1. Treatment of Failed Refugee Claimants Returned to Algeria

In a 2013 migration profile report on Algeria, the Migration Policy Centre (MPC), based at the European University Institute, Florence (MPC n.d.), states that on 25 February 2009, Algeria amended its penal code to add the offence of "irregular exit from its territory for its citizens and foreign residents, as well as the crimes of migrant smuggling and trafficking in persons" (June 2013, 5). Law no. 09-01 of 25 February 2009 provides that the penalty for illegal exit for a citizen or foreign national is from two to six months in prison, a fine, or a combination of the two penalties (Algeria 2009, Art. 175(1)). In correspondence sent to the Research Directorate, a senior fellow at the Centre of International Studies of the University of Cambridge [1] noted that "[a] returnee, therefore, faces a six month prison sentence on these grounds alone if he or she is returned, unless he or she has a valid passport with a valid exit visa stamp in it" (21 July 2014). In noting that Algerian tribunals have sentenced Algerian citizens for attempting to leave the country illegally, the MPC report describes attempted irregular or illegal exit as those intending "to leave the country without passing through border posts or who lacked an entry visa for the destination country" (June 2013, 5). Further information on the definition of irregular or illegal exit could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The Senior Fellow also added that "additional penalties exist for those connected with armed or terrorist groups," but did not provide details (ibid.). In a 2009 report, the Australia Refugee Review Tribunal (RRT) stated that, according to its sources, "failed asylum seekers may draw the attention of the Algerian authorities," noting that

[p]articular concerns have been raised about persons suspected of having links to Islamic movements facing hostile treatment on return to Algeria. It has also been reported that a returnee may face hostile treatment on return due to the authorities' perception that the person may have been involved in terrorism. (Australia 18 Nov. 2009, 23)

Information about how individuals are profiled as terrorist suspects by the authorities could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The RRT also noted that Human Rights Watch had reported concerns, "raised in the context of the British government deporting terrorism and national security suspects, about returnees" (ibid., 25). The aforementioned 2008 report by Human Rights Watch states that
the Bouteflika government has already breached promises it made regarding the treatment on return of two Algerian nationals deported from the United Kingdom in January 2007. These promises were made by Algerian officials directly to the affected men, but the British government had facilitated contacts between the officials and the men. While not formal "diplomatic assurances" brokered between governments, these promises - which were breached to devastating effect for the men, Benaisa Taleb and Rida Dendani - are a window on the Algerian government's absence of good faith and the abuses returnees suffer on return. (Human Rights Watch Oct. 2008, 14)

According to Human Rights Watch,

[0]n return..., the men were detained in DRS [Département du renseignement et de la sécurité] custody for 12 days, interrogated, and reportedly threatened and beaten. Both were later charged, tried, and convicted of involvement in a terrorist network operating outside of Algeria. Statements reportedly extracted using coercive interrogation techniques during their initial period of detention were used as evidence against them at trial. (ibid., 15).

More recent information on the treatment of failed asylum claimants could not be found among the sources consulted by the Research Directorate.

2. Treatment Upon Return of Low-Ranking Police Officers or Members of the Security Forces

Information on the treatment of low-ranking police officers and other members of security forces upon their return was scarce among the sources consulted by the Research Directorate.

According to the Director of the Centre d’études maghrébines en Algérie [3] "[p]olice officers require authorization to leave the country. Should they not return, they are guilty of desertion" (21 July 2014a). The Director also stated:

[a]nyone belonging to a military corps needs permission to leave the country. Asylum seekers would be considered [absent without leave], and tried under military justice. State functionaries outside the Ministry of Interior or Defense would not risk reprisals. (21 July 2014b)

For his part, the Senior Fellow stated that "low-level [government] officials do not face specific measures except, of course, the danger of dismissal for being absent from employment without permission" (21 July 2014). Similarly, the Director noted that "low-ranking [government] officials ... risk no reprisals" (21 July 2014a). The Senior Fellow noted that the same would apply to police officers in general (21 July 2014). However, according to the same source,

[t]his would not be the case with members of the Police judiciaire, which forms part of the Direction des renseignements de sécurité or the Gendarmerie, which is formally part of the armed forces. There could [be] penalties for desertion as laid out in the military penal code or, in the case of the DRS, of extra-judicial punishment. (21 July 2014)

For additional information regarding military desertion, please consult Response to Information Request DZA104203.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] The Senior Fellow’s research interests relate to North Africa and the Middle East and he has previously written on the situation of returned asylum seekers to Algeria in a paper published by the European University Institute.


[3] A private, non-profit center located in Oran, Algeria. It is the overseas office of the American Institute for Maghrib Studies (AIMS) (AIMS n.d.). Its mission is to facilitate scholarly research on Algeria in all disciplines and to encourage the exchange of US and North African scholars and scholarly information (ibid.). It was created though an agreement with the Algeria Ministry of Higher Education and Scientific Research and its premises are provided by the Ministry (ibid.).

References
Tips on how to use this search engine.