



# **European Migration Network**

## **Ad-Hoc Query on the international protection granted/rejected to the Pakistani nationals and their return to their country of origin**

**Requested by SK EMN NCP on 19 May 2009**

**Compilation as of 15 June 2009**  
**Wider dissemination**

**Responses from AT, BE, BG, CY, CZ, EE, ES, FI, HU, IE, LT, LV, MT, NL, PT, SE, UK (16 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 Slovak Republic is looking for information on the current policy in the EU MS regarding the international protection granted/rejected to the Pakistani nationals, more specifically Pashtus from the North-West Frontier Province (NWFP) and on how the EU MS are dealing with their returns to their country of origin. Slovakia currently does not have any particular experiences in this regard and is looking for experiences in other EU countries. Please note that there are two questions included in this query. The NCP would appreciate your reply by 29 May 2009.

### **2. Responses**

		Wider Dissemination?	What is the current policy of your country regarding the international protection granted/rejected to the Pakistani nationals, specifically of the Pashtus from the NWFP?
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**EMN Ad-Hoc Query: Pakistani nationals - protection and return**

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	<b>Austria</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.
	<b>Belgium</b>	<b>Yes</b>	In general we have a case by case approach. Refugee status shall be granted if the asylum seeker has a well founded fear for persecution in the hands of the militants or the government (for example security services) and he has no internal flight alternative. As far as subsidiary protection for civilians at risk for indiscriminate violence in an armed conflict is concerned, we acknowledge that certain regions in NWFP and FATA are to be considered conflict zones (for instance Swat). However we also assess the possibility of an internal flight alternative for civilians originating from the conflict zones. If an internal flight alternative proves to be possible, no subsidiary protection status will be granted.
	<b>Bulgaria</b>	<b>Yes</b>	No special policy. Each application is judged on its own merits.
	<b>Cyprus</b>	<b>Yes</b>	Each asylum case is examined according to its merits. There is no other policy than that in relation to the Pakistani nationals, especially Pashtus from the NWFP. Anyhow, eligibility officers who examine Pakistani cases are very well informed of every new development in that particular area of Pakistan and use COI for any justification of their suggestion proposals for international protection.
	<b>Czech Republic</b>	<b>Yes</b>	None of the Pakistani who applied for asylum in the Czech Republic in the last ten months came from the North-West Frontier Province and none of them claimed bad security conditions as reasons for the application.
	<b>Estonia</b>	<b>Yes</b>	There has not been any asylum seekers from NWFP of Pakistan who are Pashtus. Thus, Estonia has no experience in this field and we cannot bring out any policies regarding these people.
	<b>Finland</b>	<b>Yes</b>	Finnish Immigration Service does not have any common policy regarding Pakistani asylum seekers. There have been only few applicants from Pakistan and decisions are made on case by case basis. We've had no Pashtus from NWFP.
	<b>Hungary</b>	<b>Yes</b>	Pakistani nationals are usually not granted international protection in Hungary since 2005. There has been only one case in 2008 when the Hungarian refugee authority recognised a Pakistani asylum-seeker man as a refugee. The recognition was based on the persecution due to the reason of religion as the asylum-seeker was Christian but he was originated from the capital of the country, Islamabad and not the North-West Frontier Province. The new Act on Asylum entered into force 1 January 2008. This Act introduced subsidiary protection in Hungary, but there was not any Pakistani national who has been granted subsidiary protection since 2008.
	<b>Ireland</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.
	<b>Latvia</b>	<b>Yes</b>	During the year 2008 and this year we have received only 1 asylum application from Pakistani nationals (the application was revoked during asylum process). For that reason we can't share experiences and policies related to examination of Pakistani cases.
	<b>Lithuania</b>	<b>Yes</b>	Migration Department in 2008 received 8 and in 2009 1 asylum application from citizens of the Islamic Republic of Pakistan. None of the applicants came from the Pashtus. Every application is examined individually. All of the applications coming from citizens of Pakistan in 2008 were rejected because they were manifestly unfounded.
	<b>Malta</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.

**EMN Ad-Hoc Query: Pakistani nationals - protection and return**

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	<b>Netherlands</b>	<b>Yes</b>	There is no special policy in the NL regarding the international protection to the Pakistani nationals, more specifically to Pashtus from the NWFP.
	<b>Portugal</b>	<b>Yes</b>	In the last three years, we haven't registered any application of asylum from Pakistani citizens, so we do not have experience with this issues.
	<b>Spain</b>	<b>Yes</b>	There is not a specific policy regarding Pakistani nationals
	<b>Sweden</b>	<b>Yes</b>	In Sweden we have no special policy concerning Pakistan asylum seekers and no specific statistics regarding the Pashtus region. If you look at the whole of Pakistan in 2008, 74 asylum cases were decided of which 18 were granted asylum and 39 were denied..
	<b>United Kingdom</b>	<b>Yes</b>	All asylum and human rights applications from Pakistani nationals, including those from Pashtus from the North-West Frontier Province (NWFP), are considered on their individual merits in accordance with our obligations under the 1951 Refugee Convention and the European Convention on Human Rights against the background of the latest available country information. Applicants who are found to be in need of our protection are granted it. Those found not to need international protection have a right of appeal to the independent appellate authorities. The Pakistan Operational Guidance Note (OGN), last updated in February 2009, provides guidance on the most common types of asylum claims from Pakistani nationals for use by UK Border Agency officials involved in the asylum determination process. The Pakistan OGN can be found on the UK Border Agency website on at: <a href="http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyogns/">http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyogns/</a> .

		<b>Wider Dissemination?</b>	<b>How is your country dealing with returns of these applicants to their country of origin?</b>
	<b>Austria</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.
	<b>Belgium</b>	<b>Yes</b>	In principle Belgium can return all Pakistani nationals. In practice there are some problems with the identification of Pakistani nationals. Returns can be done to the major cities of their choice (Karachi, Lahore, Islamabad), as they are also considered as being an internal flight alternative.
	<b>Bulgaria</b>	<b>Yes</b>	There are no difficulties concerning particularly Pakistanis in return procedure. Like all the TCNs subjects to return they have to be provided with travel documents, flight tickets and in certain cases – escorted.
	<b>Cyprus</b>	<b>Yes</b>	
	<b>Czech Republic</b>	<b>Yes</b>	Since the asylum procedure was not concluded in case of the applications lodged by Pakistani in the last ten months, there were no returns in this period.
	<b>Estonia</b>	<b>Yes</b>	Estonia has no experience of returning these applicants to their country of origin.
	<b>Finland</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.

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	<b>Hungary</b>	<b>Yes</b>	The Hungarian refugee authority usually does not apply the non-refoulement principle regarding Pakistani asylum-seekers.
	<b>Ireland</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.
	<b>Latvia</b>	<b>Yes</b>	As the Pakistani national's application was revoked during asylum process, we had no experience with the return of these applicants to their country of origin. When the international protection is rejected the Office of Citizenship and Migration Affairs of Latvia issue voluntary removal order and third country national has an obligation to leave the territory of the Republic of Latvia.
	<b>Lithuania</b>	<b>Yes</b>	During 2008-2009 no Pakistan citizens were returned to Pakistan from Lithuania. They do not possess documents confirming their identity (travel document, residence permit or any other document). Lithuanian authorities requested required documents from Pakistan representations but as of today did not receive them and therefore can not return rejected asylum applicants back to the country of origin.
	<b>Malta</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.
	<b>Netherlands</b>	<b>Yes</b>	Neither there is a special policy in regard to the return of this group.
	<b>Portugal</b>	<b>Yes</b>	N/A
	<b>Spain</b>	<b>Yes</b>	In general, all rejected asylum seekers have to leave the country within 15 days of notification
	<b>Sweden</b>	<b>Yes</b>	We cooperate with the Pakistani Embassy in Stockholm. If the person holds a document of identification (expired passport, identity card or similar), the procedure to obtain a temporary travel document is rather swift. If the person lacks documents, the Pakistani Embassy has to verify the person's nationality and identity with the authorities in Pakistan, based on the information given by the person. This can be time consuming, depending on the details available in the specific case (i.e. personal data given by the person – address is for instance compulsory). Once a travel document is issued, the person can travel on his own. The Swedish Migration Board normally arranges and pays for the journey. Forced return is being handled by the Swedish Police Authority.
	<b>United Kingdom</b>	<b>Yes</b>	Data on the return of these applicants is not currently available

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