



## **EMN Ad-Hoc Query on NO EMN AHQ on recent practice regarding asylum seekers from Burundi**

Requested by Kathleen CHAPMAN on 30th March 2016

### **Protection**

Responses from Belgium, Blocked / Unknown, Croatia, Estonia, Finland, Germany, Lithuania, Netherlands, Poland, Slovenia, Sweden, Norway (12 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.*



**Background information:**

Norway receives only a small number of asylum-seekers from Burundi, and the Directorate of Immigration has not handled asylum-applications from Burundians since the election last year. However, we will now consider these cases in light of the recent conflict. We would be very grateful if the EMN MS would answer the following questions.

**Questions**

1. 1.

2. 2. Briefly outline the current practice in your MS regarding asylum seekers from Burundi.

Does this practice reflect any changes since the elections last year?

Yes \_\_\_\_\_

No \_\_\_\_\_

If yes, please briefly describe the changes:

If not, is your MS considering any changes?

Yes \_\_\_\_\_ No \_\_\_\_\_

3. 3.

On what grounds may refugee status be granted?

4. 4.

May applicants from Burundi be granted subsidiary protection in your MS?

**Responses**

	Country	Wider Dissemination	Response
	Belgium	No	
	Blocked / Unknown	Yes	<p><b>1.</b> In France, asylum seekers from Burundi are widely granted the refugee status under article 1A2 of the Geneva Convention.</p> <p><b>2.</b> Yes. Before the Presidential elections held in 2015, France registered few asylum seekers from Burundi and the applications were based on ethnic and political reasons rarely proved. Since the elections, asylum applications from Burundi have increased significantly. It has been particularly significant in November-December 2015. In order to provide a large protection, the OFPRA (Office Français de Protection des Réfugiés et Apatrides) has reduced its requirements regarding individual concerns. If the Tutsi ethnic origin is established, or, if the asylum seeker can prove its residency in a Tutsi district of Bujumbura or in a district recognized as contesting, s/he will be granted the refugee status (under article 1A2).</p> <p><b>3.</b> Besides the reasons listed above (Tutsi origin, residency in a contesting or ethnic district), the refugee status is also granted to applicants with specific profiles: community activists, journalists,</p>

			<p>refugees « sur place », ie Burundians living in France for a long time whose families, living in at risk neighborhoods in Bujumbura, have been affected by the events.</p> <p><b>4.</b> France is currently thinking about the possibility of using article 15-c of the Directive “Qualification” (2004/83) (Subsidiary protection granted under the criteria of “indiscriminate violence in situations of internal armed conflict”).</p>
	Croatia	Yes	<p><b>1.</b> There are no asylum seekers from Burundi in Croatia.</p> <p><b>2.</b> No</p> <p><b>3.</b> N/A</p> <p><b>4.</b> N/A</p>
	Estonia	Yes	<p><b>1.</b> There are no asylum seekers from Burundi in Estonia.</p> <p><b>2.</b> N/A</p> <p><b>3.</b> N/A</p> <p><b>4.</b> N/A</p>
	Finland	Yes	<p><b>1.</b> As there have been only a handful of asylum seekers from Burundi in the recent years, there is no current practice. All cases are individually assessed. There have been no positive decisions during the last couple of years. (one negative, one annulment and two Dublin-decisions). A couple of asylum applications are pending at the moment.</p> <p><b>2.</b> There is no current practice because of the low number of applicants.</p> <p><b>3.</b> Refugee status has not been granted in the recent years for asylum seekers from Burundi (nor any</p>

			<p>other positive decisions on international protection). Each case is individually assessed.</p> <p><b>4.</b> No</p>
	Germany	Yes	<p><b>1.</b> 1. Currently, Germany is receiving very few applicants from Burundi. In 2015, 7 Burundi nationals applied for asylum. None of these applicants received protection as a Convention refugee or subsidiary protection. Humanitarian protection according to domestic law was granted in two cases. In three cases, the application was rejected. In 2016, we have not yet received any applications from Burundi nationals.</p> <p><b>2.</b> No (see 3.)</p> <p><b>3.</b> 3. Refugee status is granted according to the general criteria. Every case is assessed on its own merits. There is no record for the grounds of granted protection.</p> <p><b>4.</b> See answer 1 and 3</p>
	Lithuania	Yes	<p><b>1.</b> In recent years, Lithuania has not received asylum applications from asylum seekers from Burundi.</p> <p><b>2.</b> N/A.</p> <p><b>3.</b> N/A.</p> <p><b>4.</b> Every asylum application is assessed individually, so it depends on individual cases.</p>
	Netherlands	Yes	<p><b>1.</b> Status determination is executed on the individual merits of the asylum case. There is no policy on specific groups except for minors and women who made credible that they are at risk of (sexual) acts of violence: Minors: The IND determines whether adequate accommodations for minors are not available and the Burundese government does not take care of accommodations for minors; Women: Women who made credible that they run the risk of (sexual) acts of violence cannot get protection of</p>

			<p>the government or international organisations.</p> <p><b>2.</b> No</p> <p><b>3.</b> Every case is assessed on its individual merits in combination with relevant country of origin information and (inter)national or European jurisprudence. There are no specific groups of which systematic persecution or groups that run the risk of persecution pointed out in the Dutch policy.</p> <p><b>4.</b> There are no specific groups pointed out in the Dutch policy. Each case is being assessed on its own merits.</p>
	Poland	Yes	<p><b>1.</b> In 2015 and in the period January – March 2016, Poland did not register any application submitted by a citizen of Burundi.</p> <p><b>2.</b> n/a</p> <p><b>3.</b> n/a</p> <p><b>4.</b> n/a</p>
	Slovenia	Yes	<p><b>1.</b> Slovenia received no applications for international protection from Burundi citizens in the last 3 years. Untill March 2016 there were no applications of Burundi citizens as well.</p> <p><b>2.</b> NO, NTR</p> <p><b>3.</b> NTR</p> <p><b>4.</b> NTR</p>
	Sweden	Yes	<p><b>1.</b> The Swedish Migration Agency (SMA) has recently adopted a legal guidance note on the security situation in Burundi. According to the guidance note, the situation in Burundi qualifies as a situation described in art.15 c of the Qualification Directive. Therefore, the SMA currently considers the</p>

			<p>general situation in the country as an internal armed conflict. However, the SMA does not consider the violence in the ongoing conflict to be of such nature that anyone in the area is at risk of being exposed to it just by being there. Consequently, an individual threat must be demonstrated to qualify for subsidiary protection. An internal flight alternative (IFA) is not available in the country.</p> <p><b>2.</b> Yes - The SMA currently considers the general situation as an internal armed conflict which was not the case before the elections last year.</p> <p><b>3.</b> Each case is assessed on its own individual merits. However, the SMA considers applicants who are part of, or perceived as being part of, the opposition against President Nkurunziza`s prolonged rule as particularly vulnerable and therefore likely to be eligible for refugee status. Journalists and human rights activists are also considered to be particularly vulnerable.</p> <p><b>4.</b> Yes, see question 1 above.</p>
	Norway	Yes	<p><b>1.</b> Norway receives only a small number of asylum-seekers from Burundi, and the Directorate of Immigration has not handled asylum-applications from Burundians since the election last year. However, we will now consider these cases in light of the recent conflict.</p> <p><b>2.</b> N/A</p> <p><b>3.</b> N/A</p> <p><b>4.</b> N/A</p>