

Political Asylum Claims vs. Claims of Politically Motivated Red Notices

By Michelle A. Estlund on March 24, 2012

If a Red Notice subject applies for and is granted political asylum in a given country, does that necessarily mean that his claim to INTERPOL of politically motivated criminal charges will be successful?

And if a Red Notice subject's claim to INTERPOL that his Red Notice is based on a politically motivated criminal charge succeeds, does that necessarily mean that his petition for political asylum will be granted?

No and no. While this may seem counterintuitive, success (or failure) on one front does not dictate the same result on the other front. To understand why, imagine that a client has a Red Notice from Ethiopia and also seeks political asylum in the United States.

Claims for political asylum are made to the appropriate governmental bodies within the varying countries. In our example, a political asylum claim made in the United States is submitted to the Department of Homeland Security (DHS) in the form of an application, or if the applicant is outside the United States, he may submit a refugee claim to the nearest U.S. Consulate or DHS office. The regulations governing U.S. proceedings must be followed if a favorable result is to be had.

On the other hand, a request for relief from an INTERPOL Red Notice is handled by the appropriate body within INTERPOL. An application for relief must follow the rules and texts that govern INTERPOL, and those rules and texts are completely independent of those in the United States.

In this example, one sees that the United States could arrive at a completely different decision than INTERPOL. Our Red Notice subject could thereby prevail on his Red Notice issue but still be denied political asylum in the United States, or vice versa. In order to succeed, each matter must be given careful consideration, time and attention as the attorney prepares with the client.

As always, thoughts and comments are welcomed.