



EMN Ad-Hoc Query on Asylum seekers from Russia claiming to be Jehovah's Witnesses

Requested by Barbara ORLOFF on 12th October 2017

Protection

Responses from Austria, Belgium, Croatia, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovak Republic, Slovenia, Sweden, United Kingdom (21 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:




After the Russian Supreme Court's decision on 20.04.2017 (came into force on 17.07.2017) to liquidate as "extremist" the Jehovah's Witnesses organisations as well as to ban all their activities, the number of asylum seekers from Russia claiming to be/or fear to be prosecuted for being Jehovah's Witnesses has increased. Therefore the Estonian Police and Border Guard Board would like to know what is your MS asylum policy regarding the Jehovah's Witnesses after the above mentioned decision.





Questions



1. Has your Member State received asylum seekers from Russia, who have claimed to be Jehovah's Witnesses in 2017? If yes, has the number of asylum seekers belonging to the aforementioned group increased in your MS after the Russian Supreme Court's decision in your Member State?
2. Has your MS granted any type of protection to asylum seekers belonging to this group? (Y/N)
3. If yes, what kind of protection (refugee status/subsidiary protection status/humanitarian status /tolerated status) has your MS granted to Russian asylum seekers claiming to be Jehovah's Witnesses in 2017?
4. Has there been any change in the decision-making practice after the decision of the Russian Supreme court on Jehovah's Witnesses?
5. Is the fact that the Jehovah's Witnesses activities are forbidden in Russia sufficient grounds to receive international protection or does the asylum seeker need to demonstrate individual grounds?




Responses




	Country	Wider Dissemination	Response
	Austria	Yes	<p>1. There are no statistics broken down by religious affiliation. Therefore, there are also no statistics available regarding Jehovah's Witnesses from the Russian Federation. Source: Federal Ministry of the Interior.</p> <p>2. Decisions are made on an individual basis. Therefore, the possible granting of a protection status depends on the individual situation of persecution as defined by the Geneva Convention or the Qualification Directive 2011 respectively. Source: Federal Ministry of the Interior.</p>


			<p>3. -</p> <p>4. -</p> <p>5. -</p>
	Belgium	Yes	<p>1. No</p> <p>2. No</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A (No assessment of the actual situation has been made so far)</p>
	Croatia	Yes	<p>1. No. Republic of Croatia has not received asylum seekers from Russia, who have claimed to be Jehovah's Witnesses in 2017.</p> <p>2. No.</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. Assessment of the international protection application includes all relevant facts and circumstances, individual grounds, facts about country of origin, applicant activities etc.</p>
	Czech Republic	No	



	Estonia	Yes	<p>1. Yes, after the Supreme Court's decision there has been a growth of applicants from Russia who claim themselves to be Jehovah's Witnesses.</p> <p>2. Not yet.</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. Currently the decisions regarding Jehovah's Witnesses from Russia are based on individual circumstances of the applicant (taking into account the UNCHR's handbook p 73).</p>
	Finland	No	
	France	Yes	<p>1. The French Office for the Protection of Refugees and Stateless Persons (OFPRA) notes an increase in this type of application, but it is still very limited.</p> <p>2. As this evolution is very recent, OFPRA is for the moment proceeding with the personal interviews and has not yet defined its policy in this regard.</p> <p>3. See Q2.</p> <p>4. See Q2.</p> <p>5. See Q2.</p>
	Germany	Yes	<p>1. Yes. There has been an increase. The statistics for Jehovah's Witnesses from Russian Federation for 2017: January: 12; February: 1; March: 17; April: 11; May: 5; June: 47; July: 39; August: 60; September: 34.</p>


			<p>2. Yes.</p> <p>3. Refugee Status.</p> <p>4. No. Even before the appeal of the Jehovah's Witnesses to their prohibition against the Supreme Court of Russia was rejected on 17.07.2017, refugee protection has been established in the case of credible persecution.</p> <p>5. However, the alleged affiliation to the Jehovah's Witness religious community does not yet lead to international protection. Prerequisite for a protection determination is the credibility of an individual risk of persecution.</p>
	Greece	Yes	<p>1. The Asylum Service has not received applications by asylum seekers from Russia who have claimed to be Jehovah's Witnesses in 2017. However, we have received applications from asylum seekers from Russia, which are being examined on a case by case basis, taking under consideration the personal circumstances of the applicant, the relevant country of origin information as well as all relevant guidelines issued by the Asylum Service and UNHCR.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p>
	Hungary	Yes	<p>1. No, we have not received asylum seekers from Russia, who have claimed to be Jehovah's Witnesses.</p> <p>2. N/A</p>

			<p>3. N/A</p> <p>4. N/A</p> <p>5. In Hungary all applicants for international protection are interviewed and their claims assessed individually.</p>
	Ireland	No	
	Latvia	Yes	<p>1. Latvia has not received asylum seekers from Russia, who have claimed to be Jehovah's Witnesses.</p> <p>2. NA</p> <p>3. NA</p> <p>4. NA</p> <p>5. NA</p>
	Lithuania	Yes	<p>1. There were several cases of asylum seekers coming from Russia, who have claimed to be Jehovah's Witnesses. Previously, in the past several years there were no cases of asylum seekers coming from Russia claiming to be to be Jehovah's Witnesses. There were 61 asylum seekers from Russia in 2016 and 66 in 2017, until October 1st (total numbers including all cases).</p> <p>2. No, but cases of asylum seekers belonging to this group are being examined at the moment.</p> <p>3. n/a</p> <p>4. No.</p>

			5. The asylum seeker need to demonstrate individual grounds
	Luxembourg	Yes	<p>1. a) No. b) N/A.</p> <p>2. No.</p> <p>3. N/A.</p> <p>4. No.</p> <p>5. No. The simple fact that Jehovah's Witnesses activities are forbidden in Russia or the possibility of being prosecuted are not sufficient grounds to receive international protection (See in this respect decision of the Administrative Court no. 35755C of 7 July 2015). Luxembourg treats every international protection application on a case by case basis analyzing the facts described by the applicant and the particular situation in the country of origin.</p>
	Malta	Yes	<p>1. In 2017 the Office of the Refugee Commissioner did not receive requests for asylum from Russian nationals claiming to belong to Jehovah's Witnesses.</p> <p>2. N/A – refer to answer for question 1</p> <p>3. N/A – refer to answer for question 1</p> <p>4. N/A – refer to answer for question 1</p> <p>5. N/A – refer to answer for question 1</p>
	Netherlands	Yes	<p>1. It is not possible to answer this question: our system only registers nationality, not religion or the reason to seek asylum.</p> <p>2. See Q1</p>

			<p>3. N/A</p> <p>4. No, every asylum application is assessed individually.</p> <p>5. No, every application is assessed individually, in case of Jehovah's Witnesses, the asylum seeker needs to demonstrate individual grounds.</p>
	Poland	Yes	<p>1. In 2017 in Poland 4 citizens of the Russian Federation submitted requests for international protection while indicating the oppression for being Jehovah's Witnesses. Poland has not been conducting any statistics in this area before 2017. At the moment all of the above mentioned cases regarding Russian citizens are being examined and Poland has not made any decision yet. Banning the Jehovah's Witnesses by the Supreme Court of the Russian Federation will affect the decisions in the above mentioned cases.</p> <p>2. Please see the answer to Q1.</p> <p>3. Please see the answer to Q1.</p> <p>4. The fact that Jehovah's Witnesses activity has been banned in the Russian Federation makes them unable to practice their religion. Moreover they experience a number of problems and discrimination on grounds of their confession. Aforementioned circumstances are a sufficient basis for international protection.</p> <p>5. The fact that Jehovah's Witnesses activity has been banned in the Russian Federation makes them unable to practice their religion. Moreover they experience a number of problems and discrimination on grounds of their confession. Aforementioned circumstances are a sufficient basis for international protection.</p>
	Slovak Republic	Yes	<p>1. No. Slovak Republic has no experience with this group.</p> <p>2. No.</p>

			<p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p>
	Slovenia	Yes	<p>1. Yes. We had two applicants from Russia, who claimed to be Jehovah's Witnesses. The number has not increased after the Russian Supreme Court's decision.</p> <p>2. Yes.</p> <p>3. 1 procedure is still ongoing, in other case applicant was granted refugee status.</p> <p>4. No.</p> <p>5. Asylum seeker need to demonstrate individual grounds.</p>
	Sweden	Yes	<p>1. No information available since we only register nationality and not religion in the asylum process.</p> <p>2. No information available - see question 1</p> <p>3. No information available - see question 1</p> <p>4. NA</p> <p>5. The Swedish Migration Agency make individual assessments in each asylum 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. However, the Swedish Migration Agency does not have a list of religious minorities in this</p>

			regard. The cases are determined on a case by case-basis, where high consideration is given to relevant country of origin information.
	United Kingdom	Yes	<ol style="list-style-type: none">1. The UK does not hold statistics on the religious beliefs on applicants claiming asylum.2. Please see the answer to Q1.3. N/A4. We do not produce any specific guidance with regard to Russia as it is not one of our top asylum intake countries. Our decision makers would be expected to consider each case on its own individual circumstances, but the country information available would appear to indicate that if you are a practicing Jehovah's Witness in Russia you may well be able to demonstrate a need for international protection.5. We do not produce any specific guidance with regard to Russia as it is not one of our top asylum intake countries. Our decision makers would be expected to consider each case on its own individual circumstances, but the country information available would appear to indicate that if you are a practicing Jehovah's Witness in Russia you may well be able to demonstrate a need for international protection.