



## **Summary of the Ad-Hoc Query on the application of article 1F<sup>1</sup> of the Refugee convention in Syrian asylum cases**

**Requested by NL EMN NCP on 28 November 2014**

**Reply requested by 24 December 2014**

**Compilation prepared on 20 January 2015**

**Summary prepared on 12 January 2015 by NO EMN NCP on the basis of the responses from Belgium, Bulgaria, Czech Republic, Finland, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Netherlands, Portugal, Slovak Republic, Sweden, and Norway**

*Disclaimer: The 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.*

### **Background Information**

Currently there is a high influx of Syrian asylum applicants in most EU member states, due to the ongoing conflict in Syria. It is possible that not only victims of the conflict seek refuge in an EU country, but that amongst the influx there can also be perpetrators. It is likely that they too leave Syria at a certain moment. Article 1F of the Refugee Convention states that it is possible to exclude an applicant from refugee protection, in cases where there are

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<sup>1</sup> Concerning grounds for exclusion from protection.

serious reasons for considering that the applicant has committed very serious crimes. In the Netherlands these cases - where article 1F might be applicable - are dealt with by a special unit. This questionnaire is circulated in order to get an impression about the findings of other EU member states with regard to the applicability of article 1F Refugee Convention in Syrian cases.

1. Does your country have an active approach to detect article 1F indications in Syrian cases?
2. In how many Syrian cases did your country exclude the applicant from refugee protection, due to article 1F Refugee Convention in:
  - a. 2013
  - b. 2014 so far
3. Can you give a short overview of the kind of article 1F cases in relation to the Syrian influx in your country?
4. Would you welcome some sort of information exchange between EU Member States of general information with regard to Syria where it concerns (indications to further investigate) the applicability of article 1F Refugee Convention?

**Active efforts to detect article 1F (exclusion) indications in Syrian cases** were reported to be in place by 13 of the 16 responding countries. Two countries reported that such efforts are not in place, and for one country the reply is ambiguous.

**That persons had been excluded** in 2013 and/or 2014 in accordance with article 1F were reported by 5 countries, and one country reported that 2 cases were under consideration. The number of persons excluded in 2013 was 5 and 9, and the number of persons (so far) in 2014 ranged from 1 to 10.

**As main grounds for exclusion encountered:** Three countries referred to military personnel/activities. Activities by opposition forces, by intelligence officials and medical personnel, being Staff of Supreme Security Court, judges/prosecutors dealing with political cases, high ranking public servants, embassy staff as well as criminal acts (rape) involvement with the telecommunications sector were also mentioned.

Only one country reported that it did not see any need for an **exchange of information between Member States** concerning indications to further investigate the applicability of article 1F in Syrian cases.

### **Comment**

The number of actual exclusion cases of Syrian asylum seekers in 2013 and 2014 reported in these replies (35) may be considered minor, given the nature of the Syrian conflict(s) and the large influx of asylum seekers from Syria to some EU/EFTA member countries. However, it seems reasonable to expect that the number of individuals who potentially may have to be excluded from protection in accordance with article 1F will be significantly higher, and it is important that the asylum authorities in the member states have the capacity and competence to rapidly identify potential cases, as well as to reach a conclusion on each in a manner which respect both human rights and national security concerns.

**EMN Ad-Hoc Query on the application of article 1F of the Refugee convention in Syrian asylum cases**

One country pointed out that as it is difficult to establish the individual responsibility of an applicant for asylum even when s/he can be linked to a group that has committed acts which would qualify them for exclusion, this may explain the low number of actual exclusions. It would seem that an exchange of relevant information will be one mechanism to ensure some consistency in the decisions on such cases reached by the countries. To achieve this is one objective of a R&D project funded by the Norwegian Directorate of Immigration (UDI): *Study on the exchange of information between European countries on persons excluded from refugee status*. Another objective is to suggest how to establish a system for providing information about third country nationals who are residing outside the country(ies) from which they have been excluded. The report from the project is expected before the end of 2015.