



## **EMN Ad-Hoc Query on Ad hoc Query on granting refugee status to applicants claiming to belong to religious minorities**

Requested by ELENA DE LA ORDEN RODRIGUEZ on 30th May 2016

### **Protection**

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom, Norway (25 in total)

#### Disclaimer:

*The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.*

### Background information:

Are the Member States considering the European Parliament resolution of 4 February 2016 on the systematic mass murder of religious minorities by the so-called 'ISIS/Daesh' in order to grant refugee Status to applicants from Syria and Iraq claiming to belong to these minorities?




Which religious minorities do you consider to be included in?






### Questions







1. Are the Member States considering the European Parliament resolution of 4 February 2016 on the systematic mass murder of religious minorities by the so-called 'ISIS/Daesh' in order to grant refugee Status to applicants from Syria and Iraq claiming to belong to these minorities?




Which religious minorities do you consider to be included in?


### Responses


	Country	Wider Dissemination	Response
	Austria	Yes	<b>1.</b> Decisions are always made on a case-by-case basis. Every relevant information and all circumstances of the individual case are considered when coming to a decision. The persecution of a group is not assumed, but a protection status may be granted due to the situation in Syria and in parts of Iraq after considering the particular circumstances of the case. This applies not only, but in particular also to particularly threatened minorities. Source: Federal Ministry of the Interior.
	Belgium	Yes	<b>1.</b> In principle refugee status will be granted to people from all religious minorities coming from a region controlled by ISIS/Daesh.
	Bulgaria	Yes	<b>1.</b> Each application for international protection is examined on a case by case basis taking into account the situation in the country of origin. The decision depends on the applicant's story and the situation in the country of origin. The determining factor for granting refugee status is the existence a well-founded fear of persecution due to his race, religion, nationality, political opinion





			<p>or membership of a particular social group, is outside his/her country of origin and who for these reasons is unable or unwilling to avail of the protection of that country or to return thereto. For the purposes of granting refugee status, it shall not matter whether the alien belongs to such race, religion, nationality, social group, whether he/she expresses such political opinion or professes such political belief which is at the root of persecution. It shall be sufficient that the persecuting authority or organisation considers such foreigner belongs thereto.</p>
	Croatia	Yes	<p><b>1.</b> Croatia does not have a lot of cases relevant to this situation. The cases are determined on a case by case-basis, where high consideration is given to relevant country that is threatened by so-called ISIS/Daesh. If the findings show that persons are persecuted owing to their religion (any religion minority is considered), applicants will be granted a refugee status.</p>
	Cyprus	Yes	<p><b>1.</b> Iraq: Yezidis, Christians, Mandeans, Shabaks. Syria: Christians, Alawites in non-government held areas.</p>
	Czech Republic	Yes	<p><b>1.</b> The Czech Republic generally takes into account religious minorities while granting international protection. It concerns the Christians and the Yazidis.</p>
	Estonia	Yes	<p><b>1.</b> Estonia assesses each application for asylum or international protection individually. Information from various sources are taken into account in the decision making process (e.g. information from international organizations, non-government organizations and human rights groups). There is not much practice with asylum requests from applicants who belong to religious minorities and are fleeing regions seized by ISIS/ Daesh.</p>
	Finland	Yes	<p><b>1.</b> All the asylum applications are taken into consideration individually and the asylum is granted by individual grounds. In practice, the situation in Syria is now so bad that the internal flee is not an option and all the religious minorities in Syria that being persecuted by ISIS / Daesh are granted the refugee status. Concerning the asylum seekers of religious minorities from areas in Iraq under the ISIS / Daesh governance the alternative of internal flight is considered first. If the internal flight is not possible the religious minorities from Iraq persecuted by ISIS / Daesh are</p>

			granted refugee status as well. All the religious minorities are considered to be persecuted by ISIS / Daesh if they are living at the areas governed by ISIS / Daesh.
	France	Yes	<b>1.</b> Even before the European Parliament's resolution of 4 February 2016 on the systematic mass murder of religious minorities by the so-called 'ISIS/Daesh', the French Office for the Protection of Refugees and Stateless Persons (OFPRA) has granted refugee status to applicants belonging to religious minorities, in particular to persons from areas held by the 'Islamic State' or from the battle line. For Iraq: Christians, Yezides, Sabians, Shiites For Syria: Christians, Shiites
	Germany	Yes	<b>1.</b> In Germany, for members of religious minorities, which in Syria or Iraq are in danger of persecution by the so-called "Islamic State", granted refugee status regularly. A narrowing-down on the belonging to a particular religious minority is not done.
	Hungary	Yes	<b>1.</b> Any persecution and human rights violations committed by the so called 'ISIS/Daesh' are considered to have effect on all the population living on the territory reached by 'ISIS/Daesh'. All applications are examined on case by case basis and if the legal conditions are met based on the individual circumstances, the applicant will be granted international protection.
	Ireland	No	
	Italy	Yes	<b>1.</b> The resolution of the European Parliament of February 2016 has not led yet to the adoption of special measures in Italy. However, a well-founded fear that an asylum seeker may suffer persecution in his or her country of origin on religious grounds or on grounds of membership to a religious group was already (and still is) taken into account for the purposes of granting international protection.
	Latvia	Yes	<b>1.</b> Latvian authorities are aware of the situation of religious/ethnic minorities in areas controlled by ISIS/ Daesh and fully supports the position that persons who belong to religious/ethnic minorities and are affected by ISIS/ Daesh activities are entitled to receive refugee status.


			<p>However so far there have been no asylum requests from applicants who belong to religious minorities and are fleeing regions seized by ISIS/ Daesh. Each application lodged by Syrian asylum seeker was considered on its individual merits; though all requests were reasoned by general security situation in Syria and resulted in subsidiary form of protection.</p>
	Lithuania	Yes	<p>1. Lithuania has no practice regarding this question.</p>
	Luxembourg	Yes	<p>1. Are the Member States considering the European Parliament resolution of 4 February 2016 on the systematic mass murder of religious minorities by the so-called 'ISIS/Daesh' in order to grant refugee Status to applicants from Syria and Iraq claiming to belong to these minorities? In accordance with the Law of 18 December 2015 on international protection and temporary protection the Luxembourgish authorities treats every international protection application on a case by case basis analysing the facts described by the applicant as well as the evidence provided and taking into consideration the general situation of the country of origin, so the systematic mass murder of religious minorities are taking into consideration. Which religious minorities do you consider to be included in? The Luxembourgish authorities will consider in the analysis, but not limited, if the applicant is a Christian (Chaldean/Syriac/Assyrian, Melkite and Armenian), Yazidi, Turkmens, Shabak, Kaka'i, Sabae-Mandean, Kurdish and Shi'a communities, as well as many Arabs and Sunni Muslims, which have been targeted by the so-called 'ISIS/Daesh'.</p>
	Netherlands	Yes	<p>1. As far as we know the Dutch policy was not changed after the resolution. The Dutch policy already provides protection to religious minorities from areas where IS is prevalent. For Iraq the 15c policy applies for aliens coming from areas where ISIS has control or where fighting takes place between on the one hand ISIS and Iraqi and Kurdish forces on the other hand Shiite militias and the international coalition. This accounts for the provinces Anbar, Ninewa, Saladheddin, Ta'mim and Diyala and parts of the 'Baghdad-belts'. Aliens from these regions that belong to a vulnerable minority group, are not expected to return to another region in Iraq. Aliens belonging to this vulnerable minority group are: Christians, Mandeans, Yezidis, Jews, Shabak, Kaka'i, single women and Turkmenians. For Syrians accounts that the Immigration and Naturalisation Service assumes that aliens from Syria who return will face a real risk of serious harm. The alien from</p>

			<p>Syrian is eligible for a temporary asylum residence permit under article 29, first paragraph and under b if the alien is not an active supporter of the regime.</p>
	<p>Poland</p>	<p>Yes</p>	<p><b>1.</b> In case of Poland, while preparing the justification for the decision in asylum proceedings, the Office for Foreigners is not following the European Parliament resolution of 4 February 2016 on the systematic mass murder of religious minorities by the so-called 'ISIS/Daesh' in order to grant refugee Status to applicants from Syria and Iraq claiming to belong to these minorities. On the contrary, Polish Office for Foreigners take advantage of, among others, studies and reports prepared by the Country of Origin Information Department [COI] as well as UNHCR guidelines. It needs to be clarified that the Polish Country of Origin Information Department materials and analysis, including those regarding Syria and Iraq, are mainly based on information from many different sources, such as reports of international organizations, governmental and non-governmental agencies, research centers, etc. The conclusions of the abovementioned studies on Syria and Iraq are generally consistent with those contained in the already mentioned Resolution of the European Parliament. Nevertheless, each case is examined individually and evaluated depending on the risk level which refers to the asylum applicant. So far, the Head of the Office for Foreigners granted refugee status due to persecution of foreigners` - citizens of Syria and Iraq - belonging to religious minorities, derived from the following religious groups: Christians, Yezidi, Mandaean, Druze and Ismaili.</p> <p><b>2.</b> In case of Poland, while preparing the justification for the decision in asylum proceedings, the Office for Foreigners is not following the European Parliament resolution of 4 February 2016 on the systematic mass murder of religious minorities by the so-called 'ISIS/Daesh' in order to grant refugee Status to applicants from Syria and Iraq claiming to belong to these minorities. On the contrary, Polish Office for Foreigners take advantage of, among others, studies and reports prepared by the Country of Origin Information Department [COI] as well as UNHCR guidelines. It needs to be clarified that the Polish Country of Origin Information Department materials and analysis, including those regarding Syria and Iraq, are mainly based on information from many different sources, such as reports of international organizations, governmental and non-governmental agencies, research centers, etc. The conclusions of the abovementioned studies on Syria and Iraq are generally consistent with those contained in the already mentioned Resolution</p>

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	Portugal	Yes	<b>1.</b> The number of cases under this situation in Portugal is small. However, in general terms, when Portugal hosts Syrian citizens who claim insecurity or who left their country under war reasons, it is granted a subsidiary protection status. If other reasons are invocated, like religion or ethnical persecution, the situation is analyzed case by case, in order to check if the refugee status is applicable.
	Slovak Republic	Yes	<b>1.</b> The Slovak Republic assesses each application for asylum or international protection individually. European Parliament resolution of 4 February 2016 on the systematic mass murder of religious minorities by the so-called 'ISIS/Daesh' in order to grant refugee Status to applicants from Syria and Iraq claiming to belong to these minorities, is taken into account. However, it is necessary to add that based on this resolution itself international protection is not granted, the right to be granted asylum is based on the Convention Relating to the Status of Refugees from 1951 that is fully respected by the Slovak Republic. In specific cases also the possibility of internal flight alternative is considered as well as information about the country of origin with special attention given to the region of Syria and Iraq from which the person is coming, are examined. When these factors are assessed, asylum is granted a person belonging to a religious minority persecuted by ISIS/Daesh in the territory where this organisation rules. Which religious minorities do you consider to be included in? The persecuted religious minorities by ISIS/Daesh are followers of all religions except Sunni branch of Islam. It mainly includes Muslim Shiites (predominantly Alawites), persons belonging to all branches of Christian religion, Yezidis, Jews, Zoroastrians, Sabians, etc.

	Slovenia	Yes	<p><b>1.</b> So far we didn't receive asylum application from persons belonging to these minorities. In case we will receive application from such person we will proceed it base on individual approach and considering the EP Resolution if and where will be applicable.</p>
	Spain	Yes	<p><b>1.</b> Spain considering the European Parliament resolution on the systematic mass murder of religious minorities by the so-called 'ISIS/Daesh' (4 of February 2016) is granting refugee status to applicants claiming to belong to these religious minorities.</p>
	Sweden	Yes	<p><b>1.</b> The Swedish Migration Agency make individual assessments in each Syrian and Iraqi case, with regards to the granting of refugee status. When these assessments are made, the finding that a person belongs to a certain minority group constitutes important evidence that needs to be taken into consideration when determining whether the applicant should be granted refugee status. Thus a person belonging to a religious minority group, whose application is tried in reference to an area in Iraq or Syria where the so-called ISIS/Daesh are in control, would probably in many cases be able to put forward comprehensive evidence that he/she has a well-founded fear of persecution if returned to that area. However, the Swedish Migration Agency does not have a list of religious minorities in this regard. The cases are determined on a case by case-basis, where high consideration is given to relevant country of origin information.</p>
	United Kingdom	Yes	<p><b>1.</b> All asylum claims lodged in the UK, including those made by religious minorities from Iraq and Syria, are carefully considered on their individual merits taking into account information from a range of sources including international organisations such as the UN and it agencies, non-government organisations and human rights groups, the media and Foreign Office. The EU resolution itself does not present information about the country but is a statement reflecting the underlying evidence about the country situation, documented by a range of sources considered by the Home Office. Those persons who are able to demonstrate a well-founded fear of persecution for reasons which include religious beliefs or ethnic origin are granted asylum. Religious minorities which have faced human rights abuses include Christians, Yezidis, Bahai, Kakai, Sabaeen-Mandaeans in Iraq, and Christians, Druze, and Yezidis in Syria. Our published country</p>



			<p>information and guidance, which reflects this can be found here:  <a href="https://www.gov.uk/government/collections/country-information-and-guidance">https://www.gov.uk/government/collections/country-information-and-guidance</a></p>
	Norway	Yes	<p><b>1.</b> Iraq Norway grants international protection to asylum applicants from ISIS-held areas in Iraq (Norwegian Immigration Act § 28 1 a) on grounds of religious affiliation. This applies to non-Muslim minorities and Shia Muslims from ISIS-held areas. We do assume however that most religious minorities have a safe and easily accessible internal flight alternative in the Kurdish-held region (KRI). **Please note that Norway has had very few cases from this category of applicant. Syria Norway assumes that asylum seekers from Syria have a well-founded fear for persecution which can be grounded in several international conventions, but mainly applications are granted on grounds of political affiliation, not actually religious affiliation.</p>