



## **EMN Ad-Hoc Query on Urgent ad hoc -query on asylum seekers from Yemen**

Requested by Suvi TIAINEN on 6th April 2016

### **Protection**

Responses from Austria, Belgium, Croatia, Cyprus, Czech Republic, Estonia, Finland, Germany, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom, Norway (22 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:**




Legislation in Finland is currently being reviewed, and a likely result will be the omission of the national category of international protection, humanitarian protection. For this reason, decision making regarding humanitarian protection is halted at the moment. Until present, Finland has granted humanitarian protection to asylum seekers from Yemen based on the general security situation in the country, if the applicant has not had individual grounds for protection. The country guidelines for Yemen are being reviewed in conjunction with the legislative amendment. Finland has received Yemeni asylum seekers as a part of the EU relocation programme of asylum seekers (so called internal transfers of asylum seekers).




### **Questions**


1. 1. Does Your Member State grant international protection to asylum seekers from Yemen on the basis of the general security situation in the country (subsidiary protection or other), if the applicant does not have individual grounds that give right to international protection (convention status or subsidiary protection on individual grounds)?
2. 2. If Your Member State has assessed Yemen or some parts of the country as an area from where all applicants are granted a residence permit, which category of protection do you use? Have you assessed some parts of the country as safe areas?
3. 3. Do you implement the internal flight alternative inside Yemen, and if yes, in which types of cases?
4. 4. Do you, at the moment, issue return decisions to nationals of Yemen to their country of origin? Do you enforce the return decisions?
5. 5. In how many cases have you issued convention status, subsidiary protection, other residence permits or return decisions to nationals of Yemen? Please provide statistics for 2015 and January-March 2016 if possible.





### **Responses**



	Country	Wider Dissemination	Response
	Austria	No	
	Belgium	No	


	Croatia	Yes	<p>1. Until now Croatia did not have asylum applications from asylum seekers coming from Yemen.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p>
	Cyprus	Yes	<p>1. Cyprus has received very few applications for international protection by Yemen nationals in 2015, which are still pending and therefore there is no current policy on this category of applicants.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p>
	Czech Republic	Yes	<p>1. Applications for international protection are assessed on an individual basis. However, the general security situation cannot serve as the only and sufficient ground for granting international protection status. It is important to note that the number of asylum seekers coming from Yemen to the Czech Republic is very low.</p> <p>2. No. All cases are assessed individually. An individual application and concerned person is what matters, not the part of the country.</p> <p>3. Depends on individual circumstances.</p>

			<p>4. Also assessed individually.</p> <p>5. 2015 Asylum – 0 Subsidiary protection – 0 New issuance of residence permits – 23 Return decisions – 0 2016 (January-March) Asylum – 0 Subsidiary protection – 1 New issuance of residence permits – 6 Return decisions – 0</p>
	Estonia	Yes	<p>1. Estonia assess each international protection case on its own merits.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. In year 2016 there have been no return decisions for nationals of Yemen or returns to Yemen.</p> <p>5. Within the time period from 2015 to March 2016 we have issued 1 national from Yemen the subsidiary protection.</p>
	Finland	Yes	<p>1. In Finland up till now: if the individual grounds for asylum or secondary protection are not met, asylum seekers from Yemen have been granted at least humanitarian protection.</p> <p>2. Yemen as whole has been considered as a humanitarian protection area.</p> <p>3. No</p> <p>4. No</p> <p>5. 2015: 5 decisions altogether: 1 asylum, 4 humanitarian protection. 1.1. - 29.2.2016: 1 asylum.</p>
	Germany	Yes	<p>1. Germany experienced only a low number of applications from Yemen nationals (2015: 349 applications, 1. Quarter 2016: 98 applications). The Federal Office does not grant international (or</p>



			<p>national) protection to Yemen applicants generally due to the security situation or due to other reasons. Every case is assessed on its own merits.</p> <p>2. See question 1</p> <p>3. See question 1</p> <p>4. The Federal Office is not responsible to enforce the return of rejected applicants. This task lies within the competence of the Federal States and the local alien authorities supported by the Federal Border Police. According to national statistics none was forcibly returned to Yemen in 2015.</p> <p>5. Please note that negative decisions on applications of Yemen nationals were down prioritized until June 2015. Generally, the number of decisions in 2016 and the 1 quarter of 2016 was low, see attached table for more details.</p>
	Hungary	Yes	<p>1. No, the asylum authority does not grant international protection to asylum seekers from Yemen if the applicant does not have individual grounds that give right to international protection.</p> <p>2. We use subsidiary protection for applicants in Yemen considering the general security situation in the country. We do not consider any part of the country safe.</p> <p>3. No.</p> <p>4. Due to the current security situation in the country, we grant subsidiary protection. Before issuing a return decision the immigration authority requests an expert opinion whether a person can be expelled to their country of origin (or another country where the individual can be returned to) or not. In recent years Hungary has conducted only a small number of immigration procedures involving Yemeni nationals. In the year 2015 and in the timeframe of January-March 2016 Hungary has not issued return decisions to nationals of Yemen to their country of origin, and has not returned Yemeni citizens to their home country.</p>


			5. Return decisions issued to nationals of Yemen - 2015: 5 (none to Yemen) - Jan-Mar. 2016: 0
	Ireland	No	
	Latvia	Yes	<p>1. Within the time period from 1998 to 2016 there were no asylum applications submitted by asylum seekers from Yemen.</p> <p>2. As we don't have asylum seekers from Yemen, we don't have profound knowledge on situation in particular regions of Yemen or possible safe areas in the country.</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p>
	Lithuania	Yes	<p>1. Lithuania has not received any applications from asylum seekers from Yemen so far.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p>
	Luxembourg	Yes	<p>1. No. Luxembourg 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.</p>


			<p>2. No. Luxembourg has not make that kind of assessment.</p> <p>3. No.</p> <p>4. No.</p> <p>5. International protection status granted to Yemeni nationals: 2015: 0; 2016 (1.1 – 29.2): 0.</p>
	Malta	Yes	<p>1. The Office of the Refugee Commissioner did not receive applications for international protection from Yemen nationals in the last years and does not have a specific policy in place with regards to these cases. Therefore it cannot provide information to the questions below.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. No return decisions or removal orders were issued to Yemen nationals from our end.</p> <p>5. N/A</p>
	Netherlands	Yes	<p>1. No, as of 13 August 2015 the Netherlands has issued a postponement of decision on asylum claims from Yemen. On February 22nd 2016 this postponement of decision has been prolonged for the duration of six months until 13 August 2016.</p> <p>2. N/a</p> <p>3. N/a</p> <p>4. No, during the postponement of departure nationals of Yemen who have applied for asylum will not be enforced to their country of origin.</p>


			5. Pending.
	Poland	Yes	<p>1. The circumstances put forward by the Office for Foreigners as the grounds for its positive decisions included: serious and individual threat to life or health, resulting from the widespread use of violence against civilians According to the carried out analysis, no institutions where applicants could seek protection function properly in Yemen. In addition, even though 20 out of 22 provinces of Yemen were affected by the conflict, due to the dynamics of the situation, the Office for Foreigners assumed that the applicants will not be able to safely and legally travel to another part of the territory of the country and therefore it has excluded the possibility of internal relocation.</p> <p>2. In 2015, Poland registered 4 applications for international protection submitted by citizens of Yemen. In 3 cases, subsidiary protection was granted. In the period January-March 2016 – 2 applications were submitted, but both of them are still being proceeded. See also: response 1.</p> <p>3. No.</p> <p>4. Yes. Return decisions are issued and enforced on a regular basis. No changes are foreseen in the near future.</p> <p>5. In 2015, Poland registered 4 applications for international protection submitted by citizens of Yemen. In 3 cases, subsidiary protection was granted, whereas in one – decision on discontinuation of the procedure was issued. In the period January-March 2016 – 2 applications were submitted, but both of them are still being proceeded. In 2015, Poland issued 3 (out of 13 656) return decisions (all of them indicated time for voluntary return). In the period January-March 2016 - no decisions were issued.</p>
	Slovak Republic	Yes	<p>1. The Slovak Republic does not have, in the recent period, any experience with the applicants for international protection from Yemen. According to our statistics, since 2010 no person from Yemen applied for international protection in the Slovak Republic.</p>



			<p><b>2.</b> It is not possible to provide information as we have no evidence of applicants for international protection from Yemen.</p> <p><b>3.</b> It is not possible to provide information as we have no evidence of applicants for international protection from Yemen.</p> <p><b>4.</b> It is not possible to provide information as we have no evidence of applicants for international protection from Yemen.</p> <p><b>5.</b> There were no cases of convention status or subsidiary protection granted to Yemeni nationals in the Slovak Republic. In 2016 there was only one temporary residence permit granted for the purpose of study. In 2015 there were 7 residence permits granted for Yemeni nationals in the SR: - 1 long term residence for a national with a residence permit in other EU MS - 3 residence statuses for the purpose of study - 2 permanent residence statuses for 5 years (persons who were family members of a Slovak citizen – spouse or dependant) - 1 tolerated stay granted for the reasons of the need to respect family life and private life.</p>
	Slovenia	Yes	<p><b>1.</b> Since 2015 Slovenia did not received asylum seekers from Yemen.</p> <p><b>2.</b> NTR</p> <p><b>3.</b> NTR</p> <p><b>4.</b> NTR</p> <p><b>5.</b> See Q1.</p>
	Spain	Yes	<p><b>1.</b> If the applicant does not have individual grounds leading to international protection, we take into consideration the area of origin within the country of the applicant and the security situation in that particular area.</p>

			<p><b>2.</b> On a general basis, we do consider that some parts of the country not to be safe for civilians, and therefore, applicants fleeing from those areas are granted some kind of international protection. The southern region and Aden are unlikely to breach article 15c but some specific profiles, more vulnerable profiles, may be in danger. North, West and Centre. The security environment and the humanitarian situation make it possible for some applicants to be granted subsidiary protection under article 15c QD. Thus, in general, if the applicant comes from a conflict zone and internal relocation is not an option for that person, we may apply article 15 c QD. On the other hand, if the applicant comes from a non-conflict zone, and internal relocation is feasible, we may apply article 15b) QD. Finally, for those who base their application exclusively on the security situation but come from safe areas, we would not find their applications to fall under subsidiary protection.</p> <p><b>3.</b> We believe that being relocated to most parts of Yemen is really difficult because of the volatile security environment and the harsh humanitarian situation. Nevertheless, a number of Yemenis have relocated internally, so we consider where the applicant is native from, and where will he be returning to.</p> <p><b>4.</b> 1. No, we follow the UNHCR Position on Returns to Yemen published on April 2015, and therefore we have suspended forcible returns of nationals or habitual residents of Yemen to the country. 2. Do you enforce the return decisions? No</p> <p><b>5.</b> During 2015, we had only eight applications for asylum issued by nationals of Yemen. Two of the applicants have been granted subsidiary protection, so far. The other six are being studied at the moment. During 2016, we have received 16 applications for asylum issued by nationals of Yemen.</p>
	Sweden	Yes	<p><b>1.</b> The Director of Legal Affairs at the Swedish Migration Agency has issued guidelines for assessing asylum claims from nationals of Yemen. According to these guidelines, the security situation in Yemen or certain areas of the country cannot be described as a situation of indiscriminate violence which threatens a person's life just because he/she is in the territory of the country. Accordingly, each case will be dealt with on a case by case basis. As a result of the ongoing conflict the humanitarian situation has deteriorated across the country. Minors, and</p>

			<p>families with minor children, are granted residence permit on humanitarian grounds due to the deteriorated humanitarian situation in Yemen.</p> <p><b>2.</b> The Swedish Migration Agency does not grant protection/residence permit or any other form of leave to remain simply because someone comes from a certain area of Yemen. Each case will be dealt with on a case by case basis.</p> <p><b>3.</b> No</p> <p><b>4.</b> Yes</p> <p><b>5.</b> In 2015 decisions were made in 163 asylum cases concerning nationals from Yemen. Of these 67 were granted residence permit and 25 were denied (39 cases were dismissed and 31 were Dublin). Of those that were granted residence permit 33 were issued convention status, 12 were issued subsidiary protection and 20 were issued residence permit based on humanitarian grounds. Up until 18 April 2016 decisions were made in 61 asylum cases concerning nationals from Yemen. Of these 38 were granted residence permit and 7 were denied (4 cases were dismissed and 8 were Dublin). Of those that were granted residence permit 5 were issued convention status, 12 were issued subsidiary protection and 23 were issued residence permit based on humanitarian grounds.</p>
	United Kingdom	Yes	<p><b>1.</b> Yes Each case is considered on its individual merits but in general the conditions in the north, west and centre of the country are likely, in many cases, to breach Article 3 and / or Article 15(c) of the Qualification Directive. The conditions/situation in Aden and other areas of southern Yemen while harsh will not in general breach article 3 but may do so for vulnerable people (e.g. single women or disabled people, etc.) Please see our Country information and guidance report on Yemen: security and humanitarian situation published in April 2016 which sets out our position- this can be accessed at the following link: <a href="https://www.gov.uk/government/publications/yemen-country-information-and-guidance">https://www.gov.uk/government/publications/yemen-country-information-and-guidance</a></p>

			<p><b>2.</b> Where conditions breach article 3 and/or article 15(c) of the QD applicants are granted humanitarian protection.</p> <p><b>3.</b> Internal flight is unlikely to be a viable option in most cases but depending on an individual's circumstances may be appropriate in some cases</p> <p><b>4.</b> Each case is considered on its own merits. Where a person qualifies for asylum or humanitarian protection we will grant it. Where we and the courts conclude that a person does not qualify, they are expected to leave the UK.</p> <p><b>5.</b> Please see attached.</p>
	Norway	Yes	<p><b>1.</b> Norway has received few applicants for international protection from Yemen in 2016. It is therefore difficult to give an extensive overview of how applications of international protection from Yemen will be handled. Norwegian authorities make individual assessments as to whether an applicant of international protection from Yemen is in need of protection. However, the armed conflict in the country and the humanitarian situation will influence the decision making.</p> <p><b>2.</b> Norway gives protection according to art 1 A of the Refugee Convention of 1951, and according to the European Convention on Human Rights Art 3. We have not yet assessed whether any areas in Yemen are safe areas.</p> <p><b>3.</b> Norway has not handled any cases where the internal flight alternative inside Yemen could be used.</p> <p><b>4.</b> On 15 April 2015, The Norwegian Appeals Board (UNE) decided to suspend the duty to return to Yemen. The decision applies both to persons who have previously applied for asylum and to persons who are obliged to return after having received a rejection of an application for residence pursuant to other parts of the regulations (see this statement). "Until further notice, there will be no forcible returns to Yemen, and the duty to return voluntarily after receiving a final rejection has been temporarily suspended. The recent escalation of the conflict in Yemen, noticeable through an increase in violent clashes, civilian casualties and the number of affected provinces, has resulted</p>

			<p>in a worsening overall security situation. The Immigration Appeals Board (UNE) has therefore decided to suspend forcible returns. The suspension of the duty to return means that, until further notice, applicants who have received a final decision to return to Yemen are not required to comply with the duty to leave Norway. This has been deferred, pending notification from UNE. The suspension will allow UNE time to monitor the development of the conflict and assess the security situation in key parts of the country. The police have been informed that no persons who fall into the abovementioned category shall be forced to leave Norway. Please note that the suspension does not apply to persons whose cases are covered by the Dublin III Convention or first asylum country rule. These applicants will still be returned to the country in which their applications for protection are to be considered pursuant to international agreements and other arrangements. Statement published on une.no 15th April, 2015”</p> <p><b>5.</b> See attachment for table.</p>
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