



EMN Ad-Hoc Query on Asylum applications from Iranian nationals who have lived on refugee camps in Iraq

Requested by Jutta SAASTAMOINEN on 19th October 2016

Protection

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, Germany, Hungary, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, 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:







Every year Finland receives a number of asylum applications from Iranian nationals, who have lived all their lives on refugee camps in Iraq. The Finnish Immigration Service is currently scrutinizing its policy regarding this group of Iranian asylum seekers, and therefore would like to enquire other Member States regarding their policies.





Questions





1. What is your decision-making policy regarding Iranian nationals who have lived their entire lives as refugees in Iraq (usually Kurds in the Al Tash and other refugee camps, also Mujahideen)? Do you make negative decisions to those who have had no political activity or do you consider them to be at risk if they return to Iran solely on the basis of their living history in the camps?
2. In case you have made negative decisions, have you been successful in actually returning applicants with this profile to Iran?



Responses




	Country	Wider Dissemination	Response
	Austria	Yes	<ol style="list-style-type: none">1. In general it has to be noted, that the case-by-case examination may lead to different results which cannot be described by general rules. There is no general guidance for decision-making for the group at issue. Source: Federal Ministry of the Interior.2. There is no information in this respect. In general, after a final negative decision in any case either a voluntary or a forced return is pursued. Source: Federal Ministry of the Interior.
	Belgium	Yes	<ol style="list-style-type: none">1. These type of cases as described are very exceptional. The asylum applications are assessed on a case by case basis. If the asylum claim and the profile is assessed credible an international protection status can/will be granted.

			<p>2. There were no recent cases of Iranian nationals who have lived their entire lives in Iraq and who have been returned to Iran.</p>
	Bulgaria	Yes	<p>1. We have not received any applications from Iranian nationals who have lived their entire lives as refugees in Iraq. Every international protection application is examined on a case by case basis taking into consideration the general situation of the country of origin.</p> <p>2. N/A</p>
	Croatia	Yes	<p>1. Republic of Croatia did not have such applicants until now.</p> <p>2. N/A.</p>
	Cyprus	Yes	<p>1. No such case where recorded in Cyprus.</p> <p>2. n/a</p>
	Czech Republic	Yes	<p>1. The Czech Republic does not have such experience as regards the applicants from Iranian nationals who have lived their entire lives as refugees in Iraq.</p> <p>2. N/A</p>
	Estonia	Yes	<p>1. Estonia has not received applications from Iranian nationals who have lived their entire lives as refugees in Iraq.</p> <p>2. N/A</p>
	Finland	No	

	Germany	Yes	<p>1. Mujahideen without any political activity are not considered to be at risk upon return merely on the basis of their living history in the camps. Otherwise, there is no specific guidance on Iranian nationals that have lived their entire lives in Iraqi refugee camps. Every case is assessed on its own merits. The grounds for protection as well as the reasons for an application are not statistically recorded.</p> <p>2. According to available information, the number of Iranian nationals successfully returned to Iran is very low. Within the first half of 2016, only four persons have successfully been returned to Iran by air.</p>
	Hungary	Yes	<p>1. In Hungary there is no information about asylum seekers who have Iranian nationality and lived in their entire lives in Iraq. Recently there were no such applicants. However if there was an applicant with the mentioned circumstances, the authority would have to examine the probability of torture, inhuman or degrading treatment while examining the conditions of international protection and the application of the principle of non-refoulment. It also has to be mentioned that these applicants probably would not have any connection with their country of origin besides the single fact of nationality, so it is highly possible that they would face serious integration problems in Iran.</p> <p>2. There were no such decisions.</p>
	Latvia	Yes	<p>1. No asylum applications from Iranian nationals who have lived their entire lives as refugees in Iraq have been received so far; therefore we are not in the position to share experience on outcome of decisions or return policy on the above-mentioned group of asylum seekers.</p> <p>2. n/a</p>
	Lithuania	Yes	<p>1. Lithuania cannot provide an answer to the ad-hoc query because there have been none applications received from Iranian nationals who have lived their entire lives as refugees in Iraq.</p>

			2. N/a
	Luxembourg	Yes	<p>1. In Luxembourg there is no decision-making policy regarding Iranian nationals who have lived their entire lives as refugees in Iraq. 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. N/A. See above.</p>
	Netherlands	Yes	<p>1. The Netherlands does not have specific decision making policy regarding Iranian nationals who lived their entire life as refugees in Iraq. Every asylum application from Iranian nationals will be judged on their own merits. For your information, we do not have information that Fayli Kurds are still living in Al Tash.</p> <p>2. The Repatriation and Departure Service does not register on ethnic background or last place of residence, so no specific information is available. In general return to Iran only takes place on voluntary basis. Forced return is only possible with a valid original travel document. The Iranian authorities only give (replacement) travel documents for voluntary return, not for forced return.</p>
	Poland	Yes	<p>1. Polish Office for Foreigners has not received any applications lodged by Iranian asylum seekers who have lived in refugee camps in Iraq.</p> <p>2. Polish Office for Foreigners has not received any applications lodged by Iranian asylum seekers who have lived in refugee camps in Iraq.</p>
	Portugal	Yes	<p>1. Portugal doesn't register such cases, so there is no useful information to provide.</p> <p>2. -</p>

	Slovak Republic	Yes	<p>1. The Procedural Department of the Migration Office of the Ministry of Interior of the Slovak Republic have not receive such applications so far.</p> <p>2. N/A</p>
	Slovenia	Yes	<p>1. So far we didn't have such cases.</p> <p>2. /</p>
	Spain	Yes	<p>1. In general terms, we do not consider all Iranian nationals who have lived their entire lives as refugees in Iraq to be at risk solely on the basis of their living history in the camps. At this moment we have only two cases of this type which are pending. They are former MEK/MPOI members. To reach a decision we would consider the following factors: • The specific profile of the asylum seeker: history and activities of the person, time lived previously in Iraq, age of the asylum seeker, etc. • Involvement in politics or taking part in terrorist/military actions to consider the application of the exclusion clauses under article 1F of the 1951 Refugee Convention. • Is the person at real risk from the Iranian authorities? Special attention to the fact that ill-treatment due to being an Iranian refugee living in Iran is likely to fall under the terms of the 1951 Refugee Convention on the basis of actual or perceived political opinion. • If the asylum seeker has (or not) Iranian personal documents: passport, ID card... These factors can also be considered for other groups living in Iraq like the Kurds. Regarding the specific case of MEK, we have to keep in mind that this group is illegal in Iran and regarded as hostile by the Iranian authorities. Until the end of year 2012, the MEK was included in some western terrorist lists such us the US and EU ones. After their rejection of the use of violence, they were delisted and nowadays, they are considered one of the main opposition groups in Iran, included in the National Council of Resistance of Iran (NCRI). In conclusion, the personal risk faced by the asylum seeker should be assessed in the light of the combination of his personal/political profile with other personal circumstances such as his birth place, age, involvement on military/terrorist actions and documents provided.</p>

			<p>2. Iranian nationals are not deported to their country of origin in Spain.</p>
	Sweden	Yes	<p>1. Affiliation to the specific group alone does not grant refugee status or subsidiary protection, an individual assessment is required.</p> <p>2. Unfortunately we do not have any information regarding returning applicants with this profile.</p>
	United Kingdom	Yes	<p>1. The UK does not have a specific policy that says that Iranians would be at risk on return specifically because they had spent time in an Iraqi refugee camp.</p> <p>2. There is no country to which, as a matter of policy, we cannot return people who have no legal basis to remain in the UK. We are unable to enforce returns to Iran; the only returns are voluntary. We continue to make returns on a case-by-case basis</p>
	Norway	Yes	<p>1. Regarding Iranian nationals who have lived their entire life or parts of their life on the former refugee camp Al Tash or on other refugee camps in Iraq all claims are considered on an individual basis. When the person or applicant has no or very little political activity we will normally make a negative decision. An Iranian asylum seeker with a background from Mujahideen/MUK and who has been engaged in political activity they will usually be granted protection. Iranian Kurds who have had activity in Northern Iraq for illegal Iranian political parties and have stayed on political bases in Northern Iraq will normally be granted protection.</p> <p>2. Regarding Iranian nationals who have lived their entire life or parts of their life on the former refugee camp Al Tash or on other refugee camps in Iraq all claims are considered on an individual basis. When the person or applicant has no or very little political activity we will normally make a negative decision. An Iranian asylum seeker with a background from Mujahideen/MUK and who has been engaged in political activity they will usually be granted protection. Iranian Kurds who have had activity in Northern Iraq for illegal Iranian political parties and have stayed on political bases in Northern Iraq will normally be granted protection.</p>

			<p>3. No statistics are available on the actual assisted or forced return to Iran of rejected asylum seekers with the described profile. The Immigration Appeals Board have changed a couple of UDI's our negative decision because of the problems of returning such persons to Iran. There will be problems with forced returns of applicants who have lived most of their lives on refugee camps in Iraq and who have no Iranian ID-documents.</p> <p>4. No statistics are available on the actual assisted or forced return to Iran of rejected asylum seekers with the described profile. The Immigration Appeals Board have changed a couple of UDI's our negative decision because of the problems of returning such persons to Iran. There will be problems with forced returns of applicants who have lived most of their lives on refugee camps in Iraq and who have no Iranian ID-documents.</p>
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