

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	1063
Land:	Syrien
Kilde:	UNHCR
Titel:	Høringssvar på Udlændingestyrelsens høring af 16. maj 2019 vedrørende illegal udrejse
Udgivet:	21. juni 2019
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Fra: Bettina Normann Petersen [mailto:normannp@unhcr.org]
Sendt: 21. juni 2019 12:13
Til: Stig Torp Henriksen
Cc: Anders Dorph; Kenneth Schmidt Hansen; hk@ng6.dk
Emne: Fwd: Withdrawal of international protection for Syrians

Hermed vores besvarelse af høring dateret 16. Maj. Beklager forsinkelsen

Med venlig hilsen
Bettina Normann Petersen
Senior Legal Associate
UNHCR, RRNE

1) What is the practical implication of circular No. 342 for those who have left Syria illegally? Does the circular imply that people, who exited Syria illegally, are now permitted to reenter Syria without the need to legalize their status at a Syrian representation abroad in advance?

UNHCR is aware that on 26 March 2019, the Syrian Ministry of Interior issued circular No. 342, instructing the units' commanders and heads of border crossing points to comply with the good reception of Syrian citizens who have left the country through informal crossings and wish to return to Syria. The same circular asked all relevant authorities to cancel administrative instructions that had previously been issued in regards to this issue. UNHCR does not have information as to how the circular is being implemented in practice.

UNHCR notes that in the context of the conflict in Syria, laws are reported to be implemented in an arbitrary and unpredictable manner (see: UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria: "Illegal Exit" from Syria and Related Issues for Determining the International Protection Needs of Asylum-Seekers from Syria*, February 2017, <https://www.refworld.org/docid/58da824d4.html>, p. 2, and sources quoted therein).

2) Does UNHCR know of cases in which Syrians who exited Syria illegally and returned to the country within the last six months, and who were punished or faced other problems with the authorities upon return solely because of their illegal exit? If yes, please elaborate on this, including referring to the latest examples.

UNHCR does not have information in relation to the application of Law No. 18 of 2014 in relation to the departure through an unauthorized departure point (Art. 5 and 13 C).

UNHCR wishes to point out that an overall assessment of an applicant's claim for international protection will have to take into account all elements relevant to his or her claim, including all aspects of the applicant's profile as well as all other relevant circumstances of the case such as the applicant's place of origin/residency and conflict-related developments in the area, religious/ethnic background, gender, age, professional/educational background, family and tribal links, political activities, and military service duty, among others. Given that parties to the conflict in Syria, including the Government, use very broad criteria to attribute political affiliation to individuals, it is of particular importance to carefully assess cases in a holistic manner. The mode of departure (illegal/legal exit) is only one element in a context where (imputed) political opinion for a range of acts or types of behaviour may put someone at risk of persecution.

For further background, see: UNHCR, *International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update V*, 3 November

2017, <https://www.refworld.org/docid/59f365034.html>; UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria: "Illegal Exit" from Syria and Related Issues for Determining the International Protection Needs of Asylum-Seekers from Syria*, February 2017, <https://www.refworld.org/docid/58da824d4.html>.

From: Else Øllgaard [<mailto:ELL@us.dk>]

Sent: Thursday, May 16, 2019 2:20 PM

To: Bettina Normann Petersen <normannp@unhcr.org>

Cc: Kenneth Schmidt Hansen <ksh@us.dk>

Subject: Syrien

Dear Bettina,

The Danish Immigration Service (DIS) is seeking information on the consequences of exiting Syria illegally, and the implementation of recent changes in rules and regulations concerning this issue. In this context we would appreciate the assistance of UNHCR.

DIS is aware that the Syrian Ministry of Interior on 26 March 2019 issued circular No. 342 stipulating that unit leaders and heads of border posts are requested to abide by good reception of those citizens, who exited Syria illegally, and now wish to return to Syria. The circular No.342 also stipulates that "the

administrative procedure previously declared on this issue has been annulled". (Source: Embassy of the Syrian Arab Republic in Bucharest)

<https://www.syrianembassy.ro/ar/%d8%a7%d9%84%d9%82%d8%b3%d9%85-%d8%a7%d9%84%d9%82%d9%86%d8%b5%d9%84%d9%8a/%d8%a7%d9%84%d9%85%d8%ba%d8%aa%d8%b1%d8%a8%d9%88%d9%86/> Accessed 9 May 2019)

Against this background, DIS kindly requests the assistance of UNHCR to obtain information about the following:

1. What is the practical implication of circular No. 342 for those who have left Syria illegally? Does the circular imply that people, who exited Syria illegally, are now permitted to reenter Syria without the need to legalize their status at a Syrian representation abroad in advance?
2. Does UNHCR know of cases in which Syrians who exited Syria illegally and returned to the country within the last six months, and who were punished or faced other problems with the authorities upon return solely because of their illegal exit? If yes, please elaborate on this, including referring to the latest examples.

DIS would highly appreciate an early reply.

Best regards,

Else Øllgaard

Souschef

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