



UNHCR Refugee Status Determination (“**RSD**”)

Self Help Kit for  
Asylum Seekers in Indonesia

## **Reopening**

How to Apply to “Reopen” Your UNHCR File  
Following Two Rejections of Your Refugee Claim

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### **WHAT IS THE PURPOSE OF THIS SELF HELP KIT?**

This Self Help Kit is for people seeking recognition as refugees under the UNHCR mandate in Indonesia who have been rejected twice in their application for refugee status.

If UNHCR has rejected your claim at both First Instance and Appeal, they will close your file and you will not be issued a renewed Asylum Seeker Certificate.

This Self Help Kit will:

- Help you understand whether you are a refugee under international law
- Explain UNHCR's process of recognizing RSD applicants as "refugees" and why your file has been closed
- Help you consider whether you should make an application to "reopen" your UNHCR file after two rejections of your application for refugee status
- Help you decide whether you should apply to reopen your file, and to understand what information you should include in your reopening statement.

**If you have had two rejections from UNHCR**, this Self Help Kit will help you understand how to prepare an application for reopening to UNHCR in **three limited circumstances**:

- 1. There is reliable new information of a significant change in your personal circumstances or the conditions in your home country that may substantially affect your eligibility for refugee status.**

Examples of this might be:

- a new event has happened in your home country that shows you are at greater risk of persecution there
- something has happened to you in Indonesia that puts you at greater risk of persecution in your home country

- 2. You have reliable, relevant and important new information that helps to establish that you meet the Convention refugee definition.**

You need to explain to UNHCR why this information was not given to UNHCR earlier (for example because you only just found out about it, or you could not get the documents earlier).

If you did know that information but had not told UNHCR about it before they closed the file, you need to explain why you did not provide that information earlier.

- 3. There is serious reason to believe that UNHCR did not properly decide your RSD claim, and/or that UNHCR did not adequately consider the grounds on which you might be a refugee**

This means that UNHCR made a mistake when it rejected you, because it did not properly understand what happened to you.

This self-help kit does not deal with how to argue that UNHCR did not correctly apply the Convention definition of a refugee.

This document contains general information about the reopening process. It is not meant to be legal advice. If you have questions, contact Suaka by email on [Suaka.LegalAid@gmail.com](mailto:Suaka.LegalAid@gmail.com).

### **WHO IS A REFUGEE?**

The definition of a refugee is found within the 1951 Convention Relating to the Status of Refugees  
To meet this definition you must meet all of the following criteria:

*You must be outside your country of origin;*

*You must be unable or unwilling to return to the country you are from;*

*Because you have a well-founded fear of*

*persecution, or serious harm or threat to your life or freedom, or other serious human rights violations,*

*due to one or more of the following reasons:*

- *Your race;*
- *Your religion;*
- *Your nationality;*
- *Your political opinion; or*
- *Your membership of a particular social group (for example, women, families, tribes, occupational groups, or due to your sexual orientation / gender identity);*

*and*

*The persecution you fear is by the government, or by another group and the government cannot or will not protect you.*

Note: UNHCR's mandate has on some occasions been extended to those who have fled widespread generalized violence, so you may be recognized as a refugee if there is a war or a breakdown in law and order in your country.

It is also important that your case is not "excluded" under sections of the Convention regarding issues such as serious non-political crimes. Even if you meet all of the 5 criteria set out above, under certain circumstances, you may not be recognized as a refugee.

### **WHO HELPS REFUGEES IN INDONESIA?**

The Government of Indonesia does not formally recognize refugees. The UNHCR, the United Nations Refugee Agency, has an office in Indonesia that is responsible for registering asylum seekers and conducting Refugee Status Determination (RSD).

Suaka is the Indonesian Civil Society Network for Refugee Rights Protection. Suaka is not the same organisation as UNHCR. Suaka helps refugees and asylum seekers with information and advice about the UNHCR's refugee status determination process.

Other organisations that work with refugees and asylum seekers in Indonesia are: International Organisation for Migration (IOM), Church World Service (CWS) and Jesuit Refugee Service (JRS). They are all different organisations and are not part of UNHCR.

### **WHEN DOES UNHCR CLOSE YOUR FILE?**

The purpose of the UNHCR's Refugee Status Determination ("RSD") process is to determine whether you meet the definition of a refugee explained on page 4.

In order to be granted refugee status, you have to convince UNHCR that you meet each of the requirements in the definition. UNHCR uses any written statements you have given them, your RSD interview(s), and information from your country of origin to decide whether you meet the definition of a refugee.

If UNHCR rejects your application, you have the right to appeal. **If you have appealed and your appeal has been rejected by UNHCR, then UNHCR will close your file.**

UNHCR will also close RSD files if:

- the applicant did not attend their interview with UNHCR and did not contact UNHCR within 6 weeks of the scheduled interview date – this will be taken as abandoning the refugee claim; or
- the applicant submitted a formal withdrawal of RSD application to UNHCR; or
- the applicant does not appeal after rejection of their RSD application at first instance; or
- there is reliable evidence that the applicant is deceased; or
- there is reliable evidence that the applicant has become a legal citizen of the host country or a third country.

**If UNHCR closes your file, then UNHCR will no longer consider you to be an asylum seeker and will not renew your Asylum Seeker Certificate.**

In certain circumstances (explained below), you can apply to reopen your file.

The purpose of the reopening process is for UNHCR to make sure that it has understood and considered all of the facts of your case and correctly applied the Convention refugee definition to the facts of your case. Just like in your initial application, the question in your reopening application is whether you meet the Convention definition of a refugee.

If UNHCR decides to reopen your file, UNHCR may call you in for another interview to help them decide whether you are a refugee. However, UNHCR may decide not to reopen your file without interviewing you.

### **SHOULD YOU APPLY FOR REOPENING?**

There are **limited circumstances** when UNHCR will consider reopening closed files.

#### **A. IF UNHCR NEVER MADE A DECISION ABOUT YOUR CASE**

(1) If you withdrew your RSD claim before UNHCR made a first instance decision about your refugee status, or if you and you ask UNHCR to re-open your file, then UNHCR will re-open it. Your case will be referred to the usual first instance RSD procedure. **(Please see the "First Instance" Self Help Kit for more information about that process.)**

(2) If you did not attend your RSD interview and did not contact UNHCR within 6 weeks of your interview date, and UNHCR considers your claim to be abandoned, you should apply for reopening. In this situation, UNHCR will usually re-open your file unless you missed several interviews without a good explanation and UNHCR considers that you are not being honest.

In either of these circumstances, you should **write a letter to UNHCR asking UNHCR to re-open your file, and explain why you are asking for this.** You should also explain why you missed an interview and did not contact UNHCR.

You can get a copy of our "First Instance" Self Help Kit to learn how to write your statement to UNHCR, to make sure that you have told UNHCR all relevant information about your case.

**B. IF YOUR RSD APPLICATION WAS REJECTED BY UNHCR AND YOU DID NOT KNOW THAT IT HAD BEEN REJECTED**

UNHCR will usually re-open your case if your RSD claim was rejected and you did not appeal because **you were not notified of the decision** or the deadline for appealing.

In these circumstances, you should write a letter to UNHCR asking UNHCR to re-open your file, so that you can appeal, and explain that you were not notified of the decision or the deadline for appealing.

You can get a copy of our **Appeal Self-Help Kit** that explains how to write an appeal statement, to make sure that you have told UNHCR all relevant information for your appeal.

**C. IN CERTAIN CASES WHERE YOUR CLAIM WAS REJECTED BY UNHCR AFTER YOUR RSD INTERVIEW OR AFTER YOUR APPEAL**

If:

- your RSD claim was rejected, you knew your claim was rejected, and you knew about the deadline for appealing, but you did not appeal; or
- you appealed and UNHCR rejected your appeal,

then **UNHCR will only re-open your RSD file if one of the following three circumstances applies:**

1. There is **reliable new information of a significant change in your personal circumstances or the conditions in your home country** that may substantially affect your eligibility for refugee status.
2. You have **reliable, relevant and important new information that helps to establish that you meet the Convention refugee definition.**
3. **There is serious reason to believe that UNHCR did not properly decide your RSD claim**, and/or that UNHCR did not adequately consider the grounds on which you might be a refugee.

**If you have already submitted an appeal and been rejected, you must think carefully about whether you should apply to re-open your file**

UNHCR **will not change its decision** if:

- you have already presented all relevant information,
- UNHCR already understands the facts of your case, and
- UNHCR's application of the Convention refugee definition is clearly correct.

If UNHCR has already rejected your claim, you should think carefully about whether you want to ask UNHCR to reopen your case, because:

- it will probably take UNHCR a long time to consider your application
- only a small number of reopening applications are successful, and usually these are cases where there is important new information, and
- while you are waiting for UNHCR to decide whether to re-open your file and re-consider your case, you will not usually have an asylum seeker certificate, and without this, you will probably not be able to obtain any assistance from refugee NGOs.

## **HOW TO APPLY FOR REOPENING**

### **WHAT IS THE PURPOSE OF A REOPENING STATEMENT?**

The aim of your re-opening statement is to convince UNHCR that it made a mistake and that you meet the Convention definition of a refugee. This is the only issue that is relevant to UNHCR.

**Do not repeat information that you have already given UNHCR**, since they will have this on your file.

If you did not appeal when UNHCR rejected your RSD application, then you should get a copy of our appeal self-help kit, and follow the guidelines about how to write an appeal statement addressing the UNHCR's rejection reasons, as well as following the guidelines below.

Your reopening statement should:

- provide any new information or clarify information that UNHCR did not understand or has not previously considered; and
- explain how all your information shows that you meet the Convention definition of a refugee.

### **NEW EVIDENCE OR NEW INFORMATION**

If you have new evidence or information that proves your story and/or shows that you are at risk of serious harm in your country of origin, you should describe the evidence and **explain how you obtained it and why it is important**.

If you had the evidence when you first made your claim for refugee status with UNHCR or when you had your RSD interview(s) with UNHCR or sent in your appeal, **you must explain why you did not give the evidence to UNHCR earlier**. For example, if you did not give the evidence because you did not know it was important, please explain.

Remember, new evidence or new information is helpful to reopening, but not necessary. If you presented all your evidence and information at the first stage of the RSD process and UNHCR misunderstood the evidence/information or made a mistake in its decision, you still can be recognized as a refugee on reopening.

### **Significant change in your personal circumstances or the conditions in your home country:**

Explain any new important events that have occurred since UNHCR rejected your claim, that help to show that you are at risk of persecution if you go back to your home country. These events may involve you personally, your family, friends or colleagues, or the conditions in your home country.

For example, something may have happened to you in Indonesia that puts you at greater risk of persecution in your home country, or something may have happened in your home country to your family members or other people with similar profiles to you, which show that you would be at risk of persecution if you went home. Alternatively, something may have happened politically or with the security situation in your home country that now places you at greater risk of persecution.

### **New information you have not provided to UNHCR before**

If you have recently found out about any other relevant information that you have not previously told UNHCR, explain what this information is and why you were not able to give UNHCR this information before (for example because you only just found out about it, or you could not get the documents earlier).

If you have remembered other relevant information that you did not tell UNHCR before, then set out this information and explain why you did not previously mention it (for example because you did not realise that it was relevant, or because you forgot about it).

Make sure that you put information in chronological order and be as detailed as you can, including things like names, dates, times, places, what people said or did, or why they said or did it.

Do not repeat information that you have already told UNHCR (although you can refer back to your previous statements or documents already given to UNHCR).

### **EXPLAINING HOW UNHCR MADE A MISTAKE IN REJECTING YOUR CLAIM**

If you think that UNHCR made a mistake either because it did not properly understand what happened to you, you need to explain why you think this happened.

If you think that UNHCR did not properly understand the information that you provided, then explain what mistakes you think UNHCR made and why it made those mistakes. Examples of how this might have happened include:

- there were problems with interpretation
- you did not have the opportunity to present relevant evidence or
- the interviewer did not treat you fairly.

If you did not appeal after UNHCR rejected your claim, explain why you did not appeal

### **THINGS TO REMEMBER WHEN WRITING YOUR REOPENING STATEMENT**

Remember that **everything you write and say to UNHCR is kept strictly confidential** and cannot be shared with anyone else without your consent.

Be as detailed as possible about **why UNHCR made a mistake in their decision to reject your application and why you meet the definition of a refugee**. You must clearly state the facts and explain why you think UNHCR has misunderstood information or made a mistake in its decision-making.

Your statement must be in **your own words** and must only include information that is true and that is not exaggerated.

- **It is important to provide truthful information.**
- If you make false statements to UNHCR, it will hurt your credibility and could mean that you are not recognized as a refugee.
- **Do not let anyone tell you what to include in your reopening statement** or allow anyone add anything to your appeal statement that you disagree with or that is untrue.

**If you cannot write in your own language**, make sure that the person who writes the reopening statement for you only includes information you have told them to include. To check the statement, ask a trusted person to read it back to you.

Include as much detail as possible.

- Do not leave out information about what happened to you and what you fear.
- If you have **new information, explain why you did not provide that information to UNHCR before**.
- If there is information you do not feel safe about including in your written statement, ask UNHCR to grant you another interview in order to provide the information.

Include as much detail as you can remember about the important things that happened.

- If there are things you don't remember, don't make something up. It is fine to say that you don't remember.
- If there is something you are not sure about then you should say something like, "I believe that ..." or "I think that ..." but don't say, "I know that ...". Also explain why you are not sure.



The following notes will give you some guidance and tips on how to write your statement:

**Dates and Times:** When things happened. For example, “On 16 June 2005 at about 6pm...” If you don’t remember exact dates and times, then you should try to remember approximate dates and times or things that happened around the same time. For example, “One day in March 2006, late at night...”, “One day, about two weeks before New Year in 2007, early in the morning...”, “Soon after my 30th birthday...”, “When I was about 20 years old...”, etc. You can also say things like “Soon after the [last event]...” or “Around the same time as ...”

If you are unsure of dates and/or times, do not guess!

**Places:** Where things happened. If you cannot remember the exact place, you should try to give as much detail as possible or try to describe what the place was like. For example, you could say, “I was kidnapped when I was walking from Town A to Town B”, “I went to a large brick house which was about 5 minutes walk from my house” or “I was taken to a small village about 30km south of my village”.

**People:** If you can remember the names of people, you should always include this information. If you do not know people’s names or you cannot remember them, try to describe the people, especially if: you are scared of them, they are people who hurt you, they are the reason why you left your country, or if you think they are important to what happened to you.

When describing people, you can explain what they were wearing, whether they had weapons, what language they spoke, etc. You should also explain who you think the people were and why you think that.

**Duration:** When you are describing things that happened to you, include how long these things lasted. For example, you could say, “I was kept in prison for two days” or “I was in the hospital for two weeks”.

### **CONSISTENCY**

Your reopening statement should be **consistent with all information that you have previously told or given to UNHCR.**

If you include information in your statement that is **not consistent with information that you have previously given to UNHCR, you need to explain why the new information is inconsistent.**

### **HOW TO ORGANIZE YOUR REOPENING STATEMENT**

One way you can organize your appeal statement is set out in headings 1 to 8 below.

Your statement should be **in your own words and must only include information that is true** and that is not exaggerated.

Your reopening statement could look something like the example below.

Date: *[insert the date that you’re writing the letter]*

UNHCR Representative in Indonesia  
Menara Ravindo  
Jl. Kebon Sirih Kav.75  
Jakarta Pusat 10340, Indonesia  
Attention: RSD Unit

Dear Sir/Madam,

My name is *[insert your name]* and this is my statement for my appeal with UNHCR.

### **1. Personal Information**

UNHCR Case Number: *[insert UNHCR case number]*  
Gender: *[male or female]*  
Nationality: *[insert your nationality]*  
Ethnicity: *[insert your ethnicity]*  
Languages: *[insert the languages that you can speak and understand fluently]*  
Date of Birth: *[insert your date of birth]*  
Place of Birth: *[insert the city and the country where you were born]*  
Passport Number: *[include your passport country and number – if you have one]*  
Marital status: *[say whether your married, single or widowed]*  
Date arrived in Indonesia: *[insert date]*  
Date registered with UNHCR: *[insert date]*  
Date of RSD interview with UNHCR: *[insert date]*  
Date of notification of UNHCR decision: *[insert date]*  
Current contact information: *[insert your phone number if you have one, otherwise your address]*

### **2. New Information**

*[In this section, you have to describe the new information you are giving to UNHCR:*

- any new important events that have occurred since UNHCR rejected your claim, that help to show that you are at risk of persecution if you go back to your home country or*
- any new information have recently found out about that you have not previously told UNHCR and explain what this information is and why you were not able to give UNHCR this information*

*Make sure that you put information in chronological order and be as detailed as you can, including things like names, dates, times, places, what people said or did, or why they said or did it.*

*Do not repeat information that you have already told UNHCR (although you can refer back to your previous statements or documents already given to UNHCR).*

*Leave this section out if there is no new information]*

### **3. How UNHCR Made A Mistake In Its Decision**

*[If you think that UNHCR made a mistake either because it did not properly understand what happened to you, you need to explain why you think this happened.]*

*[If you think that UNHCR did not properly understand the information that you provided, then explain what mistakes you think UNHCR made and why it made those mistakes..]*

### **5. Why I am a Refugee**

*[You need to explain to UNHCR how you meet the refugee definition (as explained in page 4) and specifically, why you have a 'well founded fear of persecution' because of one or more of: your race, religion, nationality, political opinion or membership of a social group.*

***You do not need to repeat all of the facts that you included in your initial RSD statement or earlier in your appeal statement. Instead you should summarize all of the facts that show that you meet this definition and highlight the new (or newly clarified) facts that show that you are a refugee. It is helpful to go through the refugee definition point-by-point.]***

### **6. Documents or attachments**

*[List new documents and/or other evidence that you are including with your appeal statement. You do not need to include documents or other evidence you have already given to UNHCR.*

*If you are including new documents and/or evidence, give copies to UNHCR. Keep the originals.]*

**7. Request for an Reopening Interview**

*[UNHCR does not always conduct reopening interviews. If you have new information or want to provide more details that you cannot put in the statement, ask UNHCR for an appeal interview so that you can explain further.]*

**8. Summary and Signature**

All the information that I have included in this statement is true. Thank you for considering my application for Appeal.

*[Sign your name here]*

\_\_\_\_\_ *[Write your name here]*

**BEFORE YOU GIVE YOUR STATEMENT TO UNHCR**

- Reread the reopening statement to make sure that you have included all the information you think important to help UNHCR understand why its rejection was incorrect and why you meet the definition of a refugee.
- Make sure that everything you have included is the truth and has not been exaggerated.
- Make sure your reopening statement is organized in a way that makes sense. If it is confusing to you, it is also likely to be confusing to UNHCR.
- Check whether anything in the reopening is different to what you said in your earlier statement(s) or interviews with UNHCR. If anything is different, explain why.
- Make a copy of the statement for yourself.

**IF YOUR CASE IS FINALLY REJECTED AND THERE ARE NO FURTHER OPTIONS FOR APPEAL, YOU WILL NOT BE ABLE TO ACCESS AN ASYLUM SEEKER CERTIFICATE**

IOM conducts and Assisted Voluntary Return program, and that those who have been finally rejected can use this program to return to their countries of origin. IOM and/or UNHCR can provide more information on this option.