



## **EMN Ad-Hoc Query on NO NCP AHQ on Ethiopian Asylum Seekers Ethiopian Asylum Seekers**

Requested by Jolandie CLEMENTE on 6th September 2018

### **Protection**

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovak Republic, Spain, Sweden, United Kingdom, Norway (23 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:**






The Norwegian Directorate of Immigration (UDI) is in the process of reviewing its practice regarding Ethiopian applicants who fear persecution due to their (perceived) political opinion. Updated country information shows that the political situation in Ethiopia has changed considerably over the last 6 months, in particular following the inauguration of the new Prime minister, Abiy Ahmed, in the beginning of April, 2018. Thousands of political prisoners have been released and charges against prominent activists and political opposition leaders have been dropped. The new Prime Minister has introduced several new reforms and has dismissed leaders within the army, the National Intelligence and Security Services as well as prison officials. Several government officials have also been dismissed and the regional President of Ogaden has been arrested and replaced. Parliament formally lifted the terrorist designations from 3 opposition groups making them legal and opening up possibilities for them to participate in the ongoing democratization process in Ethiopia. All of these groups had previously been the targets of counterinsurgency operations by Ethiopian security forces.





In light of the above, UDI would appreciate information on whether EU+ countries have reviewed their asylum practice due to the improved political situation, in particular with regards to applicants (accused of being) connected with the formerly illegal opposition parties (Oromo Liberation Front (OLF), Ginbot 7, Ogaden National Liberation Front (ONLF)). We welcome responses from all EMN member states, but are especially interested in responses from CH, DE, FI, FR, NL, SE, and UK.




## **Questions**




1. 1. Does your MS have applicants who claim fear of persecution due to having been accused of having connections with one of the formerly illegal opposition parties (OLF, Ginbot 7, ONLF)?  
YES/ NO
2. 2. Please briefly describe how your MS assessed an applicant's risk of persecution *prior to* the political changes that took place earlier in 2018 as noted above?
3. 3. Has your MS reviewed, or are there plans to review, your practice/policy related to applicants with such claims given the present situation?  
YES/ NO
4. 4. Please describe how your MS assesses an applicant's risk of persecution in light of the fact that these opposition parties no longer are illegal.


## **Responses**


	Country	Wider Dissemination	Response
	Austria	No	
	Belgium	No	
	Bulgaria	Yes	<p>1. No.</p> <p>2. Since February 2017, there have been no applications for international protection by Ethiopian nationals.</p> <p>3. No. No applications for international protection have been filed by Ethiopian nationals.</p> <p>4. No applications for international protection have been filed by Ethiopian nationals.</p>
	Croatia	Yes	<p>1. 1. No.</p> <p>2. 2. The applicant's fear of persecution is assessed on the grounds of inputs received from the applicant and the situation in their country of origin. Political changes in Ethiopia in early 2018 haven't had any affect in Croatia as no asylum seekers from Ethiopia have been received.</p> <p>3. 3. N/A.</p> <p>4. 4. N/A.</p>
	Cyprus	Yes	<p>1. No. In general, we have not received applications from Ethiopian nationals claiming risk of persecution because of political opinion. Asylum applications from Ethiopia are mainly from women and are FGM related.</p>

			<p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p>
	Czech Republic	No	
	Finland	Yes	<p>1. Yes</p> <p>2. The assessment is always individual (no binding guidelines exist) and therefore an exact description is difficult to formulate. Some general observations can, however, be concluded. Quite many of the applicants who have claimed they are in danger of persecution due to their (perceived) political opinion have not been able to convincingly demonstrate that they (or e.g. their close family members) have been politically active. In these cases the assessment has regularly resulted in a negative asylum decision. If the situation is the reverse, in other words, if the applicant can demonstrate that he/she (or a close family member/relative) has been active (or is perceived to have been active) in some of the above mentioned parties, the threshold to grant asylum has been quite low. However, demonstrating a mere connection to some of the opposition parties has not generally by itself been sufficient to be granted asylum.</p> <p>3. (YES) The question has, however, not come up yet. Our practice will be reviewed should an applicant convincingly claim he/she is in danger due to priori political activity.</p> <p>4. N/A</p>
	France	No	
	Germany	Yes	<p>1. 1) In Germany, no statistical coverage of the reasons for requesting asylum is carried out.</p>


			<p>However, we can assume that your question can be answered "yes", specially regarding OLF.</p> <p><b>2.</b> 2) It has been determined through a case-by-case assessment and a credible report if acts of persecution have occurred and if international protection should be provided, insofar as no reason for exclusion could have been opposed to it.</p> <p><b>3.</b> 3) Yes, a review has taken place.</p> <p><b>4.</b> 4) On account of the current political developments, we assume that the risk of persecution has decreased. However, it has still to be determined through a case-by-case assessment and a credible report if acts of persecution have occurred and if international protection has to be provided, as far as no reason for exclusion could be opposed to it.</p>
	Hungary	Yes	<p><b>1.</b> Recently there have been no Ethiopian applications meeting the criteria mentioned above.</p> <p><b>2.</b> The asylum authority examines all applications on an individual basis with attention to all relevant circumstances of the case.</p> <p><b>3.</b> The asylum authority examines all applications on an individual basis with attention to all relevant circumstances of the case.</p> <p><b>4.</b> The asylum authority examines all applications on an individual basis with attention to all relevant circumstances of the case.</p>
	Ireland	No	
	Italy	Yes	<p><b>1.</b> This type of motivation is not detected by the monitoring system so no data are available</p> <p><b>2.</b> n/a</p>




			<p>3. n/a</p> <p>4. n/a</p>
	Latvia	Yes	<p>1. Latvia has received no applications from Ethiopian asylum seekers</p> <p>2. Latvia never assessed an asylum claim from an Ethiopian asylum seeker</p> <p>3. Latvia has no any practice or policy regarding Ethiopian asylum seekers because there have been no applications.</p> <p>4. As stated above, there have been no registered Ethiopian asylum seekers in Latvia.</p>
	Lithuania	Yes	<p>1. NO. There were no Ethiopian applicants in Lithuania (from 2011 to 2018).</p> <p>2. N/A. It is worth mentioning, that each application is examined individually.</p> <p>3. N/A</p> <p>4. N/A</p>
	Luxembourg	Yes	<p>1. Yes.</p> <p>2. 2. Generally speaking, Luxembourg treats every international protection application on a case-by-case basis by taking into consideration the facts described by the applicant, the evidence provided and the general situation in the country of origin. This approach is also applied to determine if an applicant faces a risk of persecution due to his actual or perceived affiliation to a political party. Given that prior to the political changes of early 2018 the three opposition groups (OLF, Ginbot 7, ONLF) were designated by the Ethiopian parliament as terrorist organizations, Luxembourg considered that any member or a perceived member in one of the three opposition groups could be at a risk of being subjected to ill-treatment or persecution by state actors or the security forces. Decisive factors in the risk assessment were the level of involvement of the applicant in one of the mentioned</p>


			<p>parties and if his activities were publicly known. Besides this Luxembourg assessed if the applicant was able to prove that he or she was a member or a perceived member in one of the above mentioned opposition groups and participated actively in protests or other political manifestations.</p> <p><b>3. Yes.</b></p> <p><b>4.</b> Given the political changes that took place in 2018, the three opposition groups (OLF, Ginbot 7, ONLF) are no longer considered terrorist organisations and its members are no longer targeted by the Ethiopian government. Luxembourg will continue to assess the applicant's risk of persecution as mentioned in Q1 and base its decisions in most cases on the absence of any future risk of persecution due to the political reforms that took place and the beginning political dialogue between the government and the opposition.</p>
	Malta	Yes	<p><b>1.</b> Yes, the Office of the Refugee Commissioner did receive applications from Ethiopian nationals claiming fear of persecution due to having been accused of having connections (real or perceived) with the OLF and ONLF. The Office of the Refugee Commissioner did not receive applications from Ethiopian nationals claiming fear of persecution due to having been accused of having connections (real or perceived) with Ginbot 7.</p> <p><b>2.</b> Applicants for international protection whose claim in relation to their political affiliation with the OLF and ONLF (real or perceived) was found to be credible, and did not fall under one of the exclusion grounds listed in the Qualification Directive, were granted refugee status on political grounds.</p> <p><b>3.</b> To date the Office of the Refugee Commissioner has not reviewed its practice/policy concerning these applications. However, considering the dramatic changes in Ethiopia in the past few months, it is planned that in the near future the Office will conduct a review of its practice/policy concerning these applications.</p> <p><b>4.</b> On a preliminary basis, taking into account the extensive changes that have taken place in Ethiopia since Abiy Ahmed became Prime Minister, and especially: (a) the decriminalization of political parties; (b) the release of thousands of political prisoners; (c) the dropping of charges against</p>

			<p>prominent activists and political opposition leaders; and (d) the dismissal of leaders within the army, the National Intelligence and Security Services as well as prison officials, who were linked to various crimes and abuses against political prisoners and opponents (real or perceived), it would seem that there is no longer a well-founded fear of persecution due to links (real or perceived) with the OLF, Ginbot 7 and ONLF. However, the aforementioned assessment should be seen as a preliminary observation since as indicated in the reply to the previous question a full review of the current situation in Ethiopia vis-à-vis persons who have links (real or perceived) to the OLF, Ginbot 7 and ONLF still needs to be carried out.</p>
	<p>Netherlands</p>	<p>Yes</p>	<ol style="list-style-type: none"> <li>1. Yes. However, the basis for the asylum claim (e.g. membership of one of the formerly illegal opposition parties) is not registered in the systems of the Immigration and Naturalisation Service (IND).</li> <li>2. The IND doesn't have specific country policy for Ethiopian asylum seekers. The IND bases asylum applications among other things on the basis of the official country report from the Ministry of Foreign Affairs. The country report about Ethiopia that was used to assess applicant's risk of persecution prior to the political changes in 2018, was from May 2013. In this report, the position of members of the illegal opposition parties (OLF, Ginbot 7, ONLF) are discussed. The Ethiopian authorities consider these parties as terrorist organizations and use repression, intimidation and violence against them to prevent and discourage criticism. Also, alleged members of these parties are arrested and punished without a fair legal process. There are torture practices in some of these cases. Apart from the country report of 2013, the IND also uses more up-to-date reports from public sources. These stem from NGOs like Human Rights Watch and Amnesty International, the UNHCR, or other governments. The security and human rights situation is based on the country report combined with these public reports. The asylum application is then assessed in light of the information about the security and human rights situation in combination with the statements from the alien. If the alien makes it plausible that he is to fear persecution, as meant in the Convention relating to the Status of Refugees, because he is an adherent of an opposition movement or due to political activities, he may be eligible for an asylum residence permit under article 29.A of the Aliens Act.</li> </ol>



			<p><b>3.</b> No. As explained under question 2, the IND doesn't have specific country policy for Ethiopian asylum seekers and bases its asylum policies on multiple sources, among which the country reports from the Ministry of Foreign Affairs.</p> <p><b>4.</b> The asylum application is assessed on the basis of the statements from the alien in light of the (recent) information about the security and human rights situation in Ethiopia. In July 2018, the official report about Ethiopia was updated with regard to the new political situation. This official report describes the current situation in Ethiopia which is significant to the assessment of asylum applications from Ethiopians. The official report discusses the improved political situation under the new president Abiye Ahmed. For instance, Abiye Ahmed removed the ONLF, OLF and Ginbot 7 from the national list of terrorist organizations. However, the report also acknowledges that still thousands of people are imprisoned in Oromia and Amhara. These new developments are taken into account when assessing the asylum application.</p>
	Poland	Yes	<p><b>1.</b> NO</p> <p><b>2.</b> Persons who were able to prove membership/ connections with these parties were granted refugee status.</p> <p><b>3.</b> Currently PL doesn't have applicants from Ethiopia that would be claiming fear of persecution on basis of membership or connections to the above mentioned, formerly illegal, parties. However, recent information on reforms applied by the Ethiopian government may justify the revision of policy in the future – with caution and constant monitoring of the situation.</p> <p><b>4.</b> PL doesn't have applicants from Ethiopia at the moment – no related applications.</p>
	Slovak Republic	Yes	<p><b>1.</b> SK has not received asylum seekers from Ethiopia.</p> <p><b>2.</b> N/A</p> <p><b>3.</b> N/A</p>

			4. N/A
	Spain	Yes	<p>1. Yes.</p> <p>2. In general they do not credit their belonging to that Political Party, and their stories lacks credibility .</p> <p>3. Taking into account that all prior cases has been denied are denied the Policy has not been reviewed.</p> <p>4. Each request is evaluated individually and many aspects are taken into account. The legality of a party does not imply a cessation of hostility and violence against militants of a party.</p>
	Sweden	Yes	<p>1. Yes</p> <p>2. If the applicant proves that he or she was a member of illegal opposition parties, the person would in most cases be considered to fear persecution due to his or hers political opinion. There is always an individual assessment in every case.</p> <p>3. No, not for the time being.</p> <p>4. We consider it to be too early to draw conclusions related based on the recent changes in Ethiopia. We are following developments closely.</p>
	United Kingdom	Yes	<p>1. Yes.</p> <p>2. The assessment of the applicant's risk of persecution is set out in the Country Policy and Information Note (CPIN) Ethiopia: Opposition to the government , published in October 2017, in sections 2.3 Assessment of risk and 3. Policy summary. See also CPIN Ethiopia: Oromos including the 'Oromo Protests', published in November 2017, sections 2.3 Assessment of risk and 3. Policy summary. In addition, each case is considered on its own facts and merits.</p>

			<p><b>3. YES</b> We have been monitoring the situation and plan to update the CPIN in due course. Additionally, if a decision maker requires further information about the treatment of OLF, Ginbot 7 and ONLF supporters / members, we have a request service which allows them to ask for bespoke research to be undertaken, on a case by case basis.</p> <p><b>4.</b> The announcement of the removal Ginbot 7, ONLF and OLF as designated terrorist organisations was noted in July 2018. Since then, we have monitored the situation and continue to assess information about the impact this has had, and is having on those who oppose the government. Each case is considered in line with our international obligations, using a variety of sources and on its own facts and merits.</p>
	Norway	Yes	<p><b>1.</b> Yes</p> <p><b>2.</b> Previously in the case handling of asylum applications from Ethiopia, Norway allowed that there could be well-founded fear of persecution if the Ethiopian authorities had accused the applicant of being a member of, or working with, one of the illegal opposition parties mentioned in the AHQ.</p> <p><b>3.</b> In the light of these new developments, and changes in the political situation, Norway has started a process to change previous practice.</p> <p><b>4.</b> N/A</p>