



**Ad-Hoc Query on Asylum Seekers from South Ossetia after the 2008 Conflict**

**Requested by SK EMN NCP on 22<sup>nd</sup> September 2011**

**Compilation produced on 23<sup>rd</sup> November 2011**

**Responses from Austria, Belgium, Czech Republic, Finland, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom 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**

The Migration Office of the Ministry of Interior of the Slovak Republic (hereinafter „the Office“) does not have any experiences with asylum seekers from South Ossetia after the 2008 conflict. The Office is currently dealing with such cases and therefore would appreciate information regarding the return policies and the number of returns to South Ossetia.

We would very much appreciate your responses by **14 October 2011**.

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## 2. Responses<sup>1</sup>

		Wider Dissemination? <sup>2</sup>	1) Does your Member State have asylum seekers coming from South Ossetia after the 2008 conflict? Please provide numbers if possible. 2) What experiences does your Member State have with returning persons from South Ossetia (after the 2008 conflict)? 3) Does your Member State carry out returns and if yes, where exactly?
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP.
	Belgium	Yes	1) Yes, we have some asylum seekers coming from South Ossetia, although in limited number and it is not known how much exactly. 2 and 3) We do not have experience with returning persons from SO (at least not since the 2008 conflict).
	Czech Republic	No	This EMN NCP has provided a response to the requesting EMN NCP.
	Finland	Yes	1+3) Finland has received only a few asylum applicants from South Ossetia yearly. Since asylum applicants from South Ossetia usually lack identity documents establishing their origin, these applicants are regarded as Georgian citizens in accordance with EU policy. Decisions on asylum seekers from South Ossetia (Georgia) have been mostly rejected. 2) N/A
	Germany	Yes	1) Individual cases of asylum applicants from South Ossetia cannot be ruled out. However, these are not statistically measured by the Federal Office for Migration and Refugees. Only the ethnicity "Ossetian" is entered, from which the specific region of origin cannot be concluded. 2) The Federal Office for Migration and Refugees does not have any data available for this question. 3) There is no substantial likelihood of state-run political persecution by Georgia for those of Abkhaz and South Ossetian origin whose last residence was in Abkhazia or South Ossetia, as the Georgian government is no longer exercising state power in that region. However, at this point there is no basis for return options to these two areas, Abkhazia and South Ossetia, that are now under de facto separation from Central Georgia, since the borders between the core of Georgia and the separated areas have been closed. Thus in such a special instance, the expulsion order is waived, as in practice return measures would not be possible.
	Greece	Yes	There aren't any data concerning asylum seekers from South Ossetia, as asylum seeker are recorded only on the base of nationality and not of the base of origin.

<sup>1</sup> If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.









<sup>2</sup> A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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	<b>Hungary</b>	<b>Yes</b>	<p>Looking at the number of Georgian asylum seekers in the period of 2008-2009, we can observe a trend that Georgia as a country of origin is always in the top 10 countries of citizenship (extra EU-27) concerning asylum applicants. In 2010 it was the fourth; in 2008-2009 it was the fifth.</p> <table border="1" data-bbox="741 347 1957 676"> <thead> <tr> <th></th> <th>Asylum seekers from Georgia</th> <th>Georgian asylum seekers in % compared to the total number of applicants</th> <th>Refugee Status</th> <th>Persons eligible for Subsidiary Protection</th> <th>Non-refoulement</th> </tr> </thead> <tbody> <tr> <td>2008</td> <td>165</td> <td>5,2%</td> <td>1</td> <td>4</td> <td>2</td> </tr> <tr> <td>2009</td> <td>116</td> <td>2,4%</td> <td>2</td> <td>6</td> <td>3</td> </tr> <tr> <td>2010</td> <td>68</td> <td>3,2%</td> <td>2</td> <td>0</td> <td>0</td> </tr> <tr> <td>the first half of 2011</td> <td>11</td> <td>1,4%</td> <td>1</td> <td>1</td> <td>0</td> </tr> </tbody> </table> <p>The main reference causes for asylum procedure are the following:</p> <ol style="list-style-type: none"> <li>1. Asylum seekers fled from Georgia as a result of armed conflict.</li> <li>2. Discrimination based on racial or ethnic origin (mixed marriage)</li> <li>3. Political opposition activity in the country</li> </ol> <p>Experience has shown that most of Georgian asylum seekers stem from mixed marriage or live in mixed marriage (Russian-Georgian). In 2008 20% of the Georgian asylum applicants came from Abkhazia and 15% from South Ossetia.</p> <p>The refugee and asylum authorities (Office of Immigration and Nationality and the Metropolitan Court which has had competence for asylum matters) have considered, that in some cases the applications are well founded. However the refugee authority considers that there is no general ban on Georgian asylum seekers to return to their country of origin.</p>		Asylum seekers from Georgia	Georgian asylum seekers in % compared to the total number of applicants	Refugee Status	Persons eligible for Subsidiary Protection	Non-refoulement	2008	165	5,2%	1	4	2	2009	116	2,4%	2	6	3	2010	68	3,2%	2	0	0	the first half of 2011	11	1,4%	1	1	0
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	<b>Italy</b>	<b>Yes</b>	<p>In Italy South Ossetia has not been recognised as an independent country. Therefore, no statistical evidence can be provided since asylum seekers coming from South Ossetia are registered as Georgian citizens. According to Eurostat, the number of asylum applications from Georgian citizens updated at 31<sup>st</sup> of March 2011 is equal to 10.</p>																														
	<b>Latvia</b>	<b>Yes</b>	<p>The Republic of Latvia does not have any experiences with asylum seekers from South Ossetia after the 2008 conflict.</p>																														
	<b>Lithuania</b>	<b>No</b>	<p>This EMN NCP has provided a response to the requesting EMN NCP.</p>																														
	<b>Luxembourg</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1) Luxembourg does not have any experience with asylum seekers from South Ossetia after the 2008 conflict. The few that applied for asylum in LU had left South Ossetia already long time before the conflict of 2008.</li> <li>2) Luxembourg does not have bilateral readmission agreements with South Ossetia (because this country is only recognized by the Russian Federation), neither with the Russian Federation or Georgia. However, there are the facilitating agreements – combined</li> </ol>																														

**EMN Ad-Hoc Query: Asylum Seekers from South Ossetia**

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			<p>with the readmission agreements signed by the European Union with the Russian Federation (came into force 1 June 2007) and Georgia (came into force 1 March 2011). The protocol for implementing the readmission agreement with the Russian Federation shall be signed by Luxembourg and the Russian Federation is planned for the end of 2011. In consequence, there have not been forced returns neither to Russia nor to Georgia during this time.</p> <p>3) There have not been any (forced or voluntary) returns to South Ossetia.</p>
	<b>Netherlands</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP.
	<b>Portugal</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP.
	<b>Slovak Republic</b>	<b>Yes</b>	The Slovak Republic does not have any experiences with asylum seekers from South Ossetia after the 2008 conflict.
	<b>Slovenia</b>	<b>Yes</b>	No international protection (or previously asylum) seeker from South Ossetia has ever applied for international protection/asylum in Slovenia. Therefore we also do not have any experiences with a decision making or return procedures regarding this category of people.
	<b>Spain</b>	<b>Yes</b>	Spain does not have any asylum seeker from south Ossetia after the 2008 conflict.
	<b>Sweden</b>	<b>Yes</b>	Sweden has not recognized South Ossetia and handles the cases as Georgian citizenship. Of course Sweden takes in all aspects regarding Georgia and South Ossetia. We cannot give any specific numbers of whether the asylum seekers are from South Ossetia or not. During 2011 (Jan – Sep) Sweden had 187 asylum seekers from Georgia. Of them maybe 5 – 10 per cent might have been South Ossetians. Sweden has not experienced any specific problems regarding returns to Georgia even if they are South Ossetians. Sweden has had 23 forced returns to Georgia this year.
	<b>United Kingdom</b>	<b>Yes</b>	The UK does not differentiate between asylum seekers from South Ossetia and other locations in Georgia. We can say, however that the numbers of asylum seekers with Georgian nationality is very low and not among the top 50 asylum seeking countries.
	<b>Norway</b>	<b>Yes</b>	<p>1) In our registration system we can only identify asylum seekers likely to have originated from South Ossetia from the citizenship (GEO) and language (OSS) codes. We have found 7 asylum applicants with this combination of codes: 2 in 2008, 2 in 2009 and 3 in 2011.</p> <p>2) The experience of returning persons from South Ossetia is limited. There has been no voluntary return so far. In the case of forced return the persons in question have presented an internal passport issued in South Ossetia.</p> <p>3) Forced returns have taken place to Russia after verification by the Russian migration authority.</p>

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