



NO EMN Ad Hoc Query on Revocation of Status for Women from Afghanistan

Requested by NO EMN NCP on 2nd June 2014

Reply requested by 3rd July 2014

Responses from Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovak Republic, Spain, Sweden, United Kingdom plus Norway (26 in Total)

<u>Disclaimer</u>: 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.

1. Background Information

Since 2010 Norway has experienced a significant increase in the number of female applicants for asylum from Afghanistan (with or without children) who on arrival to Norway claimed to be married although they arrived alone. According to the women, the husband disappeared in Afghanistan or during the journey to Norway. In most of these cases the claimants state that they were separated unwillingly from the husband.

In general Norway considers women (with or without children) from Afghanistan as eligible for protection asylum when it is deemed necessary because they do not have a network in a place which Norway defines as safe. This includes married Afghan women who claim to not know where their husband is or in some cases, women with a life partner/significant other.

However, we have experienced that as soon as the claimant gets her status recognized, the husband (or partner) "arrives" in Norway and seeks asylum as well.

This "modus operandi" has led to a number of cases where the Norwegian authorities as a consequence have started a revocation process of the status of the female claimant. The revocation process in the majority of cases is grounded in the Refugee Conventions cessation clause 1 C (6). The Norwegian Supreme Court's decision of 29/06/2010, HR-2010-1130-A, Rt-2010-858, stipulates that the Refugee Conventions cessation provision translated in the Immigration Act section 37 subsection e, should be interpreted as not only referring to relevant changes in the applicant's country of origin, but also relevant changes in the applicant's personal circumstances that initially led to being granted protection. However the revocation process has posed additional challenges in that the woman submit new claims based on either a sudden separation from the husband (after he arrived in Norway), or more often that they have been subject to domestic violence. Frequently they claim that the violence has always been present in the marriage, or that for the applicant, this is a forced marriage.

Such developments in the revocation cases have posed many challenges, because during the asylum interviews the claimant didn't mentioned that the state of their marriage was problematic, rather than that they as a family were forced to flee. The fact that such issues only emerge after there is a risk that they may lose their protected status seems to demonstrate that we should have handled the original asylum application differently. We consequently would like to evaluate our procedures to find better ways to tackle such cases fairly and sustainably, and consistent with our asylum policies.

In this regard, the Norwegian Directorate of Immigration would highly appreciate information on the following questions:

- 1. Has your country experienced a tendency where female Afghan applicants for asylum arrive alone and soon after they have been granted a residence permit are re-united with their husbands? Yes / No
- 2. If yes: Briefly describe the trend, timeframe and any statistics you might have available. What is your country's asylum practice towards this described group?
- 3. During the asylum interview, do you systematically identify if single female applicants from Afghanistan are exposed to domestic violence and/or forced marriage; even if they do not bring it up?

- 4. If your country grants female applicants from Afghanistan protection status and soon after a spouse/partner "shows up" and applies for either reunification or asylum in his own right; what is your country's policy/practice towards the wife who has already been issued with a resident permit?
- 5. Have you practiced revocation (on any ground) of residence permits for female Afghan citizens who fall into this category? If yes please describe briefly the grounds for your decisions, and subsequent challenges you have experienced.
- 6. For those who have experienced cases such as these: are any of the female applicants unaccompanied minors?
- 7. Have you experienced this phenomena/pattern/trend with other country profiles?

We would very much appreciate your responses at the latest by 2nd July 2014.

2. Responses

	Wider Dissemination?	
Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
Belgium	Yes	1. It does occur that a female Afghan asylum applicant arrives alone and claims to be a single women (of whose husband was kidnapped or disappeared in Afghanistan or disappeared during the journey to Europe); and who is later joined by her partner. However these type of applications do not occur too often (one cannot speak of a trend). The statistics show that about 85% of the adult asylum applicants from Afghanistan are men. For unaccompanied minors about 95% of the asylum applicants are men. So the number of female asylum applicants from Afghanistan is limited, and most of them apply asylum together with their husband.
		2. See answer on question 1
		3. Single women in Afghanistan are considered as a vulnerable group, and this aspect is taken into consideration during the assessment of the asylum application. Female applicants from Afghanistan are not systematically questioned about domestic violence or forced violence if there are no indications that they could be a victim of this.
		4. The protection status and residence permit could be withdrawn if the protection status was obtained on fraudulent declarations that have been decisive for the outcome of the asylum application on the ground of Article 57/6, 7° of the Aliens Act. However

not necess	arily represent the	official policy of an EMN NCPs' Member State.
		for asylum seekers who claim that their husband disappeared during the journey to Europe or in Afghanistan, and later the husband shows up in Belgium; it is hard to prove that fraud has been committed. The fact of being a member of a vulnerable group (a single women from Afghanistan) might also have been just one element for the decision to grant a protection status. In other situations the fraud might be more obvious and the protection status can be withdrawn. For example, when a female asylum seeker is granted protection on the grounds of domestic violence or forced marriage, and then the partner applies for family reunification or asylum. Also asylum seekers who obtained a protection status on the ground of sexual orientation followed by an application for family reunification on behalf of a person of the other sex, the protection status can be withdrawn (and/or the application for family reunification rejected). - No recent cases are known where the status for female asylum seekers from Afghanistan was withdrawn on this ground. - No (practically all unaccompanied minors from Afghanistan are men). - Yes, but the situation is slightly different. The asylum motive referring to the risk of forced marriage or domestic violence is quite frequently invoked by asylum seekers from certain African countries, such as Guinea. If the partner applies for asylum or family reunification, this can lead to a revocation of the protection status and the residence permit. Also asylum claims based on sexual orientation sometimes can lead to a withdrawal of the protection status if the spouse (of the other sex) shows up (see answer on question 4).
Bulgaria	Yes	 No In 2013, the asylum seekers from Afghanistan in Bulgaria are 310 in total, 111 of whom are women, including 1 unaccompanied minor woman from Afghanistan. In the period 01.01.2014 - 30.06.2014, the asylum seekers from Afghanistan in Bulgaria are 618 in total, 73 of whom are women, including 2 unaccompanied minor women from Afghanistan. There have been no cases in which female Afghan applicants for asylum arrive alone and soon after they have been granted a residence permit are re-united with their husbands. N/A NO N/A N/A

		<i>y</i> 1	6. N/A
			7. At the beginning of 2014, a procedure started in order to withdraw a subsidiary protection status granted to an Iraqi woman. During the asylum procedure in 2011, she claimed that her husband was killed by members of <i>Al-Qaeda</i> in Iraq and that the state could not provide effective protection to her and her children. After comprehensive examination of the reasons for seeking protection and the individualized fear of persecution, subsidiary protection was granted to the Iraqi woman and her minor children. In 2014, the woman's husband sought protection in a Member State of the EU. He presented copies of documents certifying his marriage to her and copies of pages of his wife's passport. The husband was returned to the Republic of Bulgaria in accordance with Regulation (EC) № 343/2003 of the Council following a request for taking responsibility. After the reception of the man in the Republic of Bulgaria, he was found to be indeed the Iraqi woman's husband. On the basis of these established facts, it was accepted that there is new information regarding the person's legal status which is relevant under Art. 17, par. 3, of the Law on Asylum and Refugees (LAR) in relation to Art. 13, par. 1, item 7, and a procedure for withdrawal of the granted status was initiated on the basis of Art. 78, par. 2, of LAR.
***	Cyprus	Yes	1. No
			2. N/A
			3. N/A
			4. We did not have such cases so far.
			5. N/A
			6. N/A
			7. No, Cyprus has not experienced such phenomena so far. Though, we had cases in the past involving domestic violence and/or forced marriage identified on female applicants with other country profiles e.g. from Somalia, Iran
	Czech Republic	Yes	1. No.
			2. Not applicable.
			3. No.
			4. This would be assessed individually.

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			5. No.6. Not applicable.7. No
	Estonia	Yes	1. No
			2. N/A
			3. No. So far we have not taken domestic violence or forced marriages as a specific target - topic during interviews when there are no other indications that it might be the issue.
			4. There is no policy in place as we have not proceeded such cases yet.
			5. No.
			6. N/A
			7. No.
-	Finland	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	France	Yes	The French Office for the Protection of Refugees and Stateless Persons (OFPRA) does not have to deal with such cases. Indeed, the vast majority of Afghan applicants for international protection are men or couples. Only very few women apply for asylum in France. They are usually single.
			However, in the 2000s, the OFPRA had to face the described problem with Chechen women asylum seekers: many Chechen women raised, as one of the grounds for claiming asylum, the loss of their spouse. However, their spouse then reappeared quickly and were therefore entitled to benefit from family unit. The information was shared among OFPRA protection officers to ensure that the disappearance of a spouse did not constitute the sole reason for which the women could obtain a protection in France but was considered in conjunction with other elements to assess their credibility.
			No termination or withdrawal of status has been made on this basis for Afghan nationals in France. A Russian national, who was granted subsidiary protection due to domestic violence, was subject to an early procedure of status termination after her spouse reappeared. However, she gave up her status at the end of the interview foreseen in the framework of the procedure.

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	Germany	Yes	1. Yes, this occurs in some cases.	
			2. There is no statistical data available on this topic; from the procedures it appears that the rate is not significant. Neither does the revocation/withdrawal practice of the Federal Office show any significant trends and/or verifiable findings that male Afghan citizens would tend to lodge an asylum application only after the wife arrived alone and was granted asylum protection and a resulting residence title. In the time period January 2013 until May 2014, around 1,720 cases of Afghan nationals were examined by the Federal Office with a view to ascertaining whether the conditions of the protection granted were still applicable. In none of these cases, there were grounds for initiating the withdrawal procedure due to deceit pursuant to Section 73(2) of the Asylum Procedure Act. It was only in 28 cases that a revocation procedure was initiated due to a subsequent change of situation (Section 73(1) or Section 73(c), resp., of the Asylum Procedure Act). Of these cases, only four procedures concerned female Afghan nationals. The reasons for initiating a revocation and/or withdrawal procedure are not recorded in the statistics of the Federal Office. However, above four cases were evaluated with relation to the individual event. The results showed that none of the procedure concerned the case constellation of the query. As for the principles governing the procedures of the Federal Office, see the answer to question 4.	
			3. No.	
			4. Female Afghan nationals who are unmarried, widows or separated from their husbands may be granted entitlement to asylum (Article 16(a) of the German Basic Law) or to refugee status (Section 3 of the Asylum Procedure Act) due to their vulnerable status and the resulting danger of gender-based persecution, if the relevant conditions are fulfilled. Also, the determination of a national ban on removal due to lacking means of securing subsistence may be taken into consideration. If, at a later point in time, the person in question turns out to have given false details on her personal situation, e.g. that in her asylum application, a married woman has claimed to be unmarried or divorced, which means that she was never threatened by gender-related persecution, a withdrawal procedure pursuant to Section 73(2) of the Asylum Procedure Act may be taken into consideration, unless the respective person is in need of protection for other reasons. If an applicant who was initially living separated from her husband comes together with him at a later point in time, a revocation procedure pursuant to Section 73(1) of the Asylum Procedure Act may be taken into consideration, unless the woman is in need	
			of protection for other reasons. The same applies accordingly in case of a ban on removal has been determined due to lacking means of securing subsistence.	
			5. In the above time period January 2013 until Mai 2014, no revocation/withdrawal procedures were carried out based on the case constellations mentioned in the query (see also the answer to question 2). There is no further information available on the topic.	
			6. Not applicable (see question 5). The revocation/withdrawal practice of the Federal Office does not show a significant trend or verifiable findings that male asylum seekers from other countries of origin lodge an asylum application only after their wives, having 'initially' entered	

		Germany alone, were granted a right of residence. The reasons for initiating a revocation/withdrawal procedure are not recorded in the statistics of the Federal Office. In principle, an incident-related individual evaluation is not possible due to the considerable amount of time this would require.
Greece	Yes	1. No. It should be noted though that although Afghans are ranked 1 st on the top five of nationalities of applicants for international protection with a number of 1562 applications (reference period 6.7.2013-30.5.2014), only 192 of them have been lodged by female applicants.
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		3. There is no systematic investigation into issues of domestic violence. It mostly depends on the claims of the applicant and possible signs of vulnerability detected during the registration or the interview procedure.
		4. No such cases have occurred so far.
		5. No.
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		7. We have not experienced this kind of trend with other country profiles.
Hungary	Yes	1. No.
		2. N/A
		3. The case worker does not systematically ask it; however, in case the female applicant refers to it, the OIN (Office of Immigration and Nationality) fully investigates the question.
		4. As the OIN has not witnessed such cases yet, no resident permit withdrawal occurred until now.
		5. In Hungary, asylum seekers who are granted international protection do not obtain a residence permit automatically.
		6. No.
		Hungary has experienced similar cases with regard to Kosovar and Syrian asylum seekers.

Ireland	Yes	Ireland has received 10 applications for asylum from Afghani women in the period Jan 2012 – Apr 2014 incl., 2 of whom meet the criteria as set out in Norway's enquiry. Ireland has never revoked the refugee status of any female Afghan national.
Italy	Yes	In 2013, 2.175 asylum applications were submitted by Afghan citizens in Italy (Source: Italian Refugee Council http://www.cir-onlus.org/images/pdf/sintesi%20%20RAPPORTO%202013ok.pdf). Only 5.6% of these applications concerned women (Source: Protection System for Asylum Applicants and Refugees – SPRAR, Ministry of the Interior, http://www.cittalia.it/images/file/atlante_sprar_completo_2012_2013.pdf). At the moment, the cases specified in the Query have not been tackled nor defined.
Latvia	Yes	 Has your country experienced a tendency where female Afghan applicants for asylum arrive alone and soon after they have been granted a residence permit are re-united with their husbands? Yes / No, we haven't experienced that type of asylum claims so far. If yes: Briefly describe the trend, timeframe and any statistics you might have available. What is your country's asylum practice towards this described group? – During the asylum interview, do you systematically identify if single female applicants from Afghanistan are exposed to domestic violence and/or forced marriage; even if they do not bring it up? Questions regarding possible domestic violence are asked to all female applicants from Afghanistan (either applicant arrived with her husband or she is single female applicant). If your country grants female applicants from Afghanistan protection status and soon after a spouse/partner "shows up" and applies for either reunification or asylum in his own right; what is your country's policy/practice towards the wife who has already been issued with a resident permit? We do not have experience with that type of asylum claims, but, theoretically, we would consider possibility to withdraw granted status (and afterwards would examine repeated application on basis of different grounds). Have you practiced revocation (on any ground) of residence permits for female Afghan citizens who fall into this category? No If yes - please describe briefly the grounds for your decisions, and subsequent challenges you have experienced. For those who have experienced cases such as these: are any of the female applicants unaccompanied minors? – Have you experienced this phenomena/pattern/trend with other country profiles? No
Lithuania	Yes	Such cases were not registered in Lithuania.

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	Luxembourg	Yes	1. No.
			2. N/A
			3. No. In Luxembourg each international protection application is treated on a case by case basis. There is no pre-determined profile established for Afghan women. The vulnerability of the individual is determined on a case by case basis by the interviewer.
			4. Until now, only one case Luxembourg has been confronted with this issue. In this case, the husband and the son have stayed two years in Greece before they reached the wife and the female children of the family. In this file, subsidiary protection was been granted to the husband. However is important to mention that articles 36 (3) (b) and 41 (3) (b) of the amended law of 5 May 2006 (Asylum Law) allows the Minister in charge of immigration to withdraw the refugee status or subsidiary protection to a person who through his/her misrepresentation or omission of facts, including the use of false documents, were decisive for the granting of the status.
			5. No.
			6. N/A
			7. No.
+	Malta	Yes	There are no Afghan requests for international protection in Malta.
	Netherlands	Yes	1. Yes
			2. Since 30 July 2007, following a ruling by the European Court of Human Rights (ECHR) vulnerable minority groups for whom a real and individual risk of treatment in violation of Article 3 ECHR is assumed are designated in the country-specific asylum policy. Less stringent requirements are imposed on asylum seekers who belong to such a vulnerable minority group as regards eligibility for an asylum permit.
			3. Since this policy amendment came into force, among other groups single women from Afghanistan have been designated as vulnerable. Unfortunately we cannot provide statistics in this field.
			4. Yes. If a single female applicant from Afghanistan is interviewed these aspects will almost always be part of the interview.
			5. The NL policy/practice is similar to the Norwegian policy/practice as described in the background information. So a revocation

		procedure is started if relevant changes occur in the applicant's personal circumstances that initially led to being granted protection. 6. Yes. Grounds for the decisions: relevant changes in the applicant's personal circumstances that initially led to being granted protection 7. Yes. However for unaccompanied minors there is a special policy diverging from the 'single women from Afghanistan practice'. However the outcome may be the same when a relative arrives the minor is no longer 'unaccompanied'. 8. There is a single women policy for Iraq and Somalia as well. Statistics are not available so we do not know the size of the influx of these cases.
Poland	Yes	 No. Between 2012 and 2014, there were 12 Afghan single women (with or without children) who applied for granting the refugee status in Poland. 4 of them left the country and, as a result of this, their proceedings have been discontinued. Contrary to other EU countries, Poland does not register high numbers of applicants filled by Afghan female. However, during the asylum interview we always try to collect all the necessary information about female applicant's situation in marriage (often Afghan women bring up all the problems themselves). In period 2012-2014, only two Afghan single women (both with children) were granted the refugee status. So far, none of the women declared that her husband has been found. - In period 2012-2014, none of the Afghan females who applied for refugee status in Poland were unaccompanied minors. No.
Portugal	Yes	Portugal hasn't registered female Afghan applicants for asylum.
Romania	Yes	 Romania hasn't experienced such cases. Even there is not statistical information on this topic, if there were such cases they were isolated and did not represent a practice for female asylum seekers from Afghanistan. -

	Slovak Republic	Yes	 During the interview the decision officers identify all necessary aspects needed for solving the asylum applications. Taking into account the active role of the decision officers there are raised questions the risks the asylum seeker can be exposed to in case of return to his/her country of origin. Also country of origin information that are relevant to the profile of the applicant are taken into account, even he/she doesn't invoke them. Each asylum application is analyzed individually from the perspective of conditions to be granted international protection (asylum and subsidiary protection). International protection is granted for an undetermined period of time. According to the legal provisions the competent authorities are allowed to re-analyze the situation of the beneficiaries of a form of protection to see if it is necessary to maintain the status in cases where there is clues that protection is not needed anymore. No No. NAA. The Migration Office of the Ministry of Interior of the Slovak republic deals with it even when they do not state so if there are grounds for it e.g. on the initiative of the social workers from the reception facility etc. The Slovak Republic has not had such cases. No. The Slovak Republic has not had such cases. No.
<u>ā</u>	Spain	Yes	No. We don't have that profile of asylum seekers from Afghanistan
	Sweden	Yes	1. Yes

-	not necessus	tty represent the	official policy of an EMN NCFs Member State.
			 We have no statistics but a rather large amount of Afghan asylum seekers are women who claim to have lost contact with their husbands when travelling from Afghanistan. We are considering a practice whereby the women are given temporary residence permit awaiting to be re-united with their husbands. They can be granted refugee status due do the dire circumstances for women without access to a male network in Afghanistan. When re-united with their husbands, their refugee status might be revoked. No
			4. If the husband is in need of international protection he will be granted a permanent residence permit and the wife also. If he is not in such need, both he and his wife might be return to Afghanistan, since the wife has gained new access to a male network through her husband and thus no longer can be considered a refugee.
			5. No, but might be considered in cases where the woman falsely has claimed to lack access to a male network in Afghanistan.6. Yes, and for them a similar procedure might apply, where it is assessed if they have access to a custodian/parents in Afghanistan. If parents are lost during the travel from Afghanistan the minor might be granted a temporary residence permit instead of a permanent one. However, no such temporary permits have yet been taken.
			7. Yes, mainly with applicants from Somalia.
**	United Kingdom	No. We thank you for raising this important question as our asylum team have decided to look at some of the case files in more detail regarding what Norway has discovered. In light of this - we ask that our response be	

	closed as we are providing sensitive information and are in the process of looking at the case files further.	
Norwa	y Yes	 Yes See the background information in regards to Norway's asylum practice. We cannot provide exact statistics, but since 2011 we have looked into nearly 100 revocation cases of the type described; some of them are still under consideration. No How we proceed will depend on the individual facts in each case. In some cases we have initiated cessation of the refugee status, in other cases we have initiated cancelation of the status. These decisions depend on whether we have concluded that (i) the circumstances for which the applicant was originally granted protection have significantly changed or (ii) whether we have reasons to believe that the refugee has given false information. Though we rarely conclude that the claimant has given false information. As a rule, the decision that grants status to the applicants in the described group, contains an explicit note informing the applicant that she is granted protection on the grounds of lacking a network at a safe place in Afghanistan. She is further informed, that because of this, the authorities may consider revocation of her status in case her husband arrives in Norway or the authorities learn of his whereabouts. During the last year we have also started granting limited time residence permits. These are valid for one year at a time, in cases where the claimant informs us that her husband is in Europe and that they have been separated during the flight. However, the residence permit is not renewed if the husband arrives soon after the claimant gets protection. This is a new practice and we do not have sufficient cases to evaluate the effects of it. We do initiate revocation of this particular group's status; either based on cessation of refugee status as described in the background information, the trend is that once the revocation process starts, the refugees in question claim that they have been subject to domestic violence, and/ or are newly divorced from the husband who arrived, and/or were forcib
		6. A small number of the revocation cases in Norway, are cases where the applicant has been a minor and therefore granted status

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		as a minor.
		7. On a minor scale, we see this kind of trend in applicants from Chechnya.
