



## **EMN Ad-Hoc Query on NO EMN AHQ on Return of Uyghur asylum seekers to China**

Requested by Kathleen CHAPMAN on 22nd August 2017

### **Return**

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




Norway has not returned any Uyghurs to China during the last decade, this practice has been based on the assumption that applying for protection (Asylum) is in and of itself considered a political act that could endanger the applicant upon return. We have read notices in the media indicating that other countries have returned applicants from this minority back to China, so we would at this time like to compare our policy regarding these applicants to that of other European countries. We would like to know if other countries actually reject applicants from this ethnic background and if so, the extent to which this is practiced. Specifically, we would like to know to what extent (numbers) a return decision is actually implemented. We would like to be able to refer to the information received in an adjustment of our policies in the future, but the response will not be published, other than limited distribution in the EMN network.




### **Questions**



1. Statistics\* Please use attached Table. Number of Uyghur applicants from China: 2012 - 2016....Who have applied for protection?...Who have been refused protection?...Who have been returned? \* Please note if figures are approximate.
2. Briefly outline your practice in regards to this minority.
3. If your country returns applicants of this minority, briefly describe which factors are central to the assessment for the return of Uyghur asylum seekers to China?
4. If your country issues return decisions, have you experienced any trouble in implementing/ executing the decision?



### **Responses**




	<b>Country</b>	<b>Wider Dissemination</b>	<b>Response</b>
	Austria	No	
	Belgium	Yes	<b>1.</b> It is not possible to provide statistics on Uyghur applicants from China in the international protection procedure as well as in the return procedure. However what we can say is that: 1) the Belgian authorities responsible for asylum receive asylum applicants from Uyghurs with a


			<p>Chinese nationality. 2) The Belgian authorities responsible for forced return have no recent experience of returning Uyghur applicants to China (at least since 2015).</p> <p><b>2.</b> The asylum applications from Uyghur applicants are assessed on their individual merits in accordance with the Article 1A of the Geneva Convention.</p> <p><b>3.</b> N/A</p> <p><b>4.</b> N/A</p>
	Croatia	Yes	<p><b>1.</b> Asylum applications from the Uyghur minority have not been recorded in Croatia separable. The statistics would only record return to China.</p> <p><b>2.</b> Please see answer to question 1.</p> <p><b>3.</b> N/A</p> <p><b>4.</b> N/A</p>
	Cyprus	Yes	<p><b>1.</b> Cyprus has received only two applications for international protection from Uyghur applicants from China during the period 2012-2016</p> <p><b>2.</b> Refugee status has been granted</p> <p><b>3.</b> n/a</p> <p><b>4.</b> n/a</p>
	Czech Republic	Yes	<p><b>1.</b> The Ministry of Interior of the Czech Republic does not have these data, we do not collect ethnic or nationality based information in electronic database for asylum-seekers and refugees. The applicants for international protection are distinguished only by citizenship. Therefore, we cannot provide information on Uyghur asylum seekers. Between the years 2012 – 2016 there were</p>

			<p>132 applicants for international protection from China: Year Number of applicants from China 2012 - 7 2013 - 8 2014 - 9 2015 - 40 2016 - 68</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. The issue of return in general in practice is difficult to grasp, still the effective return is a big challenge if we compare the number of third nationals who should be according to the law returned and the real numbers of returns realized.</p>
	Estonia	Yes	<p>1. N/A</p> <p>2. Estonia does not have experience with the Uyghur ethnic minority from China in the field of international protection nor return.</p> <p>3. N/A</p> <p>4. N/A</p>
	Finland	No	
	France	Yes	<p>1. N/A. It is not possible to provide answers to this question since there is no ethnic group statistics. Uyghur applicants from China are recorded as Chinese nationals in those procedures.</p> <p>2. N/A. See above.</p> <p>3. N/A. See above.</p> <p>4. N/A. See above.</p>



	Germany	Yes	<ol style="list-style-type: none"> <li>1. There is no data available about minority groups from China. All asylum applicants with a Chinese passport are reported as Chinese, even if they belong to a regional minority.</li> <li>2. There is no special practice reserved for members of the Uyghur minority. All asylum applications are processed on single case basis according to German Asylum Law.</li> <li>3. Since there is no record being kept about the reasons for declining an asylum application, no data to answer this question is available.</li> <li>4. No information available.</li> </ol>
	Hungary	Yes	<ol style="list-style-type: none"> <li>1. The Immigration and Asylum Office of Hungary does not collect ethnic or nationality-based information in its electronic database for asylum-seekers and refugees. A self-declared member of any ethnic group or minority will appear in the statistics as a citizen of his/her country. Hence, we cannot provide any detailed information on possible Uyghur asylum-seekers, as we would need to check all the cases of Chinese citizens in - at least - the last year. Generally speaking, we cannot present any direct policy or practice in dealing with possible Uyghur applicants, because we strive to make strictly individualized decisions in the asylum procedure. In other words, it is possible, that some sort of international protection is granted to a member of a well-known minority, but not (only) because of that ethnic relation.</li> <li>2. The Immigration and Asylum Office of Hungary does not collect ethnic or nationality-based information in its electronic database for asylum-seekers and refugees. A self-declared member of any ethnic group or minority will appear in the statistics as a citizen of his/her country. Hence, we cannot provide any detailed information on possible Uyghur asylum-seekers, as we would need to check all the cases of Chinese citizens in - at least - the last year. Generally speaking, we cannot present any direct policy or practice in dealing with possible Uyghur applicants, because we strive to make strictly individualized decisions in the asylum procedure. In other words, it is possible, that some sort of international protection is granted to a member of a well-known minority, but not (only) because of that ethnic relation.</li> </ol>


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	Ireland	No	
	Latvia	Yes	<p><b>1.</b> There were only few asylum seekers from China during the above mentioned time period in Latvia and no Uyghurs among them, therefore we are not in a position to provide comments on practice or policy towards this minority.</p> <p><b>2.</b> NA</p> <p><b>3.</b> NA</p>


			4. NA
	Lithuania	Yes	<p>1. In 2012–2016 only 1 Chinese citizen applied for protection (in 2012): asylum was not granted. Therefore, it is not possible to make any generalizations.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. In 2012–2016 - 56 decisions of voluntary return for Chinese citizens were issued and 1 Chinese citizen (in 2013) was returned. These decisions were carried regularly, without challenges in implementing / executing these decisions.</p>
	Luxembourg	Yes	<p>1. The Refugee department of the Directorate of Immigration does not have a statistic database based on ethnicity. The international protection applicant is registered by the nationality s/he declares.</p> <p>2. Since 2013 to 2016, the Minister in charge of Immigration has only granted one international protection status (refugee status in 2013) to a Chinese citizen. 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> <p>3. Luxembourg does not carry out returns based on ethnicity.</p> <p>4. N/A</p>
	Malta	Yes	<p>1. Between 2012 and 2016 the Office of the refugee Commissioner received 3 applications for international protection from Chinese nationals who belong to the Uyghur minority. 1 applicant has been granted refugee status and 2 applications have been rejected.</p>

			<p><b>2.</b> The Office of the Refugee Commissioner is of the opinion that even though the Uyghur population suffers from discrimination in China, translating into restrictions with regards to freedom of expression, political freedom and freedom of movement, simply belonging to the Uyghur ethnic minority is not enough to grant international protection. However, depending on the particular circumstances of the case, including whether the applicant was targeted by the Chinese authorities before or after leaving the country, the applicant's activities inside or outside the country of origin, and the mode of exit from the country (i.e. whether or not he or she left legally from the country), a Chinese Uyghur could be granted international protection.</p> <p><b>3.</b> We do not have any experience with this ethnic minority.</p> <p><b>4.</b> N/A</p>
	Netherlands	Yes	<p><b>1.</b> It is impossible to answer this question, because the ethnic background of asylum applicants is not registered in The Netherlands. However, The Netherlands does receive applications from Uyghurs with a Chinese nationality.</p> <p><b>2.</b> A special policy exists for Uyghur asylum applicants with a Chinese nationality (vreemdelingencirculaire C7/8, landenbeleid China). In practice, this entails that permits are granted to Uyghur applicants and that they are not returned to China. However, there are a few conditions. Firstly, applicants' claim of Uyghur ethnicity has to be considered credible. Attention is also paid to whether the applicant may have been involved in committing war crimes or crimes against humanity (1F), or if the applicant could be a threat to national security or public order. Finally, it is investigated if Turkey can be considered a safe third country, whereby personal circumstances of the applicant as well as the current developments in Turkey are taken into account. Furthermore, if it can be demonstrated that the applicant has travelled through the Netherlands via Turkey, or has resided in Turkey before directly travelling to the EU, it is the responsibility of the applicant to return to Turkey. Taking the previous considerations into account, the application qualifies for a positive asylum decision if there are no additional, general grounds for rejection.</p>



			<p><b>3.</b> The ethnic background of aliens who have to return to their country of origin is not registered in The Netherlands. If a Chinese national (Chinese or Uyghur) is not granted a permit he has to return to China. However, in practice, permits are granted to Uyghur applicants and they are not returned to China in accordance with (vreemdelingencirculaire C7/8, landenbeleid China). See Q4</p> <p><b>4.</b> In practice, permits are granted to Uyghur applicants and they are not returned to China in accordance with (vreemdelingencirculaire C7/8, landenbeleid China).</p>
	Portugal	Yes	<p><b>1.</b> PT does not have experience with Uyghur minority (in asylum or in return areas).</p> <p><b>2.</b> Not applicable (N/A)</p> <p><b>3.</b> N/A.</p> <p><b>4.</b> N/A.</p>
	Slovak Republic	Yes	<p><b>1.</b> No asylum applications have been recorded from this minority. As for the returns, Slovak Republic does not record such statistics regarding this minority.</p> <p><b>2.</b> Information regarding this minority is not recorded.</p> <p><b>3.</b> Returns to China are carried out.</p> <p><b>4.</b> No such information has been recorded.</p>
	Sweden	Yes	<p><b>1.</b> The Swedish Migration Agency does not record statistics in relation persons belonging to minority groups – statistics are recorded on the basis of citizenship, country of origin and country of return.</p> <p><b>2.</b> The Swedish Migration Agency exercises great caution when assessing the asylum applications of Uyghur asylum seekers. In particular, it is recognised that those who have had contact with exile organisations, have appeared in mass media or in some other way have risked attracting the</p>

			<p>attention of the Chinese authorities during their time in Sweden are at risk of treatment upon return to China which could entitle them to international protection.</p> <p><b>3.</b> The Swedish Migration Agency also exercises great caution when considering whether to return Uyghur asylum seekers to China for the reasons mentioned in the answer to question 2 above. Enforcement of returns in respect of Uyghurs who fall into the categories mentioned in the answer to question 2 above must be carried out in a way which attracts the least possible attention of the Chinese authorities.</p> <p><b>4.</b> The Swedish Migration Agency's Unit for Return Co-ordination has no recent experience of returning Uyghur applicants to China.</p>
	<p>United Kingdom</p>	<p>Yes</p>	<p><b>1.</b> These figures are not available. Statistics on Uyghur applicants are not separately collected.</p> <p><b>2.</b> These figures are not available. Statistics on Uyghur applicants are not separately collected.</p> <p><b>3.</b> All asylum and human rights applications from China are carefully considered on their individual merits in accordance with our international obligations. Individuals who can demonstrate they face a real risk of persecution and/or ill-treatment in China are granted protection. It is only when the Home Office and the courts are satisfied that an individual is not in need of international protection and has no leave to remain in the UK that removal is sought. The Government firmly believes that the right approach is to continue to carefully assess the protection needs of individuals on an individual basis and with enormous care. Returns are similarly taken forward on a case by case basis and we only enforce the return of an individual where we are satisfied that the person concerned will not be at risk and has been unsuccessful in any appeal to the courts against the decision in their particular case. The UK takes its international responsibilities seriously and fully complies with all of its international obligations under the 1951 United Nations Convention Relating to the Status of Refugees and the European Convention on Human Rights. Further information on the UK's country policy for China can be found at <a href="https://www.gov.uk/government/publications/china-country-policy-and-information-notes">https://www.gov.uk/government/publications/china-country-policy-and-information-notes</a> This includes information on Uyghurs.</p>

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	Norway	No	