



Ad-Hoc Query on granting international protection to couples of Armenian and Armenian – Azerbaijani origin

Requested by SK EMN NCP on 13 April 2010

Compilation produced 28 May 2010

Responses from Austria, Belgium, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Italy, Malta, Poland, Portugal, Slovenia, Sweden, United Kingdom

WIDER DISSEMINATION


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1. Background Information

Slovak Republic would appreciate information from EU Member States on their practices in granting international protection status (subsidiary protection) to asylum seekers of Armenian and Armenian - Azerbaijani origin and to their children.







Slovak Republic is fully aware of the fact that the decision on granting any form of international protection to Armenian citizens and Armenian citizens of mixed origin (Armenian – Azerbaijani marriages) and to their children is taken on the individual, case by case basis.

2. Responses

		Wider Dissemination?	Do Member States grant any form of international protection, more specifically subsidiary protection to married couples of Armenian and Armenian – Azerbaijani origin and to their children? a) if yes on what grounds? b) if no, do Member States apply forced returns of unsuccessful asylum seekers of Armenian and Armenian – Azerbaijani origin and their children?
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not









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			disseminated further.
	Belgium	Yes	<p>Belgium received a lot of mixed marriage asylum applications from Armenia in the past, including a large number of fraudulent cases. In recent years however, the number of these applications dropped.</p> <p>Each case is assessed on an individual basis. The following issues should be assessed in these kind of files: 1) what is the nationality of the applicants/ their country of usual residence 2) assessment of credibility (ethnic/geographical origin including knowledge of languages (Azerbaijani language), moment of departure, invoked reasons,...) 3) The Commissariat-general for Refugees and Stateless Persons took into account the following country information: the number of mixed couples in Armenia is very limited, the great majority of the mixed couples left were already a couple before the start of the conflict in Nagorny Karabakh. Their environment certainly is aware of their ethnicity, but they are usually accepted as members of the local community. They usually adopted Armenian names and try to hide their ethnicity and do not present themselves as Azeris. At the end of 2004, there was no evidence of systematic discrimination/ill-treatment against mixed couples in Armenia.</p> <p>It should be added that the Belgian Commissariat-general for Refugees and Stateless Persons would only consider granting the refugee status, not the subsidiary protection status, in these cases, as the persecution/serious discrimination that amounts to persecution is based on their ethnicity, one of the criteria in the refugee definition.</p> <p>No statistics are available on forced returns for these specific profiles, only the general number of forced returns to Armenia is available: 20 in 2008, 13 in 2009.</p>
	Czech Republic	Yes	<p>We did not record any such case last years.</p> <p>Subsidiary protection would not likely be granted in such cases, but rather asylum for the reason of nationality or social group, were the applicant in substantial danger due to his/her mixed marriage.</p>
	Estonia	Yes	<p>We don't have experiences with married couples from Armenia or Armenian – Azerbaijan origin and to their children. The total number of asylum seekers from Armenia since 1997 are 4 and from Azerbaijan 3.</p>
	Finland	No	<p>This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.</p>
	France	Yes	<ul style="list-style-type: none"> Married couples of Armenian-Azerbaijani origin can be granted refugee status. But, the OFPRA (French Office for the Protection of Refugees and Stateless People) massively rejects these applications which are considered to be unfounded. When protection is granted, it is under conventional status (motives of persecution or justified fears of persecution) and not under subsidiary protection. Concerning forced returns, when asylum seekers were denied refugee status or any form of protection and when they exhausted all ways of appeal, they receive a removal order and are forced to leave the French territory. This policy is the same for any asylum seeker.
	Germany	Yes	<p>No, special protection is not granted. Today only a few of Azerbaijan ethnicity actually live in Armenia and these are mostly spouses of Azerbaijan nationals or descendants/children from mixed marriages. All of these are in possession of the Armenian nationality; the</p>





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			majority of these persons also have adopted Armenian family names. There are no plausible reports about governmental repressions on hand. The ethnic origin is only entered in Armenian passports if and when the passport owner makes a specific application for this. Due to the relatively stable domestic political situation in Armenia, the German authorities do actually carry out forced returns of rejected asylum seekers to Armenia by air.
	Hungary	Yes	It should be underlined that Hungary grants international protection pursuant to individual assessment in every case. a) During the last period of time Hungary did not recognise any Armenian or Armenian-Azerbaijani individuals neither as refugees nor as beneficiaries of subsidiary protection. b) So far Hungary applied forced returns only for single male and female asylum-seekers. Families, unaccompanied minors and couples with children can return to their country of origin on a voluntary basis.
	Italy	Yes	Actually Italy is not affected by this kind of inflows. In 2009 asylum applicants of Armenian origin were only 9. In accordance with usual national procedures, during the same year 2 refugees status and 3 subsidiary protection were issued.
	Ireland	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.
	Latvia	Yes	Till now we have not had any cases related to Armenian citizens and Armenian citizens of mixed origin.
	Lithuania	Yes	a) The year 2004 was the last year when 1 asylum seeker from Armenia and 2 asylum seekers from Azerbaijan were granted the subsidiary protection status in Lithuania. We don't have any settled practice concerning requests for asylum of Armenians or Azerbaijanis, and every request is to be examined individually. b) We consider that there are no obstacles to forcibly return unsuccessful asylum seekers to Armenia or Azerbaijan.
	Luxembourg	Yes	The number of married couples of Armenian and Armenian-Azerbaijani origin applying for international protection in Luxembourg is very small; i.e. too small to draw general conclusions on it. The cases are reviewed on an individual basis.
	Malta	Yes	The case load of the Armenian nationals is insignificant. Indeed the Office of the Refugee Commissioner never received an application from Armenia and Azerbaijan couples. In the case of Armenians, the Office of the Refugee Commissioner would adopt a case by case approach, analysing the merits of the case on an individual basis.
	Poland	Yes	An absolute majority of citizens of Armenia who apply for a refugee status (including both married couples and Armenian-Azeri married couples) are not given international protection in the Republic of Poland. There are individuals who were granted a permit for tolerated stay if their expulsion to the country of origin violates the Convention for the Protection of Human Rights and Fundamental Freedoms signed on 4 th November 1950 or Convention on the Rights of the Child adopted by General Assembly of the United Nations on 20 th November 1989. Above mentioned individuals either had members of close family who granted a legal stay in Poland, had a Polish citizen as a former wife/husband or had a minor child whose parent was a Polish citizen. There were also applicants who granted a permit for tolerated stay because their expulsions were impossible because of health conditions. It is worth emphasizing that each case is considered individually. For example, there were 147 applicants whose country of origin was Armenia and 10 from Azerbaijan, in 2009. Only 6 of

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			them granted a permit for tolerated stay.
	Portugal	Yes	At this moment Portugal don't grant any particular form of international protection to these citizens. Each request is analysed in a case by case basis.
	Slovenia	Yes	We do not have international protection applications from Armenia.
	Sweden	Yes	<p>Sweden has granted both Refugee Status and Subsidiary Status to these categories in question, but in a very small scale. We ofcourse assess each case individually, so the figures could go up or down depending on the individual case.</p> <p>As it comes to married couples of Armenian and Armenian – Azerbaijani origin we have the information that there are very few with Azerbaijani ethnicity left in Armenia. The vast majority left Armenia during or after the conflict of Nagorno-Karabach. The Azerbaijani that are still living in Armenia meets must probably discriminations from the Armenian majority, but this hardly amounts to the level of persecution. So, in short, we will probably not grant Refugee Status or Subsidiary Protection to applicants that claims asylum on the ground of mixed marriage.</p> <p>As for the return issues, Sweden always uses both voluntary and forced returns of unsuccessful asylum seekers, if it is practically possible to return to their countries of origin.</p>
	United Kingdom	Yes	<p>The UK Border Agency (UKBA) has no specific policy relating to asylum claims from Azerbaijanis, Armenians or people of mixed Azerbaijan/Armenian ethnicity. There is some societal discrimination against ethnic Armenians, those of mixed ethnicity or those involved in mixed marriages in the areas of employment, schooling and housing. However, in general this discrimination does not amount to persecution and will not breach Article 3 of the ECHR.</p> <p>As with all other applications all asylum and human rights claims from nationals of Azerbaijan including ethnic Armenians and people of mixed ethnicity are considered on a case by case basis. Each application is considered against the background of the latest available country information and any decision is based on the specific circumstances of the individual concerned.</p> <p>Claimants who meet the definition of a refugee in the 1951 Refugee Convention are granted asylum. If they do not qualify for asylum, but there are other circumstances that make them particularly vulnerable and engage our obligations under the European Convention on Human Rights (ECHR), they are granted Humanitarian Protection or Discretionary Leave.</p> <p>If their application is refused, they have a right of appeal to the independent appellate authorities. In this way we ensure that we provide protection to those who need it. But if an asylum and human rights claim is refused, and any appeal to the independent appellate authorities is unsuccessful, that means it would be safe for that particular individual to return to their country of origin. They are expected to return voluntarily, but if they do not leave voluntarily we consider it entirely proper to seek to enforce their removal.</p>

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