



# **INTERNATIONAL MIGRATION AND REFUGEE LAW MOOT COURT COMPETITION**

**2024**

Case

**Amara Ghafoori**

**v.**

**The Minister of Home Affairs of  
the Grand Duchy of Taurasia**

## Introduction to the case

Amara Ghafoori is a young Afghan woman. On 12 July 2021, she arrives, at age 21, in the Grand Duchy of Taurasia on a student visa to study for a two-year Master's degree in "Diversity, Multiculturalism and Law" at the University of Agatha. On 5 April 2023, a few months before the end of her studies, she applies for asylum in Taurasia.

On 5 April 2023, Amara Ghafoori goes to the Immigration Service to lodge an asylum application. She receives an invitation for an interview with the Immigration Service on 11 August 2023. The invitation clarifies that Amara can be accompanied by a lawyer, and that after the interview, the Immigration Service will determine whether she qualifies as "a refugee" or is eligible for exceptional leave to remain.

## General information on the Grand Duchy of Taurasia

The Grand Duchy of Taurasia is an independent state of approximately 44.864 km<sup>2</sup> located in Northern Europe. The capital, Agarth, is located in the northwestern part of the country. The Grand Duchy's **geography** is characterised by flat, arable land, low elevation, and a temperate climate. It shares borders with two other European states to the South and East and has access to the Baltic Sea to the East and the Northern Sea to the West.

Taurasia became independent in the 10<sup>th</sup> century. Since the 19<sup>th</sup> century, the Grand Duchy has been a **constitutional monarchy** headed by the Justenborg family. Grand Duchess Lisbeth has been Head of State for the last three decades. The royal family is not well liked because of numerous scandals. Indeed, Grand Duchess Lisbeth's son has been accused of tax evasion and corruption, and her husband has been photographed with members of a neo-Nazi movement. A growing anti-monarchy movement has emerged in recent years.

Taurasia is a **representative democracy**. The **unicameral parliament**, consisting of 180 seats, is elected according to the proportional representation electoral system, whereby each party is proportionally represented in Parliament according to its vote share in the election. Elections are held every 5 years. Since 2010, the conservative-right Taurasian National Party (or TNP) has consistently won elections. It won 40% of the votes in the last elections in 2020 and thus has 72 seats in parliament. It currently governs in coalition with the central-right party Taurasian Liberals (or TL), which obtained 15% of the votes and holds 27 seats in parliament.

The **executive power** is held by the government, made of Ministers drawn from the political parties which form the governing coalition. Asylum and immigration are the responsibility of the Ministry of Home Affairs. Heading the Ministry is Minister of Home Affairs Einrik Kristinsson, member of the TNP. He is responsible for the Immigration Service, which examines applications for visa, residence permits and asylum.

The **national language** is English, being also the official language in the educational and legal system.

Since its independence, Taurasia has been a proficient maritime power thanks to its access to the Baltic and Northern Seas and its important harbour located in the capital Agarth. Today, its **economy** is mainly based on international trade, which represents a two third of the total GDP. Hydrocarbon exports (gas and oil) accounts for more than half of the country's total exports. Taurasia is the 24<sup>th</sup> largest economy in the world in terms of GDP with a GDP of 525.9 billion EUR/556.8 billion USD in 2022.

Taurasia is a **highly developed country** with a **high standard of living**. Taurasia is the 14<sup>th</sup> largest economy in the world in terms of GDP/capita. It is characterized by a high tax level and a correspondingly high level of government-provided services (health care, childcare and education), as well as income transfers to various groups, such as retired or disabled people, unemployed persons, students, etc. These transfers only benefit Taurasian nationals. The income distribution is relatively equal, but inequality has somewhat increased during the last decades, especially for foreigners.

Taurasia's **educational system** is very well renowned. The country has five universities. The main and most famous is the University of Agartha, which ranks as the best in the country and 67<sup>th</sup> in the world according to QS World University Ranking. It counts 38.042 students, 30% of which are non-nationals. The university offers diverse programmes, known for their very progressive approach. The academic year starts on 1 September and ends on 30 June of the following year. Non-nationals wishing to pursue higher education in Taurasia are required to obtain a **student visa**. A visa is delivered on the conditions of 1) possession of a valid passport, 2) proof of prior admission to a university and payment of the tuition fees (for non-national students: 11.693 EUR/12.480 USD per academic year at the University of Agartha), 3) proof of financial means for 12 months through a scholarship or sponsorship equivalent to 1.239 EUR/1.322 USD per month and 4) proof of a comprehensive health insurance policy. Upon graduation, holders of a student visa are required to leave Taurasia within a period of three months. If and when they have a job offer as a highly qualified professional, they can apply for a residence permit within that period. A highly qualified professional must be in possession of a university degree and gain a salary of more than 4.652 EUR/4.965 USD per month. After that period, applications for a work residence permit can only be filed from outside Taurasia. The Immigration Service gives residence permits only to highly qualified professionals and to skilled workers who are in short supply on Taurasian labour market.

The Grand Duchy of Taurasia is a **secular country**, officially neutral in religion, with a very strong separation of church and state. Protestantism is the leading religion in the country, with 35% of the population identifying themselves as Protestant, followed by Catholicism (28%), Eastern-Orthodoxy (4%), Islam (2%) and Judaism (0,8%). The Muslim minority is often discriminated against. Violence against Muslims and anti-Muslim rhetoric have increased since the TNP came to power in 2010.

Taurasia has a **population** of 6.2 million, of which 900.000 million live in the capital, Agartha, which is also the largest city. Foreigners account for about 3% of the population. Taurasia's population is relatively young. The median age is 43.7 years and 26% of the population is between 20 and 40 years old.

Taurasia is a very **advanced country in terms of gender equality**. Gender equality is deeply rooted in Taurasian culture. The participation rate of women in the labour market is very high and the gender pay gap is 3.5%. The Ministry of Equality has, over the years, adopted several laws and measures in favour of gender equality, such as the 6-month mandatory parental leave for men and subsidised childcare. Since 2014, there are laws requiring gender parity in government, parliament, political parties, boards of public structures and companies. Gender equality is also used as an argument by the NTP to justify its restrictive stance on immigration, arguing that non-Western cultures discriminate against women.

**Nationalistic feelings are very strong among Taurasians**, especially among young people, **and they favour a restrictive attitude to immigration**. About 65% of the population considers immigration to be the most important issue that politicians should address. The Grand Duchy's law on citizenship is very strict and it is very difficult for non-nationals to acquire Taurasian citizenship. They have to go through a very long and difficult process which includes, among other things, integration courses, a language test, the signing of a declaration of allegiance and loyalty, and the obligation to be self-sufficient, to have no outstanding debts to the public authorities and no criminal record. A woman who lived and worked in Taurasia for 10 years and was fined for driving at 55 km/h when the speed

limit was 50 km/h had her citizenship application rejected. Immigration rules are very strict as well, with visa and residence permit obligations for non-nationals who wish to move to Taurasia. Moreover, the government of Taurasia recently concluded an asylum partnership with the Republic of Kashmana. Under the partnership, anyone who arrives to or resides in the Grand Duchy of Taurasia without the required visa or residence permit and who cannot be returned to their home country, will be relocated to Kashmana. The Republic of Kashmana is an island state in the Atlantic Ocean before the coast of South-America. Its official language is Portuguese, and its population has mixed African, indigenous and/or European ancestry. It has signed and ratified the 1951 Refugee Convention and its 1967 Protocol, the International Covenant on Civil and Political Rights, and the American Convention on Human Rights and its Additional Protocol in the Area of Economic, Social and Cultural Rights (San Salvador Protocol) and Protocol to Abolish the Death Penalty. It has accepted the contentious jurisdiction of the Inter-American Court of Human Rights. The Republic of Kashmana has welcomed hundreds of refugees fleeing from Venezuela, El Salvador and Colombia in recent years. There have been concerns raised about its human rights record, including allegations of arbitrary detention and torture in its correctional facilities. The country has limited resources, with frequent shortages in food and interruptions in power supply. UNHCR has expressed concerns about the asylum partnership, saying that it is not clear how Kashmana will be able to protect the rights of asylum seekers and refugees.

Taurasia is a member of the **United Nations**. It is not part of the European Union, the European Economic Area and the Schengen area, nor is it member of the Council of Europe. 21 EU Member States, as well as, amongst others, the United States, Canada, India and Iran have a diplomatic mission in Agarthia. Afghanistan and Pakistan do not have a diplomatic or consular mission to Taurasia. Their respective embassies and consulates in Berlin and Stockholm are responsible for diplomatic and consular relations.

Taurasia is a **pure monist state**, meaning that all international agreements and conventions its Parliament ratifies are automatically incorporated into national law without transposition and take precedence over national law when they are self-executing. Taurasia has signed and ratified the following **international treaties**, which are directly applicable: the 1951 Convention relating to the Status of Refugees and its 1967 Protocol; the Convention relating to the Status of Stateless Persons; the Vienna Convention on the Law of Treaties; the United Nations Framework Convention on Climate Change; the Convention on the Rights of the Child and its three Optional Protocols; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Istanbul Convention Action against violence against women and domestic violence; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; and the Geneva Convention relative to the Protection of Civilian Persons in Time of War. Taurasia has further signed but not ratified the Convention on the Rights of Persons with Disabilities; and the International Convention for the Protection of All Persons from Enforced Disappearance. Taurasia has a Human Rights Commission that monitors the respect of human rights obligations in its legislation and practice. Its reports are not publicly accessible.

## The handling of the application for asylum in the Grand Duchy of Taurasia

Persons qualifying as refugees under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, as well as persons who cannot return to their country out of fear for their life, torture, cruel, inhuman or degrading treatment or punishment under other international conventions ratified by and binding on Taurasia, can apply for asylum.

The application is filed with the Immigration Service where an asylum officer interviews the applicant. The Taurasian Immigration Act allows an application to be declared inadmissible if the applicant has entered Taurasia without the required entry, travel and/or residence documents and visa. The applicant can then be relocated to the Republic of Kashmana under the asylum partnership arrangement between Taurasia and Kashmana.

When the applicant qualifies as a refugee, the applicant is given a renewable refugee residence permit for a period of five years. The permit can be revoked in the event of cessation or for reasons of public order or national security. Recognized refugees benefit from the rights and entitlements guaranteed by the 1951 Refugee Convention.

Persons who cannot return out of fear for their life, torture, or cruel, inhuman or degrading treatment or punishment under other international conventions, are granted exceptional leave to remain for renewable periods of two years. The leave can be cancelled in the event of cessation or for reasons of public or national security. Beneficiaries of an exceptional leave to remain have the same rights as other non-citizens residing legally in Taurasia.

If the status determination is negative, the Immigration Service may decide to allow the applicant to remain in Taurasia under other provision of the Immigration Act or may order the applicant to leave and return to their home country.

There is a possibility to appeal the decision before the Immigration Appeals Tribunal. This administrative tribunal has full jurisdiction to review the case on its merits, both factually and legally, with the parties allowed to submit new evidence. The Tribunal also hears claims related to other immigration matters, such as refusals of visa or residence permits and deportation orders. The appeal suspends the execution of the Immigration Service's decision.

If the applicant receives a negative judgment from the Tribunal, he has the right to lodge an appeal before the Supreme Court of Taurasia. This court can only review the Tribunal's decision on legal grounds, without a possibility for re-examination of the facts or submission of new evidence. This appeal does not have suspensive effect.

## Personal interview - Amara Ghafoori

File number	2023/04/843
Date of application	05/04/2023
Surname, First name	GHAFOORI, Amara
Date of Birth	07/03/2000
Nationality	Afghan
Accompanied by	Susanne Nielsen, attorney at law
Asylum Officer	Morten Olsson
Interpreter	No
Number interpreter	/
Language of interview	English

Date personal interview: 11/08/2023

Start: 2.30 pm | End: 4.28 pm

**Hello Amara, welcome to the Immigration Service. We are here today as you have applied for asylum in the Grand Duchy of Taurasia. The goal of today's interview is to hear you about the reasons why you left your country of origin, came here, lodged an application for asylum and cannot return to your country of origin. Do you understand this?**

Yes.

**If I understand correctly, you speak the official language of Taurasia, which is English. However, if you find it difficult to understand the questions asked, there is the possibility to be assisted by an interpreter if you wish. You did not ask for an interpreter to be present. Do you wish to be assisted by one?**

No, that will not be necessary. I think that I am fluent in English. I took two years of classes in English at the university here, with good results.

**Thank you. If you do not understand the question, do not hesitate to tell me. I will do my best to rephrase it. If you do not know the answer to a question, that's not a problem. Just tell me the truth and tell me you do not know. Is that clear?**

Yes.

**Please let me know if you need a break during the interview.**

I will. Thank you.

**I would also like to tell you that your statements today are confidential. This means that nothing you tell us will be passed on to anyone, especially not to the authorities in your home country. Is that clear?**

Yes.

**Finally, as you have noticed, I am taking notes of everything we say today and add them to your file. If you wish, you can ask for a copy of these notes so that you can check them afterwards and let me know, within five days, if you have any comments on them. Would you like a copy of the notes?**

*(The applicant looks at her lawyer who nods.)*

Yes, I would like to receive a copy.

**All right, I have made a note of that. Amara, do you have any other questions about what I've explained so far?**

No, not at the moment. Or perhaps, yes, maybe, will others in this service read your notes too, because you say it is confidential?

**Only my supervisors will read the notes, but they will also keep this information confidential.**

Thank you.

**A last preliminary question concerns the address to which the decision will be sent. Do you still reside on the campus of the University of Agartha?**

Yes.

**Then the decision will be sent to this address but let us know if you decide to move elsewhere.**

Ok, I will.

**Miss Nielsen, as you know, you will be given an opportunity as accompanying attorney to make remarks at the end of the interview.**

*(S. Nielsen:)* Thank you.

**Good, let's start the interview now. Let's start with your personal details. What is your full name?**

Amara Ghafoori.

**Do you agree with the fact that you are a woman?**

Yes, I agree. I identify as a woman.

**How old are you?**

I am 23 years old. I was born on 7 March 2000.

**What's your nationality?**

I am Afghan.



**Where were you born?**

In Kabul city.

**What is your family situation? Can you tell me their names and their ages?**

My father, Mohammad, is 53 years old, and my mother, Aisha, is 47. My parents are married, and I have a brother named Arash. He is 18 years old.

**What's your ethnicity?**

My family and I are Pashtun.

**What is your religion, if you have one?**

I am a Sunni Muslim.

**Which languages do you speak?**

Dari, Pashto and English.

**What is your relationship status? Are you married?**

No, and I don't have a boyfriend.

**Do you have social media?**

Yes, I have Facebook and Instagram. I like to take pictures of my life here and post it on Instagram to stay in touch with my family and friends in Afghanistan. I am very active on these apps. I have taken a lot of selfies as well.

**Can I see them?**

Ehm, yes, but there are many.

*(The asylum officer goes over pictures mostly taken in Agartha and other places in Taurasia. In some of them the applicant is not wearing her hijab.)*

**Let us look at the documents that you have provided to support your asylum claim. Did you bring any other documents that you'd want to give to me today?**

I have already submitted my passport, my visa and my birth certificate. I think they made copies of them. I also brought them with me today. Do you need to see them again?

**No, it is fine, thank you. You entered Taurasia legally with your passport and a visa, is that correct?**

Yes. I have arrived on 12 July 2021 to study a Master's degree in "Diversity, Multiculturalism and Law" at the University of Agartha. I graduated end of June.

**Congratulations with that. Who sponsored your studies and visa?**

The Ministry of Higher Education of the former government of Afghanistan granted me a scholarship to study in this Master programme.

**You have been granted a visa by the Grand Duchy of Taurasia?**

Yes, I was awarded a long-term visa to study the Master programme. It ends in September 2023.

*(The asylum officer goes over the passport and visa to check the dates, which match.)*

**Have you applied for a work residence permit in Taurasia?**

No, as I said I have entered on a student visa.

**Yes, I understand that. But now that you have graduated, have you applied for a work residence permit as a graduate? You are aware of that possibility for graduates?**

Yes.

**Have you applied for one?**

I am trying to find employment. I have gone to three job interviews. But it is not easy. Because I do not have a Taurasian Bachelor of Laws degree I cannot practice as an attorney without taking the bar course first. And the jobs that I have applied for do not pay enough.

**What do you mean by that?**

The wages offered are too low, below the minimum needed to obtain the highly qualified work permit for graduates. And, ehm, in general, it is very difficult, you know, to find work as a foreigner here, even when I have studied here for two years now. So no, I do not have a work permit.

**Let us talk some more about your home country, Afghanistan. How long have you been out of the country?**

As I have already said, I arrived on 12 July 2021 by plane, so it's been two years since I've been gone.

**Do you miss Afghanistan?**

A little bit. I miss it because I have many happy memories there and because my parents are there and other family. But I don't miss it because of the Taliban and the situation there now. I don't want to go back.

**You said you were born in Kabul city. Did you also live there?**

Yes, I always lived in Kabul city.

**Can you tell me about your life there, from your early youth till now?**

I was born at the Jinnah hospital. I grew up in the same house for 20 years, which is in the Second District of Kabul. Until I left for Taurasia, I had always lived in the same house with my parents.

**What is the name of the street where you were living?**

Our house is in Street 4, Kart-e-Parwan.

### **How was that area to live in?**

I knew all the neighbours and the shop owners. Our area is very nice, it's full of families and we often do dinners together. There is a sense of community, we are always there for each other.

### **How was the security situation in Kabul growing up?**

As the Northern Alliance took over Kabul shortly after I was born, I was lucky enough to have only peaceful memories of Kabul. I was really lucky to live fairly peacefully in the city throughout my childhood, with the exception of a few terrorist attacks and bombings perpetrated by the Taliban and the Haqqani network here and there. That really scared me. I always felt the presence and pressure of the Taliban, they were always there, imperceptibly, we always talked about them on the news and at school, and my parents and grandparents told me many stories about the time when they were in power. My mother told me she couldn't work and had to stay home. She wasn't allowed to go outside alone, and she was required to be fully veiled. We never wanted to think that the Taliban could ever come to power again.

### **How would you describe your childhood?**

I was lucky, I had a very nice childhood. My parents were always very supportive of me and my brother. They always encouraged us to learn and to play. We travelled to Turkey, and also one time to France where an uncle lives. My parents tried to introduce us to new cultures and new things and to make us think. We used to have dinner together every night, even when I was at university, and we'd have debates about politics and current affairs. They taught me to say what I thought and not to be afraid to express my opinions, especially not as a woman.

### **Which school did you attend?**

I attended Aisha-i-Durani School. It was an all-girl school. I started to go in 2004, when I was 4. I was very privileged to go to school because my parents are educated, and so were others in our family and many of the friends of my father and neighbours in our quarter. We were surrounded by intellectuals, and my parents always wanted me to study and learn as much as possible.

### **What did you do after high school?**

Then I went to Kabul University, to the Faculty of Law and Political Sciences, to study a bachelor's degree in law, we call it lesanse. I graduated in 2021.

### **Did you have to take an entry exam to enter university?**

Yes, I did very well on the Kankor, with a 342 score.

### **Do you have any documents to prove this?**

Yes, I have copies of my school and university certificates. I can send them to you.

**Thank you. What are your parents doing professionally?**

My father works for the government in the public Ministry of Public Works, in the department for road construction, he is a civil engineer by training and knows much on concrete constructions. My mother is a primary school teacher. I mean, they were...

**Do they still work?**

Ehm, at the moment I do not know, they both worked, but I think, ehm, that they remain home now.

**You think?**

Ehm, yes.

**Are they politically active?**

Not really, not like in party politics. But they are truly opposed to the Taliban, and everyone knows it. They are very open-minded and don't hesitate to express their opinions. They are against any form of conservatism or religious extremism. It is said that the Taliban attack anyone who opposes them, particularly people associated with the former government... I fear for them.

**In what way do you fear for them?**

My parents once told me about our neighbour, a police officer, who disappeared overnight. No one has ever seen him, and everyone knows that he was kidnapped by the Taliban. We were very close to him. I'm afraid the same will happen to my parents.

**Have your parents been attacked by the Taliban?**

There is a high chance that they have, they are associated with the former government. But as I said, they don't want to tell me anything because they don't want to scare me. They want to protect me. But the last time we called each other, I heard people banging on the door and shouting, and the phone call ended abruptly... But this is not about my parents, it is about me.

**When was this call?**

Ehm... 3 April 2023. That's one of the reasons I decided to apply for asylum a few days after.

**Did you have news from your parents since then?**

No. I don't know where they are. I am afraid something happened to them.

**What about your brother, Arash?**

My brother is now in Taurasia with me. He has introduced a request for asylum on 22 July 2023.

**So, he is now here in Taurasia?**

Yes, he lives with me.

**He lives with you in Agartha, you mean?**

Yes, he stays with me. He does not know anyone else here.

**What is the purpose of his stay here?**

He applied for asylum too.

**He left alone, without your parents?**

Yes, already in 2022. Arash told me that my parents didn't want to leave my grandparents alone in Kabul. All four of my grandparents are alive and very old. My grandmother is ill, she has lung cancer. They were afraid to leave them behind. So, they decided to send Arash alone to Taurasia, so that he could join me and be safe here.

**He was not safe in Afghanistan?**

No, because my parents are associated with the former government and are opposed to the Taliban. When the Taliban took power, my parents were very scared and sent my brother to live with my aunt, my mother's sister, who lives in Charan in the Paktika province, because there were fewer attacks there. My aunt lives in a small apartment with my uncle, and they have no children. I was in Taurasia, and we kept in touch by calling each other and sending messages. They told me about the earthquake in June 2022. Fortunately, they did not live in the areas affected. In all that time, they didn't hear from my parents, apart from a few text messages. Then, in October 2022, my parents called my aunt and told her that Arash had to leave Afghanistan, and my brother left the country by crossing the border into Pakistan.

**When did he leave Afghanistan?**

He told me he left on 10 October 2022.

**When did he arrive to Taurasia?**

He arrived on 21 July 2023. We went together to lodge his asylum application the day after his arrival.

**Did Arash arrive legally in Taurasia?**

No, he didn't. The Taliban closed the borders, so it was impossible for him to leave legally. He had to travel through illegal channels. We couldn't communicate much during his journey, that took him ages. When he arrived in Taurasia, I almost didn't recognise him... He was so skinny, he had bruises and scars all over his body.

*(The applicant starts crying.)*

He seemed so sad. He told me he experienced horrific things during his journey. He passed illegally through Iran, Türkiye and then across the sea. He saw two persons drown from the boat he was in. He told me he was beaten and sometimes got nothing to eat and drink. He is just a child.

**Do you need a break and a glass of water?**

No, I'm fine, thank you.

*(The applicant swipes her tears and breathes deeply. Her attorney asks for an interruption of the interview. The interview is suspended for 10 minutes.)*

**Are you ready to proceed with the interview?**

Yes. You see, I am very worried about my brother, with the state he is in. He has nightmares sometimes and there is this sadness about him, apart from the physical harm he underwent. I am the only person he has here in Taurasia to take care of him. I do not know what will happen with him if I cannot be here with him.

**I understand. He will be heard by our service in due time. But can we continue with your application for now? Could you elaborate further on why you have applied for international protection?**

In August 2021, the Taliban took power. At that time, I was already in Taurasia. I saw it on the news and read about it on social media and in the papers. I was completely shocked. I also heard about it from my family, I called and told them that they must leave, but it was complete disaster those days, with the airport and all closed off. My parents told me and encouraged me to continue and concentrate on my studies in Taurasia to complete my Master's degree. That is what I did, but it was a difficult period for me, always worried about what could happen to them. It seemed like complete anarchy at first, and you know about the retaliations against government officials, journalists, people who worked for the Americans. They killed Dawa Khan Menapal, who was a famous journalist and spokesperson for the former government and a graduate from my law school. I once attended a guest lecture by him at my faculty. And in January of this year they shot Mursal Nabizada in her home, she was a former member of parliament. Then in April I had this call with my parents where I heard shouting, as I told you earlier. So, I was very afraid to go back, and I decided to apply for asylum. I'm afraid of being persecuted if I go back to Kabul because my parents are opposed to the Taliban and are linked to the former government. I am also linked to the former government because of them and because the Ministry for Higher Education gave me a grant to study here in Taurasia. I also fear of being persecuted because I am a woman and I have been living in a Western country for two years now. You know the Taliban's position on women is very restrictive. Girls are banned from attending secondary school and many universities. They also imposed restrictions on women's employment, particularly in government and non-governmental organizations. My mother cannot work any longer as a school teacher, because female school teachers were fired, with the Taliban arguing that this is necessary to protect Islamic values, which is completely wrong. Even our freedom of movement has been restricted, women cannot travel without a male escort.

**When you say that you personally will be persecuted because you are a woman and have been living in Taurasia for two years, what do you mean by that specifically?**

The Taliban are very strict with those who do not follow the Islamic rules to the letter. They will probably notice that I have changed.

**Do you tell us that your religion and/or beliefs have changed since your arrival here?**

No. As you can see, I am still wearing my hijab, even at university.

*(The applicant has been wearing a hijab throughout the interview.)*

I am a Sunni Muslim, and this will always be the religion I identify with. I do my prayers every day and follow the rules my parents taught us when I was young. I only did not entirely observe fasting and praying during Ramadan because it was difficult to do it here while studying and being surrounded by non-Muslim people. Taurasians are not very open to other religious practices, in my experience, I am sorry to say. I referred to the fact that here, women have more freedom and I got used to that. I speak my mind and follow politics, and I fear that in Afghanistan this will not be accepted by the Taliban.

**Do you want to cover your entire face in line with strict Islamic rules as imposed by the Taliban? On some of your pictures on Facebook and Instagram you are not wearing a hijab.**

I like to wear only my hijab, it's part of my religion and of whom I am. However, since I've been here, I've become more lenient towards my religion, and I didn't wear it on certain occasions. On the other hand, I'm very opposed to wearing the niqab or burka.

**Apart from your religious beliefs, are you politically active?**

I am very interested in politics. That's one of the reasons why I came to Taurasia. I wanted to discover more about Western political systems and about diversity. I have ideas that the Taliban would not like at all. You will see, they will classify me as a threat to their new political order. I am really afraid. I am a very frank person, and I don't agree with everything the Taliban do in my country. The Taliban have no mercy for ideas different from theirs, they will treat me badly, I am sure.

**While in Taurasia, have you been politically active or otherwise opposed to the Taliban government?**

I participated in the September 2021 protest march in Agartha against the events in Afghanistan and against Pakistan's involvement therein. And I was present at the silent wake for women's rights on the Agartha Central Square on 8 March of this year.

**Once again, do you think that you will be individually targeted by the Taliban? Do you have any evidence to support this?**

Ehm, I don't know, it's difficult to say.

*(The applicant starts sweating and is holding back tears.)*

I do not have specific evidence. However, you can see how dangerous it is there, I cannot go back, I just cannot. I know that because I am a woman who is interested in politics, who studied at university in a Western country on a scholarship from the former government and whose parents are linked to the former government, I will be targeted.

**Are you able to continue the interview?**

Yes, sorry. It is so unfair.

**Have you received any threats since you have left Afghanistan and while you were in Taurasia ?**

No, not directly. But I believe my parents have been threatened, especially after our last call, as I told you. And the Taliban made declarations targeting all women. Women are always the easiest target for the Taliban. And the Taliban are everywhere, not only in the government, but they are on the streets, they can be neighbours, shop owners, what have you. They can harass you everywhere, hurt you, arrest you, make you disappear. The Taliban has a history of perpetrating violence against women, you know: beatings, killings, forced marriages. There is no safety. In August of last year they killed Hora, a known YouTuber in Kabul, because her videos challenged the Taliban's restrictions on women's rights.

**Have you been in contact with the authorities of Afghanistan, in Afghanistan or elsewhere?**

No, I have no contact with the Taliban government. What do you mean by elsewhere?

**Have you been in contact with the Afghan Embassy or consulate?**

Afghanistan does not have an embassy or consulate in Taurasia.

**That is correct. But have you been in contact with an Afghan Embassy or consulate anywhere else?**

Ehm, yes, well, in June of this year I had my university bachelor diploma attested by the consulate of Afghanistan in Berlin. That is responsible for Afghans who need an official authentication of documents. I needed the attested diploma for one of the job applications that I told you about earlier.

**Are there any other reasons preventing you from going back to Afghanistan?**

I have told you everything, I do not want to be harassed by them, or worse. I have done nothing wrong. I am genuinely scared to go back. You know how horrible it is over there. There is no safety. And there is no future for women, certainly not for women like me.

**Why can you not live in another part of Afghanistan? Could you live with your aunt and uncle for instance?**

As the Taliban have power everywhere, I would be in danger everywhere. There is nowhere in Afghanistan where I could hide from the Taliban and live in peace. As I just said, the Taliban have their followers everywhere, in every quarter, every street.

**Have you been able to tell me all the reasons why you left Afghanistan and why you cannot go back?**

Yes, I believe so.

**I do not have any other questions for the moment. Is there anything else you would like to add?**

No, but I hope that you can help me. I have told you the truth about everything.



**Miss Nielsen, is there anything you would like to add at this point?**

*(S. Nielsen:)* Not at this stage, no. I only refer to how anxious my client is, as you have witnessed during this interview. I will send comments on the interview notes, if necessary.

**Thank you. I shall briefly explain what the next steps will be. After this interview, a decision will be taken. This will be notified to you in writing. This can be a positive decision, which means you are recognized as a refugee and are entitled to further stay or be given exceptional leave of stay because it is not safe for you to return. If the Immigration Service rejects your asylum claim, it may also order you to leave Taurasia. You can appeal against this decision before the Immigration Appeals Tribunal. Thank you for being here today.**

Thank you for hearing me. And I pray that your decision will be positive.

**Grand Duchy of Taurasia  
Immigration Service**

**Amara GHAFoori  
12, Brygholm Street  
1114 CE Agartha  
TAURASIA**

**29 September 2023**

File number: 2023/04/843  
Surname: Amara  
First name(s): Ghafoori  
Date of birth: 7 March 2000  
Nationality: Afghan  
Date of application: 5 April 2023  
Interview: 11 August 2023

**1. Decision: denial of asylum and order to leave**

You applied for international protection on 5 April 2023, and you were heard by an asylum officer from the Immigration Service on 11 August 2023 in the presence of your attorney. You indicated to speak English and were heard without an interpreter. A copy of the hearing notes was sent to you on 16 August 2023. You did not file any comments.

Following your interview, the Immigration Service decides to **reject your application**, both with regard to your refugee claim under Article 1(A) of the Refugee Convention and your claim for exceptional leave of residence under Article 3 of the Convention against Torture and/or Article 7 of the International Covenant on Civil and Political Rights.

**2. Application for asylum**

You declared being an Afghan national of Pashto origin, Sunni Muslim and born on 7 March 2000 in Kabul city (Kabul Province). Your father, Mohammad Ghafoori, is an engineer working in the Ministry of Public Works and your mother, Aisha Ghafoori, is a primary school teacher. You have a brother named Arash Ghafoori, aged 18. You grew up and lived in the second district of Kabul and went to school at Aisha-i-Durani School. Thereafter, you read law at the Kabul University and graduated as Bachelor of Laws in 2021.

In April 2021, you were awarded a scholarship by the Afghan government to study a two-year master's degree in Diversity, Multiculturalism and Law at the University of Agatha. In May 2021, a long-stay student visa was issued by the Taurasian government, valid from 1 July 2021 to 30 September 2023.

You left Afghanistan and arrived at the international airport of Agatha on 12 July 2021. The Taliban seized power in August 2021, and they announced the restoration of the Islamic Emirate of Afghanistan (IEA) on 7 September 2021. You continued studying in Taurasia in this period. On 5 April 2023, a few months before the expiration of your student visa and residence permit, you decided to apply for asylum. You submitted an Afghan passport, a copy of your school certificate from Aisha-i-Durani School, a certified copy of your law degree in law from Kabul University attested by the consulate of the Islamic Republic of Afghanistan in Berlin, proof of departure from Afghanistan, and a long-stay student visa issued by the Taurasian government. During your interview, you declared that you feared being persecuted by the Taliban, for your Westernization, your political opposition to the Taliban regime and the fact that you and your parents are linked to the former government. You also fear for your personal security in Afghanistan due to the behaviour of the Taliban after the takeover of power.

### **3. Refusal of refugee Status under Article 1(A) of 1951 Convention Relating to the Status of Refugees and the 1967 Protocol**

It is noted that you were heard by an asylum officer who is specialized in the situation of Afghan applicants of asylum and that your lawyer was present during the entire asylum interview. You did not submit any comments on the interview notes.

The general situation in Afghanistan is characterized by an economic and political crisis, which also affects the human rights situation. However, the situation is not sufficiently serious to consider every Afghan national a refugee. Therefore, the applicant has to make credible that she has personal reasons, which justify her well-founded fear for persecution.

It should be stressed that the relevant facts of the application have to be submitted in the first place by the applicant. It is a general legal principle that the burden of proof lies on the person submitting a claim. The duty to ascertain and evaluate all the relevant facts is shared between the applicant and the examiner. Exceptionally, the examiner shall use all the means at his disposal to produce the necessary evidence in support of the application. Owing to the special situation in which applicants for asylum often find themselves, the benefit of the doubt shall be given only when all available evidence has been obtained and checked and when the examiner is satisfied as to the applicant's general credibility, unless there are good reasons to the contrary.

You declared being an Afghan national, of Sunni Muslim religion, who has always lived in Kabul City with her family. In light of the fact that you have submitted, both at the time of your application for a student visa and in this procedure, authentic identity documents and that your statements and general knowledge regarding your region, hometown and school, do not contradict general country of origin information, your nationality, religion and place of former residence are deemed credible.

With regard to the substance of your asylum claim, the following observations are made.

i. Firstly, you claim that you fear persecution on religious grounds because you have been living in a Western country for the past two years and will therefore be perceived as “Westernized”. According to you, your behaviour and appearance will be seen as contravening the newly established conservative Islamic rules and, therefore, you may be subject to persecution by the Taliban regime. This argument is not credible for two reasons:

- You are very religious and have continued living according to the Muslim faith in Taurasia. Indeed, during your interview, you mentioned praying and celebrating Muslim holidays and you continued wearing the hijab while studying at the University of Agartha. You cannot be considered to be at risk of persecution by the Taliban regime on religious grounds as you already comply with its religious requirements. Indeed, on 7 May 2022, the Taliban’s supreme leader, Hibatullah Akhundzada, issued a decree ordering women to cover their faces. The guidelines issued to the staff of the Ministry for the Propagation of Virtue and Prevention of Vice (MPVPV) contained rules on dress codes for women but added that these mandates should be enforced in “an easy and kind way”. In Kabul city, no crackdowns on women’s clothing by the Taliban’s MPVPV were reported. Furthermore, even if the dress requirements were to become more stringent, you are a 23-year-old Sunni Muslim woman and therefore it will not be difficult for you to adapt to new restrictions.
- It has been reported that returnees face stigmatisation and mistrust on their return, as there is a general perception among the Afghan population that returnees could be contaminated by Western ideas and values that undermine the Islamic faith. You may therefore face stigma or mistrust on your return, but this is not serious enough to amount to “persecution”.

ii. Secondly, you claim that you fear persecution on political grounds. You argue that if you were to return to Afghanistan, you would be identified as a political opponent and be discriminated against and even abused by the Taliban. However, you have only mentioned your interest in politics. You have not expressed explicit political opinions and have not participated in any political activity since your arrival in Taurasia. You therefore cannot be considered to be at risk of persecution, as there is no evidence to suggest that the Taliban might perceive you as politically opposed to them or that they might impute political opposition to you.

iii. Thirdly, you referred to the situation of your parents being persecuted because they were associated with the former government. However, when asked to further specify the persecution suffered by your parents, you remained very vague. You did not provide any concrete evidence that your parents are persecuted and that, therefore, you are also at risk of persecution as their daughter. Moreover, the people most threatened and most at risk of persecution are individuals in central positions in former military, police and investigative units and former judges, local politicians and community leaders, in particular those living in smaller villages and towns (see Human Rights Watch, *No Forgiveness for People Like You, Executions and Enforced Disappearances in Afghanistan under the Taliban*, November 2021, p. 1, [www.hrw.org/sites/default/files/media\\_2021/11/afghanistan1121\\_web.pdf](http://www.hrw.org/sites/default/files/media_2021/11/afghanistan1121_web.pdf)), which is not the case of your parents.

iv. Finally, you claim to be directly linked to the former government because you received a scholarship from the Ministry of Higher Education to study abroad. However, this is not enough to consider that the Taliban will link you to the former government and that you risk persecution because of this.

v. You have not substantiated that you fear persecution on any of the other grounds in the Refugee Convention and its Protocol, be it nationality or membership of a particular social group.

vi. Notwithstanding your fear of persecution, you contacted the consular section at the embassy of the Islamic Republic of Afghanistan in Berlin (Germany) on 20 June 2023 to successfully obtain the authentication of your university diploma.

After careful analysis of your declarations, submitted documents, and available country-of-origin information, it is decided that you have not substantiated your claim that you have a well-founded fear of persecution by the Taliban regime or any other actor if you are returned to Afghanistan. Therefore, your application for asylum as a refugee under the 1951 UN Convention relating to the Status of Refugees and its Protocol is rejected.

#### **4. Refusal of exceptional leave of residence under Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and Article 7 of the International Covenant on Civil and Political Rights**

Exceptional leave of residence can be granted to persons who cannot return to their country out of fear for their life, torture, cruel, inhuman or degrading treatment or punishment under international conventions ratified by and binding on Taurasia, other than the Geneva Refugee Convention. The application is examined on the basis of Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereafter: CAT) and Article 7 of the International Covenant on Civil and Political Rights (hereafter: ICCPR).

In assessing whether there are substantial grounds for believing that an applicant would be in danger of being subjected to the treatment prohibited under Articles 3 CAT and 7 ICCPR if returned to her country of origin, all relevant considerations must be taken into account, including the existence of a consistent pattern of gross, flagrant or mass violations of human rights. However, the aim of such an analysis is to determine whether the applicant runs a personal risk of being subjected to said prohibited treatment in the country to which he would be returned. The existence of a pattern of gross, flagrant or mass violations of human rights in a country does not as such constitute sufficient reason for determining that a particular person would be in danger of being subjected to torture or cruel, inhuman or degrading treatment or punishment upon return to that country; additional grounds must be adduced to show that the individual concerned would be personally at risk. Conversely, the absence of a consistent pattern of flagrant violations of human rights does not mean that a person might not be subjected to said treatment in her specific circumstances.

You have not demonstrated that you individually, on the basis of your personal circumstances, will be subjected to any treatment prohibited under Articles 3 CAT and 7 ICCPR.

Nor do you show to belong to a particular group which is systematically targeted by the Taliban authorities. Indeed, while the Taliban may have curtailed women's active participation in political and economic life, their freedom of movement, expression and behaviour, and their access to education, employment, healthcare and social protection, the situation varies considerably across the country, with decisions often made at provincial or district level. This in itself cannot be considered as torture or cruel, inhumane or degrading treatment of such a sufficient level to conclude that you personally are at risk as a woman.

Other deprivations that women suffer from, or religious obligations imposed onto them since the installation of the Taliban regime do not attain a minimum level of severity to fall within the scope of Articles 3 CAT and 7 ICCPR.

On the basis of all the information submitted, it is decided that you have not provided sufficient evidence that would allow to consider that you face a foreseeable, real and personal risk of being subjected to torture or cruel, inhuman or degrading treatment or punishment if and when returned to Afghanistan, so as to award you exceptional leave of residence. Therefore your application for asylum in the form of exceptional leave of residence is rejected.

Under the laws of Taurasia no other legal obstacles oppose your return to your country of origin.

## **5. Decision**

- a) The applicant does not qualify as a refugee.
- b) The applicant is not given a refugee residence permit.
- c) The applicant does not face a foreseeable, real and personal risk of being subjected to torture or cruel, inhuman or degrading treatment or punishment if and when returned to her country of origin.
- d) The applicant is not granted exceptional leave to remain.
- e) The applicant, not holding any other legal residence status in the Grand Duchy of Taurasia after 30 September 2023, is ordered to leave the territory of the Grand Duchy of Taurasia by her own initiative within 14 days after that day, after which she will be forcibly returned to Afghanistan or to any other country where she has legal residence.

## **6. Legal remedies**

Against this decision, an appeal in writing, including substantiated means in fact and law, can be lodged at the latest on 20 December 2023, to:

Immigration Appeals Tribunal

23-25, Asylgad Street

1022 EM Agartha

TAURASIA

By email: [MigrationMootCourt@uantwerpen.be](mailto:MigrationMootCourt@uantwerpen.be)

## Asylum Application Form

### Section 1. Personal details

File number	2023/07/916
Date of application	22/07/2023
Surname, First name	GHAFOORI Arash
Date of Birth	05/04/2005
Nationality	Afghan
Title	Mr.
Any other names?	No
Gender	Male
What is (are) your first language(s)?	Dari and Pashto
Do you speak English?	Yes
Can you read English?	Yes
Relationship status	Single
How many dependents are to be included in this application for support?	1 (Amara Ghafoori)
Do you have any dependants that are not on your asylum application that you wish to claim support for?	No
Why are you requesting this person for support?	She is my sister

### Section 2. Passport details

Do you have a current passport or travel documents?	Yes
Why yes/not?	I had to flee my country out of fear of being persecuted by the Taliban. The Taliban does not allow men to legally leave the country.
Do you have any other passports or travel documents?	No
Passport number	27884598
Country of issue	Afghanistan
Date of issue and expiry	05/05/2021 - 04/05/2024
Issuing Authority	Ministry of Interior



### Section 3. Other nationalities you hold now

Do you have any other nationality?	No
Have you had any other nationalities in the past	No

### Section 4. Your current circumstances

Are you, or will you be, without accommodation or the means to meet your essential living needs within 14 days?	Yes, if I cannot continue to live with my sister.
If yes when will this be from?	From 22 July 2023

### Section 5. Support

Have you received any support from friends or relatives since arriving in the Grand Duchy of Taurasia?	Yes
Who provides the support?	Amara Ghafoori
Relationship to you	Relative (sister)
Address	12, Brygholm Street Agartha
Any further information about the support you have been receiving?	No

### Section 6. Employment history

Name of your current employer	/
Previous employment details	/

### Section 7. Visa applications

Have you ever applied for a visa to enter the Grand Duchy of Taurasia?	No
Tell us more	/

### Section 8. Medical examination

Have you undergone a medical examination upon arrival?	No
Are you facing any medical problems?	Yes, ever since my travel to Taurasia, I have been having horrific nightmares every time I close my eyes. I can't explain it, but I am even afraid to fall asleep and I always feel afraid.

### Section 9. Individual circumstances

Provide details of your individual circumstances	Migrant
Brief description	I had to flee my country out of fear of being persecuted by the Taliban due to my parents' affiliation with the previous government.
Do you hold any supporting documents?	Birth certificate

**Memorandum of Understanding between the government of the Grand Duchy of Taurasia and the government of the Republic of Kashmana for the provision of an asylum partnership arrangement**

**Memorandum of Understanding**

**Between**

**The Government of the Grand Duchy of Taurasia**

**And**

**The Government of the Republic of Kashmana**

**For the Provision of an Asylum Partnership Arrangement to strengthen shared international commitments on the protection of refugees and migrants**

The Government of the Grand Duchy of Taurasia (“Taurasia”) and the Government of the Republic of Kashmana (“Kashmana”), together the Participants and in singular the Participant,

WISHING to continue the excellent bilateral relations between both countries,

APPRECIATING the deep economic, social and historical ties between the Participants,

Desiring to facilitate co-operation between the Participants in order to contribute to the prevention and combating of illegally facilitated and unlawful cross border migration by establishing a bilateral asylum partnership in which Kashmana commits to receive asylum seekers from Taurasia, to consider their claims for asylum, giving effect to their rights under international law through the Kashmana domestic asylum system and arranging for the settlement in Kashmana of those recognised as refugees or otherwise requiring protection,

CONSIDERING that Taurasia has a long proud history of providing protection to those who need it, in accordance with international obligations. As like-minded partners, Taurasia and Kashmana will work together to promote a new fair and humane asylum system, deter illegal migration and create safe and legal routes for those fleeing persecution,

WISHING to develop new ways of addressing the irregular migration challenge, including bridging gaps in human capital, in order to counter the business model of the human smugglers, protect the most vulnerable, manage flows of asylum seekers and refugees and promote durable solutions,

REAFFIRMING the commitment to strengthen and deepen bilateral cooperation to enhance the international protection of refugees by promoting responsibility sharing by ensuring that refugees are not subject to penalties on account of their illegal entry or presence, and ensuring the expeditious determination of claims to refugee status and asylum, and that the relevant criteria are interpreted reflecting the applicable international law and standards,

Having regard to the Participants' commitment to upholding fundamental human rights and freedoms without discrimination, as guaranteed by the Participants' national legislation, by their strong histories of implementing the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees and by their other respective international legal obligations,

DESIRING to facilitate the transfer of asylum seekers and to provide assurance that their claims will be dealt with in accordance with international standards

HAVE DECIDED as follows:

## **1. Introduction, Definitions and Interpretations**

### **1.1 In this Arrangement:**

- a. The "Arrangement" means this Memorandum of Understanding.
- b. "Asylum seeker" means a person seeking to be recognised as a refugee in accordance with the Refugee Convention or otherwise claiming protection on humanitarian or human rights grounds.
- c. "Record" means all recorded information held including oral, visual, electronic, or documentary form.
- d. "Information" means data collected for the purposes of administering or enforcing the Participants respective border, customs, immigration and citizenship laws; or to aid collaborative efforts in the interest of public protection and includes but is not limited to Personal Information. Information may be in oral, visual, electronic or documentary form.
- e. "Month" means a calendar month.
- f. "Refugee Convention" means the 1951 Convention in Relation to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees.
- g. "Relocate" means the removal of an asylum seeker from Taurasia to Kashmana under this Arrangement.
- h. "Travel document" means the Relocated Person's passport, if they physically hold one, or the document issued to each individual by Taurasia and approved by Kashmana for the purpose of travel to Kashmana in accordance with this Arrangement.
- i. "Relocated Individual" means an asylum seeker who is being or has been removed from Taurasia and that the Participants have agreed is to be relocated to Kashmana.
- j. "Year" means a full calendar year.

1.2 This Arrangement will not be binding in International law.

## **2. Objectives**

2.1 The objective of this Arrangement is to create a mechanism for the relocation of asylum seekers whose claims are not being considered by Taurasia, to Kashmana, which will process their claims and settle or remove (as appropriate) individuals after their claim is decided, in accordance with Kashmana

domestic law, the Refugee Convention, current international standards, including in accordance with international human rights law and including the assurances given under this Arrangement.

2.2 For the avoidance of doubt, the commitments set out in this Memorandum are made by Taurasia to Kashmana and vice versa and do not create or confer any right on any individual, nor shall compliance with this Arrangement be justiciable in any court of law by third-parties or individuals.

## **PART 1 – TRANSFER ARRANGEMENTS**

### **3. Details of Relocation Arrangements**

3.1 Taurasia will determine the timing of a request for relocation of individuals under these arrangements and the number of requests for relocation to be made during the term of this Arrangement. Taurasia will not be obliged to make any request for relocation under this Arrangement.

3.2 All transfer requests by Taurasia will require approval by Kashmana prior to any relocation.

3.3 The Participants will make arrangements for the process of request and approval of individuals for relocation by Kashmana, taking into account Kashmana's capacity to receive them, and in relation to all administrative needs associated with their transfer.

3.4 In line with national legislation, Kashmana will ensure timely issuance of any authorisations required for the overflight of their territory and the landing in Kashmana of commercial aircrafts or chartered flights transporting Relocated Individuals.

## **PART 2 – RESPONSIBILITIES OF THE PARTICIPANTS**

### **4. Assurances**

4.1 The Participants assure one another that the understandings reached in this Arrangement will be met in respect of all Relocated Individuals.

### **5. Reception in Kashmana**

5.1 In order to expedite the process of relocation to Kashmana in a timely manner, Taurasia will be responsible for the initial screening of asylum seekers, before relocation to Kashmana occurs in accordance with this Arrangement. This process will start without delay after the prospective relocated person arrives in Taurasia and has come to the attention of Taurasia.

5.2 Upon requesting the transfer of an individual, Taurasia will provide Kashmana with the name, sex and date of birth of the individual, their nationality and a copy of their travel document if they have one. Additionally, Taurasia will provide details of:

5.2.1 any special needs that they may have that will need to be accommodated in Kashmana;

5.2.2 any health issues it is necessary for Kashmana to know before receiving an individual (with the consent of the Relocated Individual);

5.2.3 any security issues known to Taurasia;

5.2.4 any available biometric data and subject to satisfactory establishment of data sharing process, biometric data of the Relocated Individual;

5.2.5. Any such available additional information as may be requested by Kashmana and agreed to by Taurasia;

5.3 Nothing obliges Kashmana to approve the transfer of a Relocated Individual in the case where some of the information requested under 5.2 was not provided.

5.4 Nothing in 5.2 obliges Taurasia to disclose information if it would be contrary to domestic laws or Taurasia's international obligations, to do so.

## **6. Relocations to Kashmana**

6.1 Taurasia will arrange the Relocated Individual's transport to Kashmana and will ensure that all the necessary authorisations have been obtained from the relevant authorities of Taurasia, any countries of transit and Kashmana in relation to the traffic of commercial or chartered flights or other means of transport.

6.2 Taurasia will assume responsibility for the safe transportation of Relocated Individuals to Kashmana by aircraft, including the provision of escorts as necessary.

6.3 Taurasia will share the travel document details of the Relocated Individuals transported to Kashmana by aircraft as soon as possible after departure of the aircraft.

## **7. Arrival**

7.1 Kashmana will give access to its territory to the Relocated Individuals, in accordance with its international commitments and Kashmana's asylum and immigration laws.

7.2 Upon disembarkation of Relocated Individuals in Kashmana, Kashmana will check the details of the arrivals against the list of travel document numbers provided by Taurasia and provide Taurasia with written confirmation of their arrival.

## **8. Reception Arrangements and Accommodation**

8.1 Upon arrival, Kashmana will provide each Relocated Individual with accommodation that is adequate to ensure the health, security and wellbeing of the Relocated Individual and support that is adequate to ensure the health, security and wellbeing of the Relocated Individual.

8.2 A Relocated Individual will be free to come and go, to and from accommodation that has been provided, at all times, in accordance with Kashmana's laws and regulations as applicable to all residing in Kashmana.

## **9. Asylum Processing Arrangements**

9.1 Kashmana will ensure that:

9.1.1 at all times it will treat each Relocated Individual, and process their claim for asylum, in accordance with the Refugee Convention, Kashmana's immigration laws and international and Kashmana's standards, including under international and Kashmana's human rights law, and including, but not limited to ensuring their protection from inhuman and degrading treatment and refoulement;

9.1.2 each Relocated Individual will have access to an interpreter and to procedural or legal assistance, at every stage of their asylum claim, including if they wish to appeal a decision made on their case; and

9.1.3 if a Relocated Individual's claim for asylum is refused, that Relocated Individual will have access to independent and impartial due process of appeal in accordance with Kashmana's laws.

9.1.4 If a Relocated Individual does not apply for asylum, Kashmana will assess the individual's residence status on other grounds in accordance with Kashmana's immigration laws.

## **10. Assurances as to Treatment Post Asylum Decision**

10.1 For those recognised as refugees by Kashmana, Kashmana will grant the Relocated Individual refugee status and provide the same level of support and accommodation as a Relocated Individual seeking asylum, integration into society and freedom of movement in accordance with the Refugee Convention. Those recognised as refugees will be treated in accordance with the Refugee Convention and international and Kashmana's standards.

10.2 For those who are not recognised as refugees Kashmana will consider whether the Relocated Individual has another humanitarian protections need, such that return to their country of origin would result in a real risk of their being subject to inhuman, degrading treatment or torture or a real risk to their life. Where such a protection need exists, Kashmana will provide treatment consistent with that offered to those recognised as refugees (as per paragraph 10.1) and permission to remain in Kashmana. Such persons will be afforded equivalent rights and treatment to those recognised as refugees and will be treated in accordance with international and Kashmana's standards.

10.3 For those Relocated Individuals who are neither recognised as refugees nor to have protection need in accordance with paragraph 10.2, Kashmana will:

10.3.1 offer an opportunity for the Relocated Individual to apply for permission to remain in Kashmana on any other basis in accordance with its domestic immigration laws and ensure the Relocated Individual is provided with the relevant information needed to make such an application;

10.3.2 provide adequate support and accommodation for the Relocated Individual's health and security until such a time as their status is regularised or they leave or are removed from Kashmana.

10.4 For those Relocated Individuals who are neither recognised as refugees nor to have a protection need or other basis upon which to remain in Kashmana, Kashmana will only remove such a person to a country in which they have a right to reside. If there is no prospect of such removal occurring for any reason Kashmana will regularise that person's immigration status in Kashmana.

10.5 Relocated individuals who have been refused asylum and do not have a humanitarian protection need will have the same rights as other individuals making an application under Kashmana's immigration laws.

## **11. Return of Relocated Individuals to Taurasia**

11.1 Following a request made by Taurasia, Kashmana will take all reasonable steps in accordance with international human rights standards to make a Relocated Individual available for return to Taurasia should Taurasia be legally obliged to facilitate that person's return.

## **12. Resettlement of Vulnerable Refugees**

The Participants will make arrangements for Taurasia to resettle a portion of Kashmana's most vulnerable refugees in Taurasia, recognising both Participants' commitment towards providing better international protection for refugees.

## **13. Continuation of Responsibilities**

In respect of Relocated Individuals who have been relocated to Kashmana under this Arrangement, Kashmana will continue to comply with its obligations under the domestic law of Kashmana, International law and this Arrangement once it ceases to have effect.

## **14. Financial Arrangements**

The Participants will make financial arrangements in support of the relocation of individuals under this Memorandum of Understanding.

## **PART 3 – OTHER ARRANGEMENTS**

### **15. Disputes**

The Participants will make all reasonable efforts to resolve between them all disputes concerning this Arrangement. Neither Participant will have recourse to a dispute resolution body outside of this.

### **16. Duration and Effect**

16.1 This Arrangement will last 10 years. It may be renewed upon request one year from the end of the period.

16.2 In the event that an order issued by a court of Taurasia or Kashmana prevents the lawful operation or implementation of the transfer arrangements under this Arrangement, the period during which the transfer arrangements cannot be implemented lawfully will not count towards the 10-year period in paragraph 16.1.

16.3 For the purpose of calculating the period during which transfer provisions cannot operate lawfully.

16.3.1 The period will start on the date on which the relevant order has effect in law.

16.3.2 The period will end on the date on which the relevant order ceases to have effect in law.

16.4 This arrangement will cease to have effect upon agreement by both participants.

### **17. Coming into Effect**

17 This Arrangement will come into effect upon signature by both Participants.

Signed in Sao Miguel, 13 September 2022