



Ad-Hoc Query on return practises regarding Syria

Requested by FI EMN NCP on 31st May 2011

Compilation produced on 20th July 2011

Responses from Austria, Belgium, Bulgaria, Estonia, Finland, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovak Republic, Slovenia, Sweden, plus Norway (19 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.

1. Background Information

Syria has faced several violent riots during last months. Finland would like to know, whether other EU MS have changed their return policy regarding Syrian nationals.

1. What is your current return policy regarding Syrian nationals?
2. If You do not return Syrian nationals, what kind of a legal status they have in your country?

Since this is an urgent query, it would be very much appreciated if we could receive your answers by **17th June 2011**.

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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	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Bulgaria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Estonia	Yes	There are no Syrian citizens applying for refugee status or in the process of return in Estonia. Estonia is monitoring the situation on Syria and we can not give a final decision in this matter yet.
	Finland	Yes	This is currently under consideration in Finland.
	Germany	Yes	<p>1. According to the information available to the Federal Ministry of the Interior, 16 German Federal States do not carry out any deportation to Syria at this moment in time. For the time being, the Federal Office for Migration and Refugees is refraining from taking decisions on asylum regarding the country of origin Syria due to the present developments of the situation in Syria.</p> <p>2. In general, applicants are authorised to remain in the Federal Territory during their pending asylum proceedings; in such cases he/she is provided with a permission to stay. Syrian nationals, who are obliged to leave the country on the basis of decisions taken at an earlier stage, also receive a certificate suspending their deportation which is called an exceptional leave to remain. The permission to stay and the exceptional leave to remain are not equal to a residence permit.</p>
	Hungary	Yes	<p>1. Expulsion Ordered under Immigration Laws and Exclusion, detention, compulsory place are ordered by OIN for Syrian citizens, and the OIN carried out the expulsion which is ordered by the court as well organizes and implementations the voluntary return or expulsion of the Syrian citizens. The OIN cooperates with the Syrian representative office in Hungary in order to Identification of Syrian nationals and obtaining travel documents for travel. Syrian Embassy shall issue a return authorization if the national of Syria has a personally document issued by the domestic authorities or copy. However, obtain of documents will take several months. The OIN connected with the Syrian Embassy two times in order to obtain the necessary travel document from 1th January 2011 to 31 May 2011. Travel document had not issued in this period. One Syrian citizen has expelled.</p> <p>2. Third-country nationals may not be turned back or expelled to the territory of a country that fails to satisfy the criteria of safe country of origin or safe third country regarding the person in question, in particular where the third-country national is likely to be subjected to persecution on the grounds of his/her race, religion, nationality, social affiliation or political conviction, nor to the territory or the frontier of a country where there is substantial reason to believe that the expelled third-country national is likely to be subjected to the death</p>

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			<p>penalty, torture or any other form of cruel, inhuman or degrading treatment or punishment (non-refoulement). In this case the OIN will recognize the third-country national as an exile, if there is no safe third country offering refuge, and who is not entitled to asylum or treatment as a stateless person, nor to any subsidiary form of protection or temporary protection.</p> <p>‘exile’: shall mean any person who is provided temporary shelter and may not be returned to the country of his/her nationality, or in the case of a stateless person to the country of domicile, for fear of facing the threat of the death penalty, torture or any other form of inhumane or humiliating treatment, and there is no safe third country offering refuge, and who is not entitled to asylum or treatment as a stateless persons, nor to any subsidiary form of protection or temporary protection. This person shall be granted a residence permit on humanitarian grounds according to the Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals.</p> <p>The non-refoulement principle can be examined by the immigration authority as it has to consulate with the asylum authority in the case of expulsion and enforcement.</p> <p>According to the asylum statistics data 23 people submitted application for asylum in 2010 while 27 Syrian citizens from 1st January 2011 to 1 May 2011. Two persons receive refugee status in 2010, while one person in 2011, until today.</p>
	Italy	Yes	There are currently no specific policies on this regards.
	Latvia	Yes	At the moment Latvia has not changed the return policy regarding Syrian nationals. Up to now competent authorities have not received any applications from Syrian nationals to suspend their return or extend visa or residence permit because of riots in Syria.
	Lithuania	Yes	<p>1. There were no Syrian nationals to be returned recently, therefore we have no data to answer to this question.</p> <p>2. Not applicable. But according to the general rule, if someone cannot be returned to the third country, a temporary residence permit is issued.</p>
	Luxembourg	Yes	1. Considering that there are no cases, there is not a specific return policy regarding Syrian nationals. If the Syrian national had applied for an international protection status and it had been refused in the present circumstances it will be very difficult to return him to Syria, so in that case the Syrian national can be granted a “tolerance status”, that will allows him to stay in the territory until the situation in his country will be solved. Article 22 (2) of the Law on Asylum and other complementary forms of protection. If the Syrian national can prove humanitarian motives of exceptional gravity, the Minister can grant a residence permit for private reasons (art. 78 (1) d of the Law of 29 August 2008).
	Malta	Yes	There have not been any changes in the general policy. If the office of the Refugee Commissioner feels the need to protect some Syrian national this would be the outcome of the particular case and either provisional or more lasting protection would be given.

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			Nonetheless the situation is being kept under attention all the time.
	Netherlands	Yes	<p>1. The Netherlands recently decided to change the policy regarding Syrian nationals. The Minister of Immigration and Asylum informed Parliament last week that he will impose a decision and return moratorium (a statutory provision which allows the Dutch government to extend the 6-month time limit for decisions on certain asylum applications by 6 months and postpone forced return of refused asylum seekers during this moratorium). It will be published and take effect probably this week.</p> <p>2. During this moratorium Syrian nationals (only ex-asylum seekers and save exceptions) have legal stay and will be placed in a refugee centre. On expiry of the moratorium the Minister will decide if the moratorium is to be extended.</p>
	Portugal	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Romania	Yes	<p>1. The return policy regarding Syrian nationals is the same as for all illegal immigrants. In any case in 2011, only 2 Syrians were forced returns to the country of origin</p> <p>2. Not applicable</p>
	Slovak Republic	Yes	The Slovak Republic has not changed its return policy towards Syrian nationals which is carried out pursuant to current valid legislation.
	Slovenia	Yes	We return Syrian nationals on voluntary basis. They have status of foreigner/temporary residence permit.
	Sweden	Yes	The situation in Syria is followed closely by the Swedish Migration Board and although there is yet no statement that persons cannot be returned to Syria the number of returns has decreased during the year. So far only 9 persons have been returned against their own will to Syria, almost all in the first three months of the year. Please see the attached document with the comments from the Director for Legal Affairs of the Swedish Migration Board (in Swedish) dated 2011-05-10.
	Norway	Yes	<p>1. On 28 April 2011 <i>Norwegian Directorate of Immigration (UDI)</i> instructed the police to temporarily halt forced returns to Syria. The obligation to return voluntarily after a final rejection of an application was also temporarily suspended. The unstable situation in Syria also indicates that we are temporarily not processing cases where the outcome would be an obligation to return to Syria.</p> <p>2. All applicants who are living in Norway and have an application for consideration at UDI (including appeals not yet submitted to <i>Immigration Appeals Board (UNE)</i>), are subject to the ordinary legislation on foreigners' residency in Norway during the processing of an application. Those applicants for asylum who have been informed about a final rejection of their application are offered to remain in a reception centre facilities until return can be implemented.</p>
