negative review decisions	831 persons	628 cases.

E. Hong Kong

Upon interception in Hong Kong waters or on its territory, asylum seekers are informed that they are illegally entering the territory. If they insist on remaining, a screening procedure is to be carried out in accordance with the strictures of the 1951 Convention and 1967 Protocol and the UNHCR Handbook. New arrivals are taken to Green Island Reception Center, where, since October 29, 1991, screening interviews have been conducted. The UNHCR is the essential source of legal advice and assistance to asylum seekers in the screening and review procedures, and is to have

unrestricted access to the Vietnamese for this purpose. As of the end of August 1992, 22,834 people awaited screening in Hong Kong.

Asylum seekers are given a brochure explaining the refugee status determination process, which, as in most other countries in the region, does not include an explanation of the Convention and Protocol definition of a refugee. One-third of the brochure is devoted to an explanation of voluntary repatriation. In theory, asylum seekers are to receive pre-screening counseling by UNHCR legal officers. In practice, only 14 legal consultants with a range of additional responsibilities are available for this large population.

Since late 1990, individual asylum seekers have had access to legal advice from lawyers affiliated with a Jesuit Refugee Service ("JRS") funded project. This advice includes an explanation of the law and an assessment, after reviewing the facts of the claim, of the strength or weakness of the case. This type of counseling could be useful in giving the asylum seekers enough information to decide intelligently whether to wait as long as two years for a screening interview or to consider other options, including voluntary repatriation. Currently, JRS is disseminating information to Vietnamese asylum seekers via a videotape developed by JRS. Unlike other countries in the region, asylum seekers may obtain private Hong Kong lawyers to assist in their

case. However, less than .1 percent obtain service from private lawyers, which is not available on a pro bono basis in most cases.

Interviews are conducted by a Hong Kong Immigration Department ("HKID") officer, who is assisted by an interpreter. The officer completes a questionnaire; since last year, applicants have had the answers read back to them. The officer then makes a recommendation on the case, including an assessment of credibility. Legal officers of the UNHCR have unrestricted access in order to be able to monitor the screening interview. Currently, about five percent of the screening interviews are attended by legal officers. The interviewer's recommendation is reviewed by superiors, who make the final decision. If the final decision by the HKID is negative, the applicant is informed of the denial and of the right to appeal. No reasons for denial are given.

As of July 1992, HKID had completed screening for 36,950 people, of whom 4,862 were screened in (13 percent), including on family unity grounds, and 32,088 were screened out (87 percent).

At the time of the notification of the denial, a copy of the HKID file is given to UNHCR and an appeals counselor working under the Agency for Volunteer Service ("AVS"), a separate agency working under contract with UNHCR, so that the appeals counselor may consider assisting with the review. Asylum seekers are informed of

the reasons for HKID denial. A "Notice of Application for Review" must be lodged with the Refugee Status and Review Board ("RSRB") within 28 days of notice of the determination. Within the same period of time, a written statement must be submitted by the applicant or his or her legal representative for review.

On May 31, 1989, legislation was enacted to establish four panels of an RSRB to handle cases that would otherwise be heard by the Governor in Council. The RSRB is headed by a former judge and is organized in two-person panels, whose members are drawn from the civil service and the community at large. A positive decision by one panel members suffices to overturn a negative HKID decision. While legal assistance or representation may be offered to some applicants in preparing written submissions for review, neither the applicant nor his or her representative are entitled to be present when the case is reviewed by the Board. Similar to practice elsewhere in the region, oral evidence is not presented at the RSRB, although some asylum seekers are re-interviewed by board members. Beginning in 1990, the RSRB has issued written reasons in connection with denials of status.

As of July 31, 1992, the RSRB had reviewed the cases of 26,727 persons. The Director of Immigration's decision has been upheld for 25,005 persons (93 percent) and overturned for 1,722 persons (7 percent). UNHCR had exercised its mandate on behalf of 873 persons.

AVS Appeals Counselors are made available for both interview and legal advice to each denied asylum seeker who desires to appeal his or her case. According to UNHCR, they provide some form of assistance in about 95 percent of the denied cases. Some appeals counselors file more appeals than others. Without AVS support, the appeal has little likelihood of being overturned. In theory, judicial review is available with respect to final decisions in Hong Kong. In practice, asylum seekers rarely avail themselves of this option.

Given current trends regarding arrivals, screening in Hong Kong should conclude by the end of 1993, and review processing by the second half of 1994.

III. Conclusion

As the above descriptions demonstrate, the regions of the countries of first asylum have sought in diverse ways to meet international standards and achieve fairness in refugee status determinations under the Comprehensive Plan of Action. The exercise has been a controversial one, and detailed legal and empirical inquiries are necessary to determine whether these objectives have been met.

Additionally, it remains to be seen whether universal lessons can be drawn from the CPA in managing solutions for asylum seekers in Asia or elsewhere. As of

this writing, the CPA model has not been emulated, at least on anything approaching a similar scale, and the lessons are somewhat ambiguous. Greater clarity on the issue will undoubtedly emerge with the judgment of history.