



UNIT 6

Notification of RSD Decisions

NOTIFICATION OF RSD DECISIONS

6.1 Procedures for Notifying Applicants of RSD Decisions

- Applicants should be **notified in writing** of the first instance RSD decision.
- Notification of **positive decisions** should inform the recognized refugee of the implications of recognition and provide instructions regarding any additional steps that will have to be taken with UNHCR or the authorities in the host country.
- Applicants whose claims are rejected should be informed of the basis for the negative decision. Notification letters for negative RSD decisions should be completed in accordance with the principles set out in § 6.2 - *Notifying Applicants of Negative RSD Decisions*, and using the model letter **Notification of Negative RSD Decision (Annex 6-1)**.
- **All positive and negative notification letters** should be reviewed and approved by the RSD Supervisor or another authorized UNHCR senior staff member before they are issued to Applicants.
- Notification of RSD decisions should be issued in English or French. Where the RSD procedures have been conducted in a language other than English or French, the Applicant should also receive an accurate and precise translation of the notification letter in the relevant language, or should have the opportunity to receive an oral translation of the notification letter by a qualified UNHCR interpreter or designated implementing partner.
- Wherever possible, notification letters should be **issued to the Applicant in person**, either through the attendance of the Applicant at the UNHCR Office, or through an appropriate arrangement with a designated implementing partner. Applicants should be required to present their UNHCR Asylum Seeker Certificate and any other identity documents in their possession to receive the notification letter.
- Where conditions in the country of origin or the individual circumstances of the Applicant do not permit an Applicant to travel easily or safely to the UNHCR Office, **reliable and confidential alternative methods to notify the Applicant** may be used, including mail delivery or delivery to a person duly appointed by the Applicant to receive the notification (see § 6.3 - *Notification of RSD Decisions to Third Parties*).
- The **date on which the Applicant receives notification** of the RSD decision should be stamped on the front of the notification letter. The date and manner of notification are relevant in **establishing the applicable appeal period** for a negative decision, and informing the Applicant of the deadline to file an appeal. This information must therefore be recorded on the **File Action Sheet** in the individual file as well as on any **central database** used by the UNHCR Office to track processing of individual RSD files. Where alternative methods of notification are used, an appropriate date on which the Applicant can be deemed to have received the notification should be determined and recorded.
- Wherever possible, Applicants who are illiterate, or who otherwise require assistance in RSD procedures, should have the possibility of meeting with a UNHCR staff member to receive counselling on the reasons for the RSD decision.
- Counselling on RSD decisions must be **provided by UNHCR staff members who have necessary training and are qualified to perform this role**. Wherever possible, counselling on the reasons for an RSD decision should be provided by Eligibility Officers or other Protection staff members who are involved in RSD.

6.2 Notifying Applicants of Negative RSD Decisions

- Wherever possible, Applicants whose claims are rejected should be **informed in writing of the reasons for the rejection**. Notification should permit rejected Applicants to make an informed decision about whether an appeal is appropriate and to focus appeal submissions on relevant facts and issues.
- UNHCR Offices should use the standard **Notification of Negative RSD Decision letter (Annex 6-1)** when notifying Applicants of the reasons for negative RSD decisions. When using this form, Eligibility Officers should select each of the listed grounds for rejection that are relevant to the decision in the Applicant's claim. Additional comments may be included in the appropriate spaces on the Notification of Negative RSD Decision letter where this would permit the Applicant to better understand how the reasons for rejection relate to the specific facts in the Applicant's claim.

As a best practice, the completed Notification of Negative RSD Decision letter should include sufficient details to permit the Applicant to know the following:

- Evidence submitted by the Applicant that was considered to be insufficient or was not accepted by the decision-maker, and a summary explanation of why evidence was rejected;
- The reason why the accepted facts do not make the Applicant eligible for refugee status.
- Where additional information regarding the reasons for the negative decision is provided on the Notification of Negative RSD Decision letter, procedures for review of the documents before issuance should ensure the accuracy and quality of the information provided.

Disclosure of information relevant to the RSD decision should be limited in the following circumstances:

- Disclosure of the information could jeopardize the security of UNHCR staff;
- Disclosure of the information could compromise UNHCR's ability to effectively carry out its mandate;
- Disclosure of a particular kind of information could jeopardize the availability, security or reliability of the source of the information (including family members who provide statements regarding a Principal Applicant).

- Where it is necessary to limit information relating to the basis of the negative decision in the written Notification of Negative RSD Decision letter, the rejected Applicant should, **wherever feasible and appropriate**, have the opportunity to meet with a UNHCR staff member to receive more detailed reasons for the rejection of his/her claim.



- At the time of notification of the negative RSD decision, the rejected Applicant should also be informed in writing, and in counselling as appropriate, of the following:
 - The implications of rejection of the refugee claim for Applicant's legal status in the host country;
 - The implications of the rejection for any assistance provided by UNHCR;
 - The right to appeal the negative RSD decision and the relevant appeal procedures, in particular the applicable appeal deadline (see § 7.1.2 - *Informing Rejected Applicants of the Right to Appeal*).

6.3 Notification of RSD Decisions to Third Parties

- Notification of UNHCR RSD decisions to third parties should be governed by the principles set out in § 2.1 - *Confidentiality in UNHCR RSD Procedures*. Accordingly, notification of an RSD decision may be issued to a third party, including a legal representative, **where the Applicant has expressly authorized** notification in this manner.
- The appropriateness of issuing **notification of an RSD decision to a child Applicant** directly should be decided on a case by case basis, taking into consideration the age, and maturity, and personal circumstances of the child. In claims by Applicants who are **unaccompanied or separated children**, the guardian of the child should be notified of the RSD decision.
- Positive RSD decisions and final negative RSD decisions may be shared with the **authorities in the host country**, without necessarily disclosing the reasons for the decision (see § 2.1.3 - *Disclosure to Host Country Authorities*). RSD decisions should be considered to be final when they have been decided on appeal, or when they have been decided in first instance and a reasonable period has passed after the time limit for filing an appeal has expired (see § 9.1 - *Closing RSD Files*). UNHCR Offices should take necessary measures to ensure that the host country authorities will respect the confidentiality of information shared. Where appropriate, UNHCR Offices should take additional steps to advise the host country authorities on human rights standards and instruments that should inform decisions regarding the treatment of rejected Applicants by the host country.