



**Submission by the United Nations High Commissioner for Refugees
for the Office of the High Commissioner for Human Rights' Compilation Report
- Universal Periodic Review:**

ICELAND

I. Background information and Current Conditions

Iceland acceded to the *1951 Convention relating to the Status of Refugees* in 1955 and to its *1967 Protocol* in 1968. Iceland is not a State party to the *1954 Convention relating to the Status of Stateless Person*, nor to the *1961 Convention on the Reduction of Statelessness*.

Iceland is Europe's westernmost country. In view of the country's geographic isolation and given the fact that there are no direct flight connections from any main country of origin of asylum-seekers, Iceland is seldom a "first country of asylum." Consequently, many asylum-seekers who apply for asylum in Iceland are transferred to another Dublin country, under the Dublin II Regulation. The number of asylum-seekers arriving in Iceland has remained low compared to other Western European countries. In 2010, approximately 51 persons applied for asylum in Iceland.

While not a member of the European Union (EU), and not bound by the various EU asylum related Directives and Regulations, Iceland nevertheless seeks to coordinate asylum and migration issues with its neighbours. In 1952, Iceland joined the Nordic Council. This led to a comprehensive harmonization amongst the Nordic countries, including the introduction of a common passport union. Iceland has an association agreement with the EU concerning implementation, application and development of the Schengen acquis. An agreement between the EU, Iceland and Norway concerning the criteria and mechanism for establishing the State responsible for examining a request for asylum, associating Iceland with the Dublin Convention and *Eurodac*, entered into force on 1 April 2001. The system went online in Iceland from 2004. The Dublin Regulation has entered into force on 13 March 2003 and has been applied to all applications submitted as from 16 September 2003.

Iceland consistently receives a low number of asylum applicants compared with other Nordic countries. In 2010, the Directorate of Immigration received 51 asylum applications, which is an increase from 35 in 2009. In 2010, the Directorate of Immigration recognized 4 persons as refugees under the 1951 Convention and granted another form of protection to 6 applicants. 15 applications for asylum were declined. The Minister of Interior (second instance) only reviewed one case in 2010 concerning the material elements of an asylum claim, which was declined. All reviews are assessed on the basis of the available documents. No additional interview is conducted by the second instance.

The Icelandic Government has established an annual resettlement quota of 25-30 refugees in 2007.

II. Achievements and Good Practices

UNHCR wishes to note that Iceland has revised its Aliens Act. Indeed, the new bill, which entered into force on 23 September 2010, strengthened the rights of asylum-seekers and refugees. More precisely, asylum-seekers are now provided with a *pro bono* legal representative during the appeal process. Cases processed under the Dublin Regulation may also benefit from this new form of legal assistance.

The Icelandic Red Cross family support program to facilitate the integration of resettled refugees is viewed as a model. However, due to financial constraints only five quota refugees were received in 2010.

III. Challenges and Constraints

Issue 1: Independence and impartiality of the appeal instance.

UNHCR notes with concern that the recent amendments of the Aliens Act have not led to an independent and impartial appeal instance. At present, the Directorate of Immigration, a branch under the Ministry of Interior, acts as first instance body, while the Ministry of Interior serves as a second instance body. UNHCR wishes to underline that the right to effective remedies before an independent and impartial second instance body, entitled to review questions of both fact and law, should be granted to all asylum applicants.

Issue 2: Accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness

UNHCR wishes to highlight that Iceland has currently no specific procedure for formal determination of statelessness. UNHCR also notes that Iceland has not acceded to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. Stateless persons who satisfy the refugee definition contained in article 1A (2) of the 1951 Convention are afforded the necessary international protection associated with that status. However, the international refugee protection regime does not

specifically address the entitlement to rights of non-refugee stateless persons in need of international protection. The 1961 Convention on the Reduction of Statelessness establishes an international framework to ensure the right of every person to a nationality by establishing safeguards to prevent statelessness at birth and later in life. This treaty is therefore complementary to standards contained in other human rights treaties. An increase in the number of States parties is essential to strengthening international efforts to prevent and reduce statelessness. Icelandic nationality legislation currently has a number of safeguards against statelessness at birth and later in life. There are some gaps in its nationality legislation, though. Minor legislative reform would be necessary to remedy these shortcomings and ensure compatibility with the 1961 Convention.

IV. Recommendations

- To grant asylum applicants the right to an effective remedy before an independent and impartial second instance body. Such body should have jurisdiction to review questions of both fact and law.
- To accede to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness and to introduce national procedures for determination of statelessness.

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