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8. februar 2007

**Syrien og Libanon, straffen for illegal udrejse af henholdsvis
Syrien og Libanon, j. nr. 2001-HJ 1714-00008.**

Udenrigsministeriet henviser til Udlændingesservices brev af 23. august 2006 vedrørende ovennævnte og fremsender i den anledning vedlagte notat af d.d.

Med venlig hilsen

Henrik Larsen



UDENRIGSMINISTERIET

Borgerservice
J.nr. 17.Dan.1-65+17.Dan.1-63
Den 8. februar 2007

NOTAT

Udlændingesservices skrivelse af 23. august 2006 vedrørende straffen for illegal udrejse af henholdsvis Syrien og Libanon, j.nr. 2001-HJ 1714-00008.

Udlændingesservice har ved skrivelse af 23. august 2006 anmodet Udenrigsministeriet om at søge oplysninger om straffen for illegal udrejse af henholdsvis Syrien og Libanon, herunder strafferamme og straffepraksis.

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Udenrigsministeriet har forelagt de respektive spørgsmål for en lokal juridisk kilde i henholdsvis Syrien og Libanon.

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Straffen for illegal udrejse af henholdsvis Syrien og Libanon, herunder strafferamme og straffepraksis.

Hvad angår **Syrien** har kilden, under henvisning til 'Law no. 42 of 31/12/1975 governing the departure of Syrian nationals from Syria and their return thereto and the penalties applied for non-observance of those rules', oplyst følgende:

"1. Penalty for leaving Syria without a passport or a valid travel document or without carrying out the legal travel formalities (e.g. passport control by the Syrian immigration authorities at the departure):

Article 1 of the said law provides that:

"Syrian nationals are not allowed to leave the territory of the Syrian Arab Republic or to return thereto without holding passports or travel documents in accordance with the provision of this law".

Besides, article 4 of Law no. 42 stipulates:

“Departure from the territory of the Syrian Arab Republic or entering such territory is only permitted from the places specified by a decision of the Minister of Interior in agreement with the Minister of Finance and after carrying out the travel formalities in accordance with the law”

Non-observance of the a/m rules will be subject to the penalties stated in article 13-a of the said law which reads:

“With no prejudice to more severe penalties provided by any other law in force, violation of article 1 or article 4 of this law and of the decisions based on such articles will be sanctioned by a maximum of 3 month imprisonment and/or by a fine ranging between 500 and 1500 Syrian Pounds”.

2. Leaving Syria without obtaining an exit permit:

According to article 3 of Law no 42/1975:

“The Minister of Interior may issue a decision ordering Syrian nationals to obtain a prior approval (an exit permit) before leaving the Syrian Arab territory and he shall mention the special cases of exemption from such permit”.

Article 13-b of the said law provides for the penalty applied to the non-observance of the a/m rule:

“With no prejudice to a more severe penalty provided by any other law in force, violation of the decisions implementing article 3 of this law will be sanctioned by a maximum of 3 months imprisonment and/or by a fine amounting to a maximum of 500 Syrian Pounds. The same penalty is applied for intentionally making false declarations or submitting false documents to the competent authorities in order to facilitate obtaining an exit permit for himself or for others necessary to leave the Syrian territory”.

In addition article 13-c provides for specific penalties applied to the case of leaving Syria to a banned destination (i.e. a country not mentioned on his passport).

However, in accordance with the above-mentioned article 3 of Law no 42/1975, the Minister of Interior cancelled the requirement of obtaining the exit permit referred to in the said article 3. However, minors (persons under the age of 13) still need the approval of their father, the person appointed by the Shar’y Court or the Shar’y Judge. Employees of the Syrian Government and the Syrian Public sector entities also need the approval of their competent authority for leaving the country (Prime Minister Decision 2144 of 1-12-2005).”

Hvad angår Syrien tilføjer en alternativ faglig kilde, at det er normal praksis, at personer, der har været udrejst ulovligt, tilbageholdes af det syriske hemmelige politi

(mukabarat) i en periode på mellem få dage og 2-3 uger, og at der i den forbindelse kan forekomme elementer af korporlig afstraffelse.

Hvad angår **Libanon** har kilden, på grundlag af libanesisk lov og regulativer samt efter konsultation af 'General Directorate of the General Security' i Libanon, oplyst følgende:

"1. The legal provisions concerning illegal departure from Lebanon:

a) According to article 770 of the Lebanese Penal Code, any person transgressing the legal administrative rules and regulations will be convicted to a maximum imprisonment period of three months and to a fine ranging from one hundred thousand to six hundred thousand Lebanese pounds or to one only of the two above penalties.

b) By virtue of the first article of the decision no 320 issued by the Ministry of Interior Affairs on August 2nd 1962 (and modified by virtue of the decisions no 119 dated 1/08/1969 and no 1 dated 6/01/1970) any person (Lebanese national or foreigner) entering and leaving Lebanon, should have his travel document stamped by the General Security control officer.

Moreover, he should fill an entry/departure card indicating his name, place and date of birth, nationality, profession, address in Lebanon, spouse and children's name (if they are sharing the same travel document).

Article 2 of the above mentioned decision no 320 provides that the General Security checkpoints at the Lebanese borders should stamp the travel documents and the entry/departure cards and should send them both to the General Directorate of the General Security in order to record the information.

2. Practical implementation of the penalty system:

One should distinguish between the Lebanese national and the foreigner.

The foreigner who enters Lebanon illegally is arrested, imprisoned and expelled from the country once he has served the sentence.

The Lebanese national is often condemned to pay fines whenever it is proved he has left the country without fulfilling the proper departure proceedings. However, it often appears that the Lebanese national has some particular and unlawful reason to leave the country illegally; therefore and if he is caught, he will be arrested and convicted in any case for the main offense and for having left the country without being checked by the General Security control officers."

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Udenrigsministeriet har intet at indvende imod, at der meddeles partsaktindsigt i nærværende notat i forbindelse med Flygtningenævnets eller Udlændingestyrelsens behandling af sager vedrørende asylansøgninger fra syriske eller libanesiske statsborgere.

Borgerservice, den 8. februar 2007