



## **Ad-Hoc Query on returns of rejected asylum seekers to Iran**

**Requested by SK EMN NCP on 12<sup>th</sup> March 2014**

**Compilation produced in 20<sup>th</sup> May 2014**

**Responses from Austria, Belgium, Bulgaria, Estonia, Finland, Germany, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovak Republic, Slovenia, Sweden, United Kingdom plus Norway (21 in Total)**

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### **1. Background Information**

Slovak Migration Office of the Ministry of Interior is currently considering its policy regarding asylum seekers from Iran. Due to the fact that the website of Eurostat provides only data for the category “third country nationals returned following an order to leave” which includes both forced and voluntary returns and not all the Member States’ data are available for the year 2013, we would highly appreciate information from other Member States regarding their return policy concerning rejected asylum seekers from Iran.





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1. Does your Member State carry out voluntary or forced returns of rejected asylum seekers to Iran?
  
2. If yes:
  - a) What was the total number of voluntary returns of rejected asylum seekers to Iran in 2013 (and if available in the first 2 months of 2014)?
  - b) What was the total number of forced returns of rejected asylum seekers to Iran in 2013 (and if available in the first 2 months of 2014)?
  - c) In case the data in a) or b) is not available, please provide the total number of returns of rejected asylum seekers to Iran in 2013 (and if available in the first 2 months of 2014).
  
3. What is your current return policy regarding rejected asylum seekers from Iran who applied for international protection based on religion, i.e. on grounds of conversion from Islam?






We would appreciate your response by **12<sup>th</sup> April 2014**.

**2. Responses**

		<b>Wider Dissemination?</b>	
	<b>Austria</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	<b>Belgium</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	<b>Bulgaria</b>	<b>Yes</b>	1. Yes. 2. a) 6 in 2013; 0 in the first 2 months of 2014. b) 7 in 2013; 2 in the first 2 months of 2014. 3. There is not a special treatment in return of rejected asylum seekers from Iran who have applied regardless of the reason.
	<b>Estonia</b>	<b>Yes</b>	1. Yes 2. a) 2 b) 0 c) 2






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			3. There is no specific policy in Estonia regarding rejected asylum seekers from Iran who applied for international protection based on religion, i.e. On grounds of conversion from Islam. The return of every third country national is assessed based on individual circumstances and situation during the time. An alien may not be returned to a state to which it may result in consequences specified in Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms or Article 3 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or the application of death penalty.
	<b>Finland</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	<b>Germany</b>	<b>Yes</b>	1. Yes. 2. a) Not available. b) 9 Iranian nationals in 2013. Statistics on forced return do not distinguish between various categories of residence. 3. Not available.
	<b>Hungary</b>	<b>Yes</b>	1. The rejected asylum seekers can be subject to the obligation of returning to another country (in most cases to the country of origin) by virtue of a return decision made by the Hungarian authorities. 2. In 2013, 0 voluntary or forced return of rejected asylum seekers to Iran was implemented, and no Iranian citizen participated in IOM Assisted Voluntary Return Programme in 2013. However, in the framework of the Readmission Agreement in 2013, 13 Iranian citizens were returned to Serbia. 3. In terms of illegal migration, in recent years Iranian citizens arrived to the Hungarian territory generally without any travel/identifying documents through smugglers. In order to provide travel documents for these individuals, the Office of Immigration and Nationality contacts directly the competent Embassy of the Islamic Republic of Iran in Budapest. According to the Office of Immigration and Nationality, the Iranian foreign representation does not demonstrate a high degree of willingness to cooperate with the Office in order to enhance the identification of self-declared Iranian citizens.
	<b>Ireland</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	<b>Latvia</b>	<b>Yes</b>	1. In general – yes, but in 2013 there were no rejected asylum seekers from Iran. 2. a) 0 b) 0 3. In 2013 there haven't been any return cases because asylum seekers from Iran were granted international protection.

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	<b>Lithuania</b>	<b>Yes</b>	Lithuania had no asylum seekers from Iran.
	<b>Luxembourg</b>	<b>Yes</b>	<p>1. Yes. Voluntary return is always possible. Luxembourg is not able to carry out forced returns.</p> <p>2.</p> <p>a) In 2013 there were 3 voluntary returns.<sup>1</sup></p> <p>b) None.</p> <p>3. In Luxembourg each application is analysed in a case by case basis. At the moment, the Luxemburgish authorities are not able to carry out forced returns.</p>
	<b>Malta</b>	<b>Yes</b>	<p>1. Both forms of return are possible.</p> <p>2.</p> <p>a) Two persons were assisted with their return during the first two months of 2014, though these were not necessarily asylum seekers.</p> <p>b) Four persons were returned in this manner during 2013, though these were not necessarily asylum seekers.</p> <p>c) N/A</p> <p>3. MT does not have experience with forced returns to Iran.</p>
	<b>Netherlands</b>	<b>Yes</b>	<p>1. Does your Member State carry out voluntary or forced returns of rejected asylum seekers to Iran? Iran does not cooperate in issuing laissez-passers in case of forced return. The Netherlands do return asylum seekers only if there is another possibility to return the Iranian, for example a valid passport. There are Iranians who return voluntarily. The Netherlands do not make the distinction between ex-asylum or illegal persons.</p> <p>2.</p> <p>a) 2013: 58 (IOM-Nederland.nl), Jan/Feb 2014: 9 (IOM-Nederland.nl)</p> <p>b) 2013: &lt;5, Jan./Feb. 2014: 0</p> <p>3. What is your current return policy regarding rejected asylum seekers from Iran who applied for international protection based on religion, i.e. On grounds of conversion from Islam? If Iranians apply for international protection based on religion (conversion to Islam), most of them will receive a permission to stay in the Netherlands. If the application is rejected, the Iranian has to leave the Netherlands.</p>
	<b>Poland</b>	<b>Yes</b>	1. Yes.

<sup>1</sup> Direction de l'Immigration, Bilan de l'année 2013, Conférence de presse du 13 février 2014, p. 22




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			<p>2. a) 0 b) In 2013 – 2. In January – February 2014 – 0. c) N/A</p> <p>3. N/A</p>
	<b>Portugal</b>	<b>Yes</b>	<p>Portugal does not have record of rejected asylum applications from this nationality. Nevertheless, it should be clarified that when an asylum application is refused, the applicant may always choose one of the following: i) voluntarily leave national territory or Schengen area and return to his/her country of origin; ii) lodge an appeal to other courts or, last of all, iii) try to regularize his/her documents in under the general immigration act. It is important to note that, in accordance with the Portuguese legislation on this matter the refusal of an asylum application does not in itself determine the removal of the asylum applicant to his/her country of origin. A legal deadline to voluntarily depart is then established. Portugal does not have a removal policy based on religious criteria; that is to say that the refusal decisions, when taken, derive from the fact that the applicant meets –or not – the acceptance requirements provided for in the Portuguese Asylum Act. To be precise, those policies result more from the actual situation on the ground rather than from a policy.</p>
	<b>Romania</b>	<b>Yes</b>	<p>1. Yes</p> <p>2. a) 2013 -0, 2014-0 b) 2013 – 2, 2014 – 0</p> <p>3. The return policy is generally applied in cases of all rejected asylum seekers, irrespective of their grounds of application. Removal from the territory is forbidden in cases when there are well founded fears that his/her life is endangered, or he/she will be subject to torture, inhumane or degrading treatment in the country of return.</p>
	<b>Slovak Republic</b>	<b>Yes</b>	<p>1. Yes.</p> <p>2. a) 0 b) 0 c) 0 (2 in 2012)</p> <p>3. We are currently considering the policy.</p>


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	<b>Slovenia</b>	<b>Yes</b>	<p>1. Yes – voluntary</p> <p>2.</p> <p>a) 0</p> <p>b) 0</p> <p>c) 0</p> <p>3. Only voluntary returns to Iran.</p>
	<b>Sweden</b>	<b>Yes</b>	<p>1. Yes, both.</p> <p>2.</p> <p>a) Voluntary return: 150 during 2013 and 15 during Jan-Feb 2014.</p> <p>b) Forced return: 71 during 2013 and 22 during Jan-Feb 2014.</p> <p>c) N/A</p> <p>3. If the investigation concludes that a person is not credible regarding his alleged religious beliefs or his or her conversion, it must also be considered if the applicant still has made it probable that he / she will still be attributed a religious view when he / she returns to the home country or if the applicant for any reason could be perceived as having renounced previous religious beliefs (apostasy). In doing so, special consideration should be taken as to what specific events could lead to the person, on returning, being attributed to a religious belief or is deemed to have renounced a certain religious beliefs, who learned of this and how people reacted when they received this knowledge. That in turn could lead to grounds for protection.</p>
	<b>United Kingdom</b>	<b>Yes</b>	<p>1. Yes. All asylum and human rights claims are carefully considered on their individual merits in accordance with the UK's obligations under the 1951 United Nations Convention Relating to the Status of Refugees and the European Convention on Human Rights. We closely monitor developments in all countries of return, including Iran and take decisions on a case-by-case basis in the light of our international obligations and the latest available country information.</p> <p>Where a decision has been made that a person does not require international protection, and there are no remaining rights of appeal or obstacles to their return, the UK expects unsuccessful asylum seekers to return voluntarily to their home country. Return and reintegration assistance is available to enable returnees to rebuild their lives in their country of origin.</p> <p>If an individual does not leave the UK voluntarily, then it will become necessary to enforce their removal. We do not remove an individual unless it is safe to do so, with a safe route of return.</p> <p>2.</p> <p>a) The total number of voluntary returns of rejected asylum seekers to Iran in 2013 was 81. Data for 2014 is not yet available.</p>

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			<p>b) The total number of forced returns of rejected asylum seekers to Iran in 2013 was 13. Data for 2014 is not yet available.</p> <p>3. Our policy on the handling of applications from Iranian nationals based upon being a Christian / Christian convert is contained in our Operational Guidance Note (OGN) for Iran, published October 2012. The OGN is available at: <a href="https://www.gov.uk/government/collections/country-specific-asylum-policy-operational-guidance-notes">https://www.gov.uk/government/collections/country-specific-asylum-policy-operational-guidance-notes</a></p>
	<p><b>Norway</b></p>	<p align="center"><b>Yes</b></p>	<p>1. Yes</p> <p>2. Assisted returns to Iran in 2013: 84 Assisted returns to Iran in January-February 2014: 30 Forced returns to Iran in 2013: 29 Forced returns to Iran in January-February 2014: 30</p> <p>3. We do not consider there to be a general risk of persecution for Christian converts in Iran. The risk upon return will depend upon the personal circumstances of the individual applicant. Relevant factors in this assessment will be how the applicant has practiced his/her religion in Norway, and how likely it is that he/she will practice it upon return.</p>

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