NOTE

from: the General Secretariat

to: CIREA

Subject: Compilation of the replies to the questionnaire on Somalia
(telex n° 3238/96 of 25.07.96)

Delegations will find herewith the replies received by the General Secretariat from the following delegations: Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, Austria, Portugal, Finland, United Kingdom.

The replies from the Netherlands and Sweden are reproduced in the doc. 9908/96 ADD 1.
Details of applications submitted

Applicant profile:
- male
- female
- average age
- minors
- unaccompanied minors
- religion
- socio-professional origin
- clan origin
- number of applications (and acceptance/rejection figures/rates) of 1995, 1994, 1993 and 1992
The above table shows a systematic increase in the proportion of female asylum-seekers from Somalia. Furthermore, a good 70% of these women are single and claim to have left the country because their partners have disappeared or have been murdered.

The above table shows that the majority of applicants are fairly young (87% below 30 years of age) at the time of the asylum application.

---

(a) Sex

<table>
<thead>
<tr>
<th>Year</th>
<th>Man</th>
<th>Female</th>
<th>? (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992</td>
<td>62</td>
<td>17</td>
<td>31</td>
</tr>
<tr>
<td>1993</td>
<td>102</td>
<td>29</td>
<td>40</td>
</tr>
<tr>
<td>1994</td>
<td>73</td>
<td>24</td>
<td>4</td>
</tr>
<tr>
<td>1995</td>
<td>71</td>
<td>36</td>
<td>0</td>
</tr>
<tr>
<td>1996 (3)</td>
<td>20</td>
<td>11</td>
<td>0</td>
</tr>
</tbody>
</table>

(b) Age

<table>
<thead>
<tr>
<th>Applications since 1988</th>
<th>-15 years</th>
<th>15-19</th>
<th>20-24</th>
<th>25-29</th>
<th>30-34</th>
<th>35-49</th>
<th>40+</th>
</tr>
</thead>
<tbody>
<tr>
<td>684</td>
<td>31</td>
<td>149</td>
<td>220</td>
<td>140</td>
<td>80</td>
<td>25</td>
<td>39</td>
</tr>
</tbody>
</table>

---

(1) This note has been compiled with the collaboration of the Permanent Commission on Appeal for Refugees (PPCAR)

(2) Only since 1994 have particulars of the sex of asylum-seekers been systematically entered in the database.

(3) All 1996 figures given in this note refer to the first half of the year.
Whether an applicant is a minor must be determined on the basis of the applicant’s national law. This is, of course, a relative concept in a country lacking effective government authority, such as Somalia.

The Office of the Commissioner-General bases its approach on Article 16 of “Cittadinanza somala lege” No 28 of 22 December 1962 (B.U. of 22 December 1962 – suppl. 4 to No 12), which states that Somalis attain adulthood at 15 years of age. This also explains why so few unaccompanied minors apply for asylum.

<table>
<thead>
<tr>
<th>Year</th>
<th>Adults</th>
<th>Unaccompanied minors</th>
<th>Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992</td>
<td>109</td>
<td>1</td>
<td>14</td>
</tr>
<tr>
<td>1993</td>
<td>167</td>
<td>4</td>
<td>28</td>
</tr>
<tr>
<td>1994</td>
<td>94</td>
<td>6</td>
<td>13</td>
</tr>
<tr>
<td>1995</td>
<td>105</td>
<td>2</td>
<td>28</td>
</tr>
<tr>
<td>1996</td>
<td>46</td>
<td>1</td>
<td>17</td>
</tr>
</tbody>
</table>

(d) Religion

To date all applicants interviewed by the Office of the Commissioner-General have been Muslims.
(e) **Socio-professional origin**

The majority of male applicants are shepherds (nomads) or small traders. Some soldiers who were in Siad Barre's former army have also applied for asylum. As is customary in Somalia, women do not work outside the household.

(f) **Clan origin**

The majority of applications at the beginning of the 1990s (1992, 1993) came from members of the Darod clan (Marehan and Majerteen).

Increasingly more applications have come from Hawiyes (mainly the Haber Gedir, a clan of the Aideed) in recent years. Finally, some Isaaqis have applied for asylum.
(g) **Statistics**

(1) Admissibility stage

<table>
<thead>
<tr>
<th>Year</th>
<th>Applications</th>
<th>Aliens' Office dec.</th>
<th>OCG dec.</th>
<th>Total admissible</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Admissible</td>
<td>Inadmissible</td>
<td>Admissible</td>
</tr>
<tr>
<td>1992</td>
<td>110</td>
<td>38</td>
<td>71</td>
<td>52</td>
</tr>
<tr>
<td>1993</td>
<td>171</td>
<td>56</td>
<td>113</td>
<td>35</td>
</tr>
<tr>
<td>1994</td>
<td>101</td>
<td>7</td>
<td>91</td>
<td>33</td>
</tr>
<tr>
<td>1995</td>
<td>107</td>
<td>5</td>
<td>101</td>
<td>36</td>
</tr>
<tr>
<td>1996</td>
<td>31</td>
<td>2</td>
<td>28</td>
<td>6</td>
</tr>
</tbody>
</table>

First of all, it should be noted that the number of applications from Somalia has remained relatively stable at a little over 100 per year, peaking slightly in 1993.

It should be emphasized that the numbers concern persons *claiming* to be Somalis. In some cases their nationality is in doubt and the strong presumption is that they are inhabitants of Djibouti.

Consequently, the fact that in 1992 81% of asylum-seekers were declared admissible while the corresponding figure for 1995 was only 38% cannot be overlooked. How the decisions of the Belgian authorities have been influenced is discussed below (in point 2).
(2) Substantive stage

<table>
<thead>
<tr>
<th>Year</th>
<th>OCG decision</th>
<th>PCAR decision</th>
<th>Total recognized</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Recognized</td>
<td>Rejected</td>
<td>Recognized</td>
</tr>
<tr>
<td>1992</td>
<td>20</td>
<td>57</td>
<td>6</td>
</tr>
<tr>
<td>1993</td>
<td>21</td>
<td>53</td>
<td>1</td>
</tr>
<tr>
<td>1994</td>
<td>8</td>
<td>10</td>
<td>7</td>
</tr>
<tr>
<td>1995</td>
<td>5</td>
<td>7</td>
<td>0</td>
</tr>
<tr>
<td>1996</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

It cannot be denied that the percentage of recognitions has fallen. The reasons for this trend are explained below (see point 2).

A very important point (not apparent from the above table) to be noted is that most rejections at the level of the Office of the Commissioner-General fall in the so-called "technical rejection" category, i.e. they concern asylum-seekers whose files are closed because the authorities were unable to trace them. The suspicion remains that a number of them have continued on their journeys to other European countries.

32 applicants for refugee status brought appeals before the Permanent Commission on Appeal for Refugees against the refusal to grant refugee status over the period from 1992 to 15 August 1996. Altogether 13 rejections were confirmed and 7 overturned. 2 appeals were inadmissible and 7 are still being processed.
BELGIUM (continued)

(3) Conclusion

Knowing that most of the rejections, certainly at the level of the Office of the Commissioner-General, are essentially of a technical nature, it may be concluded from a comparison of these two tables that in the case of Somali files the emphasis in the decision-making process lies mainly in the admissibility stage.

DENMARK

Although all the listed groups are represented among Somali asylum applicants in Denmark, a large number tend to be men between 20 and 30 years of age. There are also some single parents accompanied by children.

Generally speaking all of them are Sunni Muslims.

There is a wide occupational spread among applicants, ranging from former civil servants to street traders and nomads.

Likewise, the clan spread is both considerable and variable. By and large all clans and ethnic minority groups are represented.

The number of applicants for asylum and acceptances from 1992 to 1995 is as follows:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;Voluntary&quot; asylum seekers:</td>
<td>896</td>
<td>1044</td>
<td>1572</td>
<td>1188</td>
</tr>
<tr>
<td>Acceptances:</td>
<td>608</td>
<td>952</td>
<td>767</td>
<td>1066</td>
</tr>
</tbody>
</table>

RESTREINT
Most applicants are male. Approximately one third of applicants are female. There are only a few married couples.

Most applicants are between 18 and 35 years of age.

Only a very small percentage of applicants are minors.

Unaccompanied minors tend to be the exception.

Almost all applicants are Muslim. Those who claim to be Christians turn out to be nationals of other African States pretending to be from Somalia.
- Socio-professional origin

For the most part, applicants come from relatively humble backgrounds. Male applicants usually claim to have had 4 to 8 years of elementary schooling. The women have in general had no schooling at all. As a result of the civil war many of the younger applicants have had only patchy schooling. Only a few have any vocational training. Many were previously employed – although often on only a casual basis – as small traders, herdsmen, farmers or mechanics.

Applicants occasionally claim that their families were prosperous before the civil war.

- Clan origin

Applicants belong to many different clans; the most common are the Hawiye, Midgan and Marehan.

- Number of applications (and acceptance/rejection figures/rates) for 1995, 1994, 1993 and 1992

<table>
<thead>
<tr>
<th>Period</th>
<th>Applications received</th>
<th>Total decisions</th>
<th>Recognitions</th>
<th>Rejections</th>
<th>Other action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992</td>
<td>2 751</td>
<td>970</td>
<td>10</td>
<td>804</td>
<td>156</td>
</tr>
<tr>
<td>1993</td>
<td>1 577</td>
<td>2 268</td>
<td>5</td>
<td>1 370</td>
<td>893</td>
</tr>
<tr>
<td>1994</td>
<td>896</td>
<td>3 360</td>
<td>4</td>
<td>2 666</td>
<td>690</td>
</tr>
<tr>
<td>1995</td>
<td>1 124</td>
<td>1 697</td>
<td>7</td>
<td>1 588</td>
<td>102</td>
</tr>
</tbody>
</table>

Statistics based on information from the Federal Office for the Recognition of Foreign Refugees
Nombre de demandes d’asile de la part des citoyens de la Somalie et nombre de reconnus

<table>
<thead>
<tr>
<th>Année</th>
<th>Demandes</th>
<th>Reconnus</th>
<th>Commentaires</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1993</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1994</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1995</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1996</td>
<td>1</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Vu le nombre réduit de demandes d’asile de ce pays, la réponse aux autres questions est inutile.
SPAIN

Applicant profile: two groups of applicants can be clearly distinguished: individual applicants and family groups. In the case of individual applicants, almost 100% are young men (under the age of 35), applications for asylum by women or older single persons being very unusual. The family groups are usually large families (the average number of family members is four) and there are not many married couples without children; heads of family are usually over the age of 35. No applications have been received from unaccompanied minors. They are practically all Muslims. Most claim to have been involved in commerce in their country, there are usually no applicants with skilled trades and many young people say that they are students. There is no predominant ethnic group among the asylum-seekers in Spain.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>applicants*</td>
<td>39</td>
<td>73</td>
<td>66</td>
<td>32</td>
</tr>
<tr>
<td>status granted</td>
<td>41</td>
<td>9</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>status refused</td>
<td>52</td>
<td>65</td>
<td>44</td>
<td>12</td>
</tr>
<tr>
<td>residence on humanitarian grounds</td>
<td>-</td>
<td>-</td>
<td>9</td>
<td>10</td>
</tr>
</tbody>
</table>

* There are African applicants who pass themselves off as Somalis and are counted under that nationality. It is impossible to specify their exact number.
Homme seul (généralement célibataire) ou femme d’environ 30 ans accompagnée de ses enfants (les demandes émanant de couples ou de mineur sont rares).

- Tous sont musulmans

- La plupart sont originaires de Mogadiscio (pas d’origine socio-professionnelle spécifique).

- Invoquent essentiellement l’appartenance:
  - au clan Marehan, clan de Syad BARRE;
  - au clan Rahanwein, dont le territoire correspond à la zone de Ba’idoa que les français ont occupé dans le cadre de l’opération “rendre l’espoir” après la famine de l’été
  - au clan Galkalè, dont les membres ont été massacrés à Mogadiscio, à l’automne 1990 et au début 1991
  - et au clan Midgan, clan d’”intouchables” réparti sur tout le territoire somalien.
### FRANCE (continued)

#### Demande en chiffres

<table>
<thead>
<tr>
<th>Année</th>
<th>Nombre de demandes</th>
<th>Nombre de décisions</th>
<th>Taux d'accord (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992</td>
<td>190</td>
<td>76</td>
<td>89,5</td>
</tr>
<tr>
<td>1993</td>
<td>1077</td>
<td>374</td>
<td>78,6</td>
</tr>
<tr>
<td>1994</td>
<td>223</td>
<td>599</td>
<td>10,8</td>
</tr>
<tr>
<td>1995</td>
<td>92</td>
<td>481</td>
<td>11,6</td>
</tr>
</tbody>
</table>

Ces données tiennent compte de l'application du principe de l'unité de famille.

### IRELAND

#### Number of applications

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td>6</td>
<td>5</td>
<td>30</td>
<td>24</td>
</tr>
</tbody>
</table>

(to30/6)
RESTREINT

IRELAND (continued)

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>male</td>
<td>31</td>
</tr>
<tr>
<td>female</td>
<td>11</td>
</tr>
<tr>
<td>average age</td>
<td>20 - 30</td>
</tr>
<tr>
<td>minors</td>
<td>4</td>
</tr>
<tr>
<td>unaccompanied minors</td>
<td>nil</td>
</tr>
<tr>
<td>religion</td>
<td>Muslim</td>
</tr>
</tbody>
</table>

socio-professional origin:

1 bank clerk
2 housewives
2 drivers
1 trader
30 unemployed
1 biologist
1 public servant
2 engineers
1 farmer
1 waiter

Clan origin:

Darod 22
Dulbahante 3
Geledi 2
Issaq 10
Midgan 1
Marehan 3
Ogaden 1
### PROFILE OF THE 24 APPLICANTS FROM 1/1/96 TO 30/6/96

<table>
<thead>
<tr>
<th></th>
<th>1996 = 24 (to 30/6)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>male 21</td>
</tr>
<tr>
<td></td>
<td>female 3</td>
</tr>
<tr>
<td></td>
<td>average age 20 - 30</td>
</tr>
<tr>
<td></td>
<td>minors 2</td>
</tr>
<tr>
<td></td>
<td>(included in 24 above)</td>
</tr>
<tr>
<td></td>
<td>unaccompanied minors nil</td>
</tr>
<tr>
<td></td>
<td>religion Muslim</td>
</tr>
</tbody>
</table>

### socio-professional origin:
5 fishermen
1 housewife
2 traders
10 unemployed
1 hairdresser
1 vet
3 farmers
1 waiter

### Clan origin:

<table>
<thead>
<tr>
<th>Clan</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bajuni</td>
<td>17</td>
</tr>
<tr>
<td>Darod</td>
<td>4</td>
</tr>
<tr>
<td>Geledi</td>
<td>1</td>
</tr>
<tr>
<td>Midgan</td>
<td>1</td>
</tr>
<tr>
<td>Ogaden</td>
<td>1</td>
</tr>
</tbody>
</table>
### ITALY

- Demandeurs d’asile de nationalité somalienne

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>M</td>
<td>133</td>
<td>22</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>F</td>
<td>244</td>
<td>14</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>377</td>
<td>36</td>
<td>12</td>
<td>7</td>
</tr>
</tbody>
</table>
Demandeurs d’asile de nationalité somalienne à qui le statut de réfugié a été accordé :

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>11</td>
<td>2</td>
<td>5</td>
<td>1</td>
</tr>
</tbody>
</table>

Mineurs non accompagnés

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>38</td>
<td>8</td>
<td>2</td>
<td>0</td>
</tr>
</tbody>
</table>

Mineurs accompagnés

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>109</td>
<td>13</td>
<td>3</td>
<td>3</td>
</tr>
</tbody>
</table>

Age moyen

de 30 à 40 ans

Religion

Tous sont de religion musulmane.

Origine socio-professionnelle

A quelques exceptions près, ils sont de condition socio-professionnelle modeste (chômeurs, ménagères, etc.).
### Ethnie

<table>
<thead>
<tr>
<th></th>
<th>1993</th>
<th>1994</th>
<th>1995</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non déclarée</td>
<td>32</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>Brava</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Darod</td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Marehan</td>
<td>0</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Midgan</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Reer Hamar</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Abgaal</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>

### LUXEMBURG

- 

### NETHERLANDS

- 

---
AUSTRIA

Male: 77%
Female: 23%
Average age: 25 to 35
Minors: about 25%
Religion: about 90% Muslims and about 3% Christians
Socio-professional origin: teachers, tradespeople, technicians, farmers and civil servants
Clan origin: Ishaak, Hawiya and Darod

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of applications for asylum</th>
<th>Number of procedures completed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>asylm granted</td>
</tr>
<tr>
<td>1992</td>
<td>94</td>
<td>10</td>
</tr>
<tr>
<td>1993</td>
<td>72</td>
<td>2</td>
</tr>
<tr>
<td>1994</td>
<td>67</td>
<td>8</td>
</tr>
<tr>
<td>1995</td>
<td>34</td>
<td>1</td>
</tr>
</tbody>
</table>
PORTUGAL

Portugal has received only two applications for asylum from Somali nationals, one in 1990 and the other in 1993.

Applicant profile:

two males, in their thirties, without dependent relatives.
Both said they were Muslims and that they belonged to the Issak clan.
### Statistics

<table>
<thead>
<tr>
<th>Year</th>
<th>Applications</th>
<th>Decisions</th>
<th>Convention Status</th>
<th>Other status (de facto or humanitarian)</th>
<th>Rejected</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>First instance</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1992</td>
<td>158</td>
<td>85</td>
<td>5</td>
<td>71</td>
<td>-</td>
</tr>
<tr>
<td>1993</td>
<td>137</td>
<td>179</td>
<td>-</td>
<td>81</td>
<td>1</td>
</tr>
<tr>
<td>1994</td>
<td>148</td>
<td>149</td>
<td>-</td>
<td>81</td>
<td>64</td>
</tr>
<tr>
<td>1995</td>
<td>128</td>
<td>112</td>
<td>-</td>
<td>76</td>
<td>7</td>
</tr>
</tbody>
</table>
| **Appeal board**  
(can only grant asylum or de facto-status, but not humanitarian status) |
| 1992 | 153          | 12        | 113 (de facto)    | 18                                       |
| 1993 | 5            | -         | 9 (de facto)      | 2                                        |
| 1994 | 5            | -         | -                 | 5                                        |
| 1995 | 56           | -         | 2 (de facto)      | 48                                       |
The first Somalian asylum-seekers to arrive in Finland (90/91/92) were youngish single men. Later, persons in all ages, also families, came to Finland. During the past few years (94/95/96), a lot of minor children have come.

In practice, all the applicants have been Muslims.

The applicants represent the middle class, most of the men are businessmen and almost all the women are housewives. There are also civil servants among the applicants: teachers, policemen, soldiers. Students are also represented.

During the past few years (93/94/95/96) especially, many Darods (Marehan) have arrived from Mogadishu and Central Somalia. During the first few years (90/91/92) many applicants came from Somaliland, and they were Issacs. There were also many Hawiya applicants in the early nineties.
The numbers of applications from unaccompanied children aged 17 or under received at ports are as follows:

<table>
<thead>
<tr>
<th>Age group</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 18</td>
<td>5 %</td>
</tr>
<tr>
<td>18 to 24</td>
<td>25 %</td>
</tr>
<tr>
<td>25 to 34</td>
<td>50 %</td>
</tr>
<tr>
<td>35 to 49</td>
<td>15 %</td>
</tr>
<tr>
<td>50 +</td>
<td>5 %</td>
</tr>
<tr>
<td>Total</td>
<td>100 %</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Gender</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>55 %</td>
</tr>
<tr>
<td>Female</td>
<td>45 %</td>
</tr>
<tr>
<td>Total</td>
<td>100 %</td>
</tr>
</tbody>
</table>

In 1995, the first year for which figures are available, 8 in-country applications were received. The number of applications, acceptance and rejections are as follows:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>64</td>
<td>79</td>
<td>38</td>
<td>53</td>
</tr>
</tbody>
</table>

9908/1/96  DL/bb  EN  24
**UNITED KINGDOM** (continued)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of applications*</td>
<td>3465</td>
<td>1840</td>
<td>1465</td>
<td>1575</td>
</tr>
<tr>
<td>Granted asylum**</td>
<td>10</td>
<td>5</td>
<td>45</td>
<td>25</td>
</tr>
<tr>
<td>Granted exceptional leave**</td>
<td>2205</td>
<td>1575</td>
<td>3075</td>
<td>2210</td>
</tr>
<tr>
<td>Refused asylum and exceptional leave**</td>
<td>185</td>
<td>150</td>
<td>210</td>
<td>320</td>
</tr>
</tbody>
</table>

* Excluding dependants
** These figures do not necessarily refer to applications made in that year.

No separate details are kept in respect of religion, socio-professional origin or clan origin:
Reasons given:
- membership of a party or political organisation or trade union
- religious affiliation
- situation of ethnic minorities
- ethnic conflicts, including statelessness
- persecution by other clan groups
- other reasons (e.g., human rights violations)

BELGIUM

All Somalis without exception claim motives imputable to their clan membership. Even if they state that they are members of a political organization such as the United Somali Congress (USC), it is not their political convictions as such but, rather, their membership of the Hawiye clan which is at the root of their problems with the Darods.

The same applies to women who are injured, raped or persecuted. This also occurs as a result of their clan origins.

Belgium has not yet received applications for asylum on the grounds of religious conviction, trade union activity, ...

Clan persecution takes various forms.
- Darods are persecuted by all Hawiye;
- Hawiyes (Haber Gedir, a clan of the Aideed) are persecuted by other Hawiyes (Abgal, a clan of the Ali Ma'ahdi) and vice versa;
- Issaqis are persecuted by all Hawiye.
DENMARK

The overwhelming reason given for seeking asylum is the general situation in the country, with a civil war and poor security.

GERMANY

- Membership of a party or political organization or trade union

Applicants do not usually base their applications on political activity in parties or other organizations.

- Religious affiliation

Persecution on religious grounds is not cited.

- Situation of ethnic minorities

Applicants do not usually allege persecution or infringement of their rights because they come from an ethnic minority.

- Ethnic conflicts, including statelessness

Danger from ethnic conflicts is not generally cited as a reason for taking flight.

- Persecution by other clan groups

Applicants often base their applications on fear of violent attack, such as arbitrary arrest, killing and plunder by members of enemy clans.
Other grounds (e.g. human rights violations)

The majority of asylum seekers invoke the threat to their personal survival as a result of the civil war and the anarchic conditions, citing lack of personal safety, loss of property and shortage of food.

GREECE

SPAIN

The reason given by almost all applicants for leaving their country is the situation of conflict and war prevailing there. Persecution for political opinions or religious beliefs is rarely claimed, nor are ethnic reasons cited. They are simply fleeing from the chaos and the armed conflict in Somalia. None of them say that they came from refugee camps in the area.

FRANCE

Ils invoquent essentiellement des persécutions de la part d’autres groupes claniques.

IRELAND

All claims are based on the civil unrest and violence against their clan or sub-clan.
ITALY

Persécutions collectives dues à des conflits ethniques et peur de l’insécurité générale régnant dans le pays en raison de la guerre civile.
Dans un seul cas, liens avec le régime de Siad Barre.

LUXEMBURG

Netherlands

AUSTRIA

Nearly all applicants gave the general state of civil war or the general human rights situation in their home country as their grounds for asylum.
Ethnic conflicts related to clan origin or persecution by members of other clans were also often claimed.
On the other hand, political activities were rarely mentioned and religious grounds hardly ever.

PORTUGAL

Situation of generalized armed conflict experienced in Somalia.
FINLAND

The most usual ground that the applicants have appealed to is civil war and unstable circumstances in Somalia.

At first they also appealed for instance to the fact that they belonged to a political group (e.g. SNM (Issac), USG (Hawiye).

Practically no one has appealed to religious grounds.

Those who belong to sub-clans have appealed to persecution by the other clans, e.g. Midgan.

The persons coming from Ogaden have appealed to their difficulties due to their unclear regional position (between Somalia and Ethiopia).

A ground that has been regularly appealed to is persecution by another clan. For instance, those who belong to Siad Barre’s clan, Darod/Marehan, have told that the other clans have been persecuting them after Siad Barre lost his power.

Other reasons: civil war, instability, no possibilities for earning one’s living, assaults, sexual violence, illnesses, hunger.

SWEDEN

UNITED KINGDOM

There are reasons some or all of which we may take into account in individual cases, but no separate statistics are kept.
How did the applicant leave his country of origin (specify place of origin)

BELGIUM

1. (C-D-E) Route taken

In general, Somali asylum-seekers use four different routes to Belgium:

(a) the most common route takes them by lorry, on foot and sometimes by boat (Kismayo-Mombasa) to Nairobi, where they board a Sabena flight to Belgium.

(b) more exceptionally, the route is via Ethiopia, to which they travel on foot or by lorry, subsequently taking the plane.

(c) A third route takes them via Djibouti to Paris, where they take a flight or train or travel by car to Belgium.

(d) Finally, there is the Arabian alternative, involving a flight bringing them via Abu Dhabi or Dubai to Belgium.

Most applicants have family members in western countries whom they also wish to join. It is the latter who pay for their journey.

DENMARK

The majority of asylum applicants from southern Somalia left the country on foot or by car, crossing the land border to Kenya, or went by sea. A few went to Ethiopia.
GERMANY

As a rule, applicants leave Somalia by lorry, usually for Ethiopia, more rarely for Kenya. Sometimes asylum-seekers take the boat to Kenya or Ethiopia.

Recently some applicants have claimed to have flown from Mogadishu airport travelling on planes used for drugs transport.

Applicants come from all over Somalia, although people from Mogadishu and environs are the most common.

GREECE

Most of the applicants are from Mogadishu and southern Somalia. No applicants state that they come from Somaliland. They leave Somalia by car, lorry or bus, crossing the frontiers with Ethiopia and Kenya without undergoing any kind of control (a very small percentage leave Somalia for countries in the Arabian peninsula: Yemen or Saudi Arabia). They contact illegal immigration networks in Kenya which provide them with false passports and documents. Thence they use two routes: some arrive directly at Madrid airport by aeroplane and apply for asylum or say that they arrived in Lisbon and entered Spain via Portugal; others reach Morocco by air or over land and cross the border with Ceuta or Melilla illegally or cross the Straits of Gibraltar in "patera" boats. Practically all of them arrive using illegal immigration networks. They get rid of the false documents before applying for asylum, which is why they normally have no papers.

RESTREINT
FRANCE

En direction de l’Ethiopie ou du Kenya par les voies terrestres, le plus généralement.

IRELAND

All applicants left Somalia by first travelling to Mogadishu or to Djibouti.

ITALY

A l’exception de deux personnes qui étaient en Italie pour études, tous sont sortis illégalement du pays.

LUXEMBURG

-

NETHERLANDS

-

AUSTRIA

As a rule, applicants left their home country on foot or by car or lorry for Kenya or Ethiopia. In many cases, the Mogadishu region was given as their place of origin.
PORTUGAL

- Stowed away on a ship (Mogadishu – Lisbon)
  
  Left country legally by air (Mogadishu – Rabat) and sea (Rabat – Faro).

FINLAND

According to their statement, the first Somalis who came to Finland (90/91), usually took a flight from Mogadishu. Later these people have left their country to neighbouring countries by land or by sea.

SWEDEN

UNITED KINGDOM

We are usually reliant upon the applicant’s accounts of the method and place of departure from the country of origin. In a large proportion of cases the applicant will present himself, either at the port of entry or after having entered the United Kingdom, without any documentation. In these cases it is difficult to corroborate the accounts provided. However, the majority of Somali asylum seekers appear to travel via Kenya initially, with smaller numbers coming to the United Kingdom via Ethiopia and Djibouti. Most accounts are of overland journeys from Somalia. Nevertheless, we are aware that the possibility also exists of departures from the sea ports, depending on militia activity at any given time in areas such as Mogadishu. In addition, this year (1996) some applicants have given various accounts of flights by chartered airlines from Somalia. We are aware that the Djibouti-based Daallo Airlines have flown out of Somalia over the past few months. They currently fly from Mogadishu to Jeddah and Dubai, but have ceased to fly from Somalia to Djibouti since June.
Route taken after leaving the country of origin
- means, routes and border-crossings
- presented documents at border controls
- shorter or longer stay in other countries

BELGIUM

see 1 c)

DENMARK

A number of Somali asylum applicants claim to have travelled to Denmark via Russia, others arriving via other European countries such as Italy, the Netherlands and Germany.

Generally speaking, all of them arrive in Denmark without any travel documents. They claim to have crossed the borders without any documents or to have disposed of them before arriving in Denmark.

A large number of Somali asylum applicants have lived for some time in Kenya.
- **Means, routes and border-crossings**

  Usually by direct flight to Germany from the neighbouring countries of Ethiopia or Kenya.

  A small percentage of asylum seekers fly first to Belgium, Italy or the Netherlands and continue their journey to Germany overland. The journeys are usually organized and accompanied by facilitators.

- **Documents presented at border controls**

  According to asylum-seekers, forged Ethiopian passports provided by facilitators are usually used to get past border control posts at airports. Applicants usually claim to have destroyed the passports after entering the country or to have returned them to the courier.

- **Short or long stay in other countries**

  Departure from Somalia is usually followed by a relatively long period in neighbouring countries, usually Ethiopia, but sometimes Kenya. Applicants often spend years in refugee camps in these countries. According to applicants, the journey on to Germany is usually undertaken because of the harsh living conditions in the camps or because they never intended to stay long in the camps in the first place.

**GREECE**
SPAIN

see question 1 c)

FRANCE

Pour le Sud, le passage de la frontière somalo-kényane à Mandera ou Liboyo.

Pour le Nord, le passage de la frontière somalo-éthiopienne en direction de Jijiga (Ethiopie).

Il peut aussi parfois s’agir de Djibouti ou du Yemen.

De fait, depuis janvier 1991, la durée du séjour dans un pays tiers s’allonge. On a également récemment assisté à une diversification des provenances.

IRELAND

Means, routes and border-crossings

Those leaving from Mogadishu travelled by the following routes:

1 person travelled by boat to Kenya, truck to Nairobi, flight to Amsterdam and flight to Dublin;
23 travelled by truck/bus/car to Addis Ababa - flight to Amman - flight to Moscow - flight to Ireland;
3 travelled to Nairobi - Johannesburg - Dublin;
4 travelled by boat to Kuwait flight to Moscow - Ireland;
1 boat to Yamen flight to Rome - Dublin;
2 travelled by boat to Algeria and from there to Ireland by ship (stowaway);

Those leaving from Djibouti travelled as follows:
8 travelled to Ireland by ship as stowaways.
Presented Documents at border controls
A small number had genuine passports but overall false passports were used - supplied by agents and taken from the individuals when they reached Ireland.

Shorter or longer stay in other countries
Short stays.

ITALY

A partir du Kenya, du Yemen, de l’Egypte, essentiellement par bateau ou par avion.

LUXEMBURG

NETHERLANDS

AUSTRIA

From Kenya or Ethiopia (in some cases after further stopovers in Sudan and Egypt) and sometimes by way of Djibouti, the United Arab Emirates (Dubai), Saudi Arabia or Yemen, applicants frequently travelled by air to Italy and on from there by land to Austria.

Asylum-seekers often spent some time in African third countries in particular.
PORTUGAL

One applicant entered lawfully by sea, at the port of Faro (Algarve), with a valid passport and visa.
Route taken: Mogadishu (plane) – Rabat (ship) – Faro.
He remained legally in Rabat for about 3 years, as a university student.

The second entered Portugal illegally.
He said he had stowed away in Mogadishu on a ship bound for Lisbon.

FINLAND

The first applicants (90/91/92) have, according to their own statement, taken a direct flight from Mogadishu to Moscow, and almost immediately continued from there to Finland, or stayed periods of varied duration in Russia before coming to Finland. Many of them have first stayed for several months, e.g. in African countries, Arab countries or in India.

The first applicants coming to Finland from Russia (90/91) had forged visas to Finland in their Somalian passports. During the last few years (94/95/96), the applicants have usually had no documents when applying for asylum.

It is obvious that many of those applicants who came from Russia (especially in 90/91/92) had stayed long periods in Russia before entering Finland.

In 92/93/94 "wrong persons" (i.e. not the real family members) were admitted through family reunification. Since then more thorough screening has been introduced.

SWEDEN
It is often the case that we lack any documentation provided by the applicant from which routes taken can be verified. However, of those applicants who do provide a national passport, a few present Somali passports which have long expired and are without any endorsements which might indicate the route of their journey. Other Somali passports are apparently genuine documents which have been fraudulently issued, sometimes by Somali nationals still occupying Somali embassies post Barré. These, once again, rarely bear border control endorsements and are produced solely as a means to attempt to prove Somali nationality. Accounts of routes taken by other applicants can usually only be substantiated if they carry documentation of an alternative, non-Somali nationality. For example, a high proportion of this alleged false documentation over recent years has been Kenyan. However, the documents, again, tend to be used only for the journey from the third country to the United Kingdom and do not depict any other journey details.
\textit{Question 1 e):}

\textit{Were applications made on entry to state or in-country?}

\textbf{BELGIUM}

see 1 c)

\textbf{DENMARK}

Normally applicants from Somalia do not apply for asylum on entry but apply afterwards to the Sandhøm registration centre in Birkerød. Applicants will therefore have lived for some time in Denmark before applying for asylum.

\textbf{GERMANY}

Asylum applications are usually made direct to the relevant authorities within the country. Only when entry is via Frankfurt airport is it more usual for applicants to apply for asylum at the border control post.

\textbf{GREECE}

\textbf{SPAIN}

33\% of the applications are made at the national point of entry, usually Madrid airport. Those who apply once within national territory have succeeded in entering illegally or have no documents accrediting their legal entry.
Un grand nombre des demandes d'asile déposées en France l'ont été à partir de l'aéroport de Roissy.

Il est fréquemment indiqué que le billet d'avion a été financé par un parent expatrié depuis longtemps (le plus souvent États-Unis, Canada).

**IRELAND**

17 on entry to state
25 in-country

**ITALY**

Les demandes ont été présentées au moment de l'entrée en Italie, sauf dans le cas des deux personnes qui se trouvaient en Italie pour études.

**LUXEMBURG**


**NETHERLANDS**


**AUSTRIA**

Applications were submitted inside the country at the Federal Asylum Office.
The first applications (90/91/92) were made on the border when the applicants entered Finland from Russia. During the past few years (93/94/95/96) the applicants have submitted their applications to some police district after having stayed a while in Finland.

Many of the applicants that have arrived during the past few years (94/95/96) have told that they came from Russia, though they have actually come from the west. Many applicants have told that they came straight from Africa via some European airport.
RESTREINT UNITED KINGDOM

<table>
<thead>
<tr>
<th>Applications made*</th>
<th>1995 (%)</th>
<th>1994 (%)</th>
<th>1993 (%)</th>
<th>1992 (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>On entry</td>
<td>1040 (30)</td>
<td>785 (43)</td>
<td>675 (46)</td>
<td>890 (57)</td>
</tr>
<tr>
<td>In-country</td>
<td>2425 (70)</td>
<td>1055 (57)</td>
<td>785 (54)</td>
<td>685 (43)</td>
</tr>
</tbody>
</table>

* The above figures exclude dependants.
Documents produced in support of the application:

- type of documents produced of the applicants
- authenticity of same

BELGIUM

The 1996 files (a total of 36) were consulted, by way of a sample, to obtain a picture of the documents available.

Results showed that 85% of the applicants had no documents whatsoever, only 1 had a genuine passport with a visa and 3 were in possession of forged or borrowed passports.

Interview reports also showed that those with no documents whatsoever in their possession had destroyed or thrown away borrowed passports or had returned them to the facilitators.

In addition, certain individuals still had a Somali identity card, driving licence, birth certificate or forged residence permit.

It may be concluded, therefore, that Somali files are characterized by the absence of genuine documents, on the one hand, and the disposal of borrowed and/or forged documents, on the other hand.
**RESTREINT**

**BELGIUM** (continued)

Figures for the sample:

<table>
<thead>
<tr>
<th>Files examined</th>
<th>36</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid passport and visa</td>
<td>1</td>
</tr>
<tr>
<td>No documents whatsoever</td>
<td>30</td>
</tr>
<tr>
<td>Somali identity card</td>
<td>2</td>
</tr>
<tr>
<td>Forged or borrowed passport</td>
<td>3</td>
</tr>
<tr>
<td>Driving licence</td>
<td>1</td>
</tr>
<tr>
<td>Birth certificate</td>
<td>1</td>
</tr>
<tr>
<td>Forged residence permit</td>
<td>1</td>
</tr>
</tbody>
</table>

**DENMARK**

There are usually no documents to support an asylum application or the applicant's stated identity. Insofar as such documents are produced, they are generally not taken as authoritative in dealing with the case since Somalia has no recognized central authority responsible for issuing such documents.

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9908/1/96  DL/bb
DG H/1  EN  46
type of documents produced by the applicants

Documents are hardly ever produced in support of an application, the only exception being applicants who are merely pretending to be from Somalia, but really come from another African country. They often produce personal papers and other documents as evidence of persecution which purport to be Somali.

Authenticity of same

Where applicants who claim to be Somali nationals produce documents, they are always forgeries.

GREECE

SPAIN

They usually bring no personal documents issued in Somalia although they sometimes produce Somali passports obtained at embassies, even after their arrival in Spain.
Du fait du chaos engendré par l’état de guerre (fuite hors de Mogadiscio) et de l’absence de toute administration qui s’en est suivie, tous les passeports et la plupart des cartes d’identité présentés sont faux.
En particulier, les passeports authentiques sont très rares et leur présentation laisse supposer que leurs détenteurs se trouvaient à l’étranger lors du déclenchement de la guerre.

Par ailleurs, il circule un grand nombre de "vrais-faux" passeports que les fonctionnaires somaliens, notamment dans les Ambassades à l’étranger, ont vendu, éventuellement à des non Somalis, après l’effondrement des structures étatiques.

IRELAND

Many applicants produce reports on the situation in Somalia issued by Amnesty or other agencies. No documents produced to support individual applications.

ITALY

Deux passeports authentiques. Les autres n’avaient pas de documents ou étaient en possession de faux passeports.
Documents were hardly ever produced in support of the application.

One applicant produced a valid passport with a tourist visa issued by the Portuguese Consulate in Rabat, Morocco.

The other one did not produce any documents.

The Somalis have presented, e.g. passports, driving licences, membership cards of various organizations, various certificates of studies.

During the first few years (90/91/92/93) the applicants presented Somali passports. During the past few years (95/96), the applicants have not always had any travel documents. Some applicants have used passports of some other countries, e.g. Kenya and Tanzania. When meeting the authorities, the Somalis have also presented various certificates, like birth and marriage certificates, which have usually been established to be forgeries.
The Kenyan documents which are produced in support of an application are usually regarded as authentic documents. The applicants invariably provide accounts of having purchased them from officials in Kenya by means of bribes. However, we understand that the acquisition of a Kenyan passport by a non-Kenyan would be extremely difficult, and if it were possible would be likely to involve the transfer of sizeable funds. Although we understand that the Kenyan government is introducing an ‘identity card’ scheme for their own nationals, involving the requirement to provide evidence of birth of both applicant and his father in Kenya, this seems unlikely to readily assist in establishing whether an existing passport has been genuinely issued. We understand that not all Kenyans over the age of 18 years have necessarily yet been issued with the identity cards, and that the issuing authorities for passports and identity cards are separate. Fewer Somali applications are received with accompanying documentation from other countries, but in the past those which have represented a pattern have included Tanzania, Ethiopia and Djibouti.
Question 2:
Assessment of applications in accordance with the Geneva Convention.

a) Do you regard, or have you regarded, Somalia as a country where there are no grounds to assume there might be persecution?

Do you take, or have you taken, the view that the situation in Somalia is such that there are no, or have not been any, authorities in the country from whom persecution might emanate?

BELGIUM

The Belgian authorities have always regarded Somalia as a country in which serious grounds for persecution exist (mainly on the basis of clan rivalries).

Since the end of 1993, however, the Office of the Commissioner-General has taken sterner action regarding inconsistencies and serious contradictions and in such cases an applicant cannot be regarded as having possibly or actually been identified as a victim of persecution.

This fact explains why the number of decisions as to admissibility has fallen over the years. Finally, there remains the very strong presumption, indeed near certainty, of other nationality involvement in a number of cases (Djibouti).

It is assumed that the Somali State as such no longer exists. The warlords have taken over control. There is consequently no persecution by official authorities in Somalia. Any persecution there emanates from the de facto authorities or third parties.
BELGIUM (continued)

It may be deduced from the Permanent Commission on Appeal’s case law rulings that clan structures are perceived by their members as de facto authorities possibly able to afford protection. However, no closer definition of this concept is provided.

DENMARK

No, but the grounds for seeking asylum adduced by the Geneva Convention are invoked extremely rarely. However, the general situation in Somalia is considered to be so serious that Somali citizens are for the time being to be regarded as de facto refugees.

GERMANY

There is no political persecution as such in Somalia, i.e. no violation of human rights by the State or attributable to the State specifically on grounds such as would qualify the victims for asylum.

Since the overthrow of Siad Barres in January 1991 there is no longer any functioning state power, either at national or regional level. The political situation is marked by the continuing civil war between the different clan groups and the resultant state of anarchy. There is no question of granting asylum here, as the Somali state has ceased to exist in terms of any overall, effective authority.
GERMANY (continued)

The various parties to the civil war, even the so-called "Republic of Somaliland", which is not internationally recognized, have not established any state-like ruling structure that could be equated to state power in the territories they control. As a result of the civil war, Somalia consists of a multiplicity of constantly changing areas of influence, ruled by clans or political factions which do not exercise any quasi-state sovereignty in the clan areas.

GREECE

SPAIN (a, b, c)

Asylum applicants from Somalia are not covered by the grounds for persecution provided for in the 1951 Geneva Convention as they do not claim specific personal persecution. It is possible that situations of persecution as provided for in the Convention may arise in Somalia but as far as Spain is concerned we have not encountered any such cases in the last few years. The fact that no de facto legal authority exists does not rule out absolutely the possible existence of a particular case of persecution as provided for in the 1951 Geneva Convention.
Dans une décision de principe du 26 novembre 1993 confirmée par une décision de même portée le 28 février 1995, la Commission des Recours des Réfugiés, qui exerce un contrôle juridictionnel des décisions négatives de l’Office, a considéré que "dans la situation qui règne actuellement en Somalie, les craintes exprimées par ses ressortissants sont liées au climat généralisé d’anarchie qui prévaut dans ce pays où, en dépit des efforts entrepris par l’Organisation des Nations Unies pour restaurer l’existence d’un pouvoir légal, des clans, sous clans et factions d’une même ethnie luttent pour créer ou étendre des zones d’influence à l’intérieur du territoire national sans être toutefois en mesure d’exercer dans ces zones un pouvoir organisé qui permettrait, le cas échéant, de les regarder comme des autorités de fait; que ces craintes ne peuvent, en conséquence, être assimilées à des craintes de persécutions au sens des stipulations précitées de la Convention de Genève, lesquelles subordonnent la reconnaissance de la qualité de réfugié à l’existence de craintes personnelles de persécutions émanant des autorités du pays dont le demandeur a la nationalité ou encouragées ou volontairement tolérées par ces autorités".

Toutefois, compte tenu de l’évolution des situations rencontrées, plus particulièrement au regard de la région d’origine précise des demandeurs, l’Office a parfois été conduit, en écho d’ailleurs à quelques décisions isolées de la Commission, à donner de cette jurisprudence une interprétation plus nuancée.
La qualité de réfugié a ainsi pu être reconnue, notamment, dans de rares cas de ressortissants somaliens en provenance du Somaliland, où l’Office considère que les présidences successives de ABDURAHMAN "TUR" ADHMED ALI et de MOHAMED IBRAHIM EGAL constituent des autorités de fait depuis mai 1991, date de la proclamation unilatérale d’indépendance du Somaliland. Dans cette région, les affrontements entre les Issak Haber Yonis, clan de ABDURAHMAN "TUR" AHMED ALI, et les Issak Haber Hawal, clan de l’actuel président, rendent la situation des Haber Yonis telle qu’ils sont susceptibles, avec les membres de certains clans minoritaires qui leur sont traditionnellement rattachés, d’entrer dans le champ de la Convention de Genève.

De même, dans ce contexte, l’Office a procédé à quelques admission au statut de réfugié en faveur des femmes somaliennes, victimes de violences sexuelles particulièrement graves.


**IRELAND** (a, b, c)

At present all our cases are assessed by the UNHCR.
On cherche à déterminer si les divers éléments de chaque dossier sont à considérer comme constituant une persécution au sens de la Convention de Genève ou si la présence de plusieurs éléments pris dans leur ensemble doit réellement être considérée comme constituant une persécution à l'égard du demandeur d'asile.
Le concept d'asile interne n'a pas été appliqué.

LUXEMBURG

NETHERLANDS

AUSTRIA

No.
Somalia is in a state of general anarchy and there are no authorities in the customary sense of the word.
Regarding this question, it is again pointed out that Portugal has received only two applications for asylum, the last one in 1993. Both applications were rejected, since the reasons given – a situation of generalized conflict – do not constitute a proper basis for granting refugee status. In one of the cases, however, it was decided to give the applicant leave to stay on humanitarian grounds, after examination of the general situation prevailing in Somalia. Nevertheless, the individual concerned never learned of this decision, since his whereabouts were unknown.

FINLAND

Somalia has at not stage been considered to be a country where persecution cannot exist. According to the Finnish asylum practice, persecution by definition can be the act of both a State organ and a non-State entity/agent.

It may be considered that persecution by the authorities was possible during Siad Barre’s regime (ended in January 1991) when Somalia had central administration and administrative authorities.

After that, Somalia has not had any functioning central administration and administrative machinery. At this stage, persecution by the authorities cannot even be regarded as conceptually possible.

SWEDEN
The answer to both questions is "yes", but we do, of course, assess each case on its individual merits. We take the view, however, that no central authority exists which could be interpreted as being capable of persecution.
How do you assess applications from asylum applicants that mainly invoke:

- political activities leading to persecution on one or more of the grounds set out in Art. 1A(2) of the Geneva Convention
- the general situation in the country
  - do you distinguish between different areas of the country
- membership of an ethnic group
- collective persecution/discrimination
- persecution on grounds of religious persuasion
- persecution performed by non-state entities
- e.g. ethnically composed militias or other clan groups
- militant activity within parties opposed to the central government (if positive, specify)
- desertion or failure to report for military service
- prisoners
- victims of sexual violence
- other?

BELGIUM

a. Political activities

As stated above, most grounds for persecution may be attributed to clan origin. To return to the example of the United Somali Congress, asylum-seekers are persecuted not because of their membership of that political organization but because of their clan origin (Hawiye).
b. General situation

Asylum-seekers who refer solely and simply to the general situation in Somalia are declared admissible at the initial stage if their stories are consistent and if they actually appear to be Somalis.

On thorough examination of the file, the asylum-seeker is expected to provide precise evidence that he has actually experienced what he has stated.

It is for lack of any other status for applicants that the Office of the Commissioner-General adopts a broad interpretation of the Geneva Convention (which includes no reference to civil war as such). Nevertheless, it is increasingly necessary for the situation of the person concerned to be seen to depart from that of his fellow countrymen, who also have to suffer under the general state of insecurity.

It should also be restated at this point that even if a Somali merely invokes the general situation, he is, by definition, also a member of a particular clan and will nevertheless have had certain experiences as a consequence.

It is very clear from the case law rulings of the Permanent Commission on Appeal for Refugees that a state of civil war and the absence of government authority are no obstacles to the application of the Geneva Convention.

The Council of State ruled along the same lines that a state of civil war (Bosnia) was no obstacle to application of the Convention (C. of ST., Muric, No 43.082, 26 May 1993, "Revue du droit des étrangers", 1993, 336).

c. Ethnic group

It is generally held that Somalis form an ethnically homogeneous group. This section is confined to clan differences, which are, as has already been repeatedly stated, the main reason why Somalis seek asylum.
Since more or less every clan is both persecuted and the instigator of persecution, which is unopposed by any protection from any authority, almost all of them may be considered for asylum purposes.

Since it was mainly Darods who left the country at the outset, it was predominantly to them that recognition was extended in 1992 and 1993. Only later did the Hawiye start to leave.

Persecution on the basis of clan link can take various forms. Thus, the Permanent Commission on Appeal for Refugees recognized one male applicant who refused to serve in the clan militia (PCAR, 25 January 1995).

The Commission also recognized a member of the MIDGAN group, which lies outside the clan structure of Somali society and cannot therefore claim protection from the de facto authorities (PCAR, 26 April 1996), as well as various members of the Darod clan who had either suffered repeated threats and ill-treatment (PCAR, 8 March 1994) or whose family members were suffering the same fate (PCAR, 21 March and 25 May 1994).

d. Collective persecution/discrimination

It is not enough for an asylum-seeker simply to invoke membership of, for example, the Darod clan, even though a Darod asylum-seeker has almost always had some form of adverse experience (e.g. women enslaved by the Hawiye, who have remained in some form of imprisonment, been raped and humiliated, or have gone missing, or members of whose families have been murdered ....).

e. Religious persuasion

Not so far invoked as a reason.
f.  *Persecution performed by non-state entities*

With reference to point 2.2, it may be said that in the case of Somalia the absence of State authority means that any form of persecution must in any case emanate from the *de facto* authorities or third parties.

g.  *Use of force by opposition groups*

Not pertinent to Somalia, so that no case history of decisions exists.

h.  *Desertion*

In Belgium, one case of desertion is established: a colonel in Siad BARRE's army (and, at the same, a Darod Majerteen) opposed to the leader's policy and also suspected of staging a coup d'etat against Barre. He has been extended recognition.

i.  *Prisoners*

By prisoners is meant persons who are captured by other factions, and not by the State. They are detained in large camps. As stated above, the Office of the Commissioner-General adopts a positive attitude towards them, insofar as their stories are credible and consistent.

k.  *Victims of sexual violence*

Women very frequently invoke sexual abuse and humiliation. As stated above, such treatment is naturally regarded as persecution.

l.  *Other reasons invoked*

If other reasons are invoked, experience has shown that these are always linked to clan membership.
GERMANY

- political activities leading to persecution on one or more of the grounds set out in Article 1a(2) of the Geneva Convention

Political persecution exists only where someone fears state-inflicted persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion if he returns to his home country, such as to pose a danger to life and limb, or to his freedom.

In view of the fact that there is no state power in Somalia at present, political persecution for reasons of political activity can be ruled out.

- The general situation in the country
  - do you distinguish between different areas of the country?

The general situation in Somalia is still characterized by armed clashes between clans fighting for power and pursuing territorial claims. There is still no functioning state power anywhere in Somalia. Authority is exercised only on a local or regional level by traditional clan leaders. There have been attempts to set up permanent administrative structures in several parts of the country, but with little success. Although considerable progress was made in rebuilding state structures in the "Republic of Somaliland", in the northwest, it received a severe setback when fighting broke out in November 1994, putting more than a hundred thousand people to flight.
However, injury suffered as a result of the general situation in the country of origin does not constitute political persecution. Persecution is deemed to be political only where an individual's rights are deliberately violated. This is not the case with hardship suffered on account of the general situation in the home country, such as harsh economic conditions, restricted political rights, or the general consequences of war and armed conflict.

Where the general situation is cited as the reason for an application, asylum is not granted; it could not be granted anyway, given the lack of any effective state power.

- Membership of an ethnic group

Given the anarchic conditions in Somalia, there is no state or quasi-state authority from which political persecution for reasons of membership of an ethnic group could emanate.

- Collective persecution/discrimination

An applicant may be entitled to asylum on grounds of collective persecution where the severity, frequency and extent of persecution against a group of people in a given area is such that each individual member of the group is at personal risk (so-called group persecution).

In practice, we do not find any allegations of state persecution of groups. Given the lack of state power in Somalia, group persecution such as to qualify the victims for asylum can be ruled out, with the result that asylum is not granted.
Persecution on grounds of religious persuasion

Interference with religious freedom constitutes political persecution only where it is intended physically to destroy the members of a religious group, to threaten them with comparable punishment or to rob them of their religious identity. There is no religious persecution such as to warrant granting asylum in Somalia; in the absence of any state power, one of the essential characteristics of political persecution is lacking. In practice, persecution on grounds of membership of a particular religious community is not usually alleged.

Persecution performed by non-state entities, e.g. ethnically composed militia or other clan groups

Persecution by non-state entities is deemed to be political persecution only if it is attributable to an agency of state or quasi-state power.

In Somalia, acts of violence such as premeditated killing, torture, assault and hostage-taking are still being perpetrated by the militia of the various clans against the members of other clans.

However, this does not constitute political persecution, since the violence does not emanate from representatives of state or quasi-state authority. Most of the militia are operating on behalf of the clans, but these do not possess the requisite authority, either at national or regional level (see 2(a)) to be regarded as quasi-states. Applications for asylum based on such arguments therefore stand no chance of success.
Militant activity within parties opposed to the central government (if positive, specify)

A central government against which opposition parties could operate has not existed since the overthrow of Siad Barres in 1991.

The militia groups do often describe themselves as political parties, but their activities are aimed less at the pursuit of any political programme than at enforcing the various clans' claims to power. Activities on behalf of one of the militia groups can lead to persecution by other clans or their political groups. However, since acts of persecution by a clan do not constitute state or quasi-state persecution, applications on this basis do not lead to recognition.

Desertion or failure to report for military service

Refusal to carry out military service and any resultant punishment do not, in principle, constitute persecution such as to warrant granting asylum. Enforced military service becomes a form of political persecution only if it is not purely in the interests of upholding the state, but is targeted against specific people on account of their political opinions, religion or other characteristics relevant for asylum purposes.

There can be no question of political persecution on account of refusal to perform military service or desertion in Somalia. One of the consequences of the collapse of the state in 1991 was the dissolution of the national armed forces. There is no longer any national military service for a conscript to refuse to do.

Nor can the possibility of being press-ganged by clan militias count as political persecution, on account of the clans' lack of state or quasi-state authority.
Prisoners

Imprisonment does not in itself constitute political persecution.

Imprisonment becomes relevant for asylum purposes only if it is carried out by an agent of state or quasi-state power and is motivated on grounds such as to warrant granting asylum (race, religion, political opinion, membership of a social group).

Where applicants claim imprisonment, they have usually been taken prisoner by other clans, and often, according to asylum-seekers, spent several years in captivity. Applications of this type do not give any entitlement to asylum. Firstly, imprisonment by clans does not constitute state or quasi-state persecution; secondly, applications will often fail for lack of convincing evidence.

Victims of sexual violence

Applicants do not claim sexual violence; in any event, such arguments would not succeed for lack of a state or quasi-state persecutor.

GREECE

SPAINE

see question 2 a)
France

Les faits invoqués sont relatifs à l'appartenance clanique qui est une donnée incontournable de la vie politique somalienne. Ainsi, il faut systématiquement considérer les partis comme des entités claniques, l'appartenance invoquée à un parti politique étant toujours subordonnée à l'appartenance clanique.

Par ailleurs, il convient de distinguer les différentes régions qui correspondent chacune à un territoire clanique.

Ireland

see question 2 a)

Italy

see question 2a)

Luxembourg

Netherlands

RESTREINT
AUSTRIA

All applications for asylum are individually assessed. Specific actual or threatened persecution of the asylum-seeker himself on one of the grounds listed in the Geneva Convention has to be plausibly established in each case. Reliance on the general situation in Somalia or membership of a particular ethnic group (clan) is therefore not in itself sufficient for refugee status to be granted. Persecution by non-state entities, such as militias or other clans, does, if the remaining requirements are fulfilled, count for asylum purposes as persecution by others where, as in Somalia’s case, the State is unwilling or unable to curb such persecution by other entities. In many cases, however, reliance on persecution by other clans did not result in the granting of asylum, in the absence of any actual specific acts of persecution or on account of the availability of alternative internal refuge in relation to the territory of the applicant’s clan. The other kinds of cases referred to in the question were of only secondary significance in practice.

PORTUGAL

see question 2a)
The majority of Somalian applicants have been issued residence permits for humanitarian reasons in 1992 - 1996. A minor part of them have been issued asylum or residence permit because of their need of protection (de facto status), either at the initial stage of the procedure or after the appeal procedure.

The overall situation in the country has been and still remains the ground that the majority of the applicants have appealed to. Most of the applicants have been granted residence permit for humanitarian reasons, explicitly because of the unstable situation in the country, and because of the assessment that in practice, no one can be returned to the unsteady situation in Somalia.

As the situation in different parts of the country has varied, this has affected the contents of the decisions so that during 1992-1993, quite a few applicants from Central Somalia, mainly Mogadishu (of different clans), were issued residence permits because of their need of protection, whereas the applicants from the other parts of the country were issued residence permits for humanitarian reasons. The information on what part of the country the applicant is assumed to come from is based on the applicant's own words. It has been impossible to check the applicants' place of origin when taking the decisions.

Ethnic group: some of the applicants have told that they belong to a small ethnic minority, e.g. the Bajun clan (on the coast of Southern Somalia) that according to what has been told is persecuted by Somalis despite the clan. Membership in an ethnic group has been of no consequence in decision-making, but the applicants concerned have been issued residence permits for humanitarian reasons, because of the overall situation in Somalia.

Collective persecution/discrimination. As far as persecution/discrimination by another clan or subclan is meant, this is a ground that a considerable amount or the applicants have appealed to and that has been taken into account in the evaluation of the decisions.
Religion: has not been appealed to.

Persecution by non-state entities: persecution by clans/subclans has been the central ground that is taken into consideration in decision making (in Finland even persecution by non-state entitites is accepted as a ground in the asylum procedure - as far as the distinction between persecution by state authorities/non-state groups is sought for in the question).

Ethnic groups, clans and subclans: see the points above.

Military service: has not been appealed to.

Prisoners: has not been appealed to, even though the question is not explicit/can be interpreted in many ways.

Sexual violence: has been appealed to by some female applicants. As a rule, these applicants have been issued residence permits for humanitarian reasons on the basis of an overall assessment, including the confused situation in the country. At least in one case in 1995, however, the applicant has been issued a residence permit because of the need for protection, the ground being the applicant’s story and evidence of sexual violence.
UNITED KINGDOM

We have a wide range of information on all the headings listed including media reports, information from the United Nations High Commissioner for Refugees and the British Foreign and Commonwealth Office. We then compare the applicant's account of his or her circumstances with these known factors.
Do you regard internal clan structures as offering protection?

If so, which ones?

**BELGIUM**

In our opinion, internal protection within a particular clan is possible, although it should be added that situations do vary greatly. However, this whole discussion is theoretical, since in practice repatriation to a particular area appears to be extremely difficult and risky. In the present circumstances, the possible return of the Abgal via the former national airport of Mogadishu is the only possibility which could be considered (although this is not yet a practicable proposition).

**DENMARK**

Internal clan structures are not held to be capable of offering protection.

**GERMANY**

Clan members are relatively safe within their clan. However, even here the threat from other clans cannot be ruled out. Armed clashes between clans are a frequent occurrence, causing many casualties among innocent civilians. Even where enemy clans make peace, there is no guarantee of future safety. Clan leaders make peace agreements and then break them shortly afterwards, whenever it suits them.
The situation in the "Republic of Somaliland" is rather different. In 1993 and 1994 peace was made for a time in the areas ruled by the Isaak clan, so that state structures could at least begin to be established. However, fighting broke out again even here, although the clashes were not as widespread or ferocious as in the south of the country. There is therefore no guarantee of lasting peace even in this part of the country, especially as the various sub-clans of the Isaak have quarrelled with each other.

GREECE

SPAIN

see question 2 a)

FRANCE

De nombreux clans minoritaires ne sont pas armés. Par exemple, les Sherer, clan négro-africain de la région de Brava/Merca, les Rahanwein, clan de Baïdoa, les Rer-Hamer, clan de Mogadiscio.

Tous ces clans minoritaires sont très vulnérables pour cette raison.

IRELAND

see question 2a)
ITALY

see question 2a)

LUXEMBURG

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NETHERLANDS

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AUSTRIA

In principle, yes.

PORTUGAL

see question 2a)

FINLAND

It has never been considered in the decisions that the clan structures would provide protection for an applicant.

SWEDEN
UNITED KINGDOM

Yes, inasmuch as internal clan structures represent the traditional form of Somalia’s organisation. Even minority clans have access to protection from local dominant clans.
Question 3:

How do you deal with cases of asylum-seekers who voluntarily refused protection offered by humanitarian organisations which operate (in loco) (hosts in accommodation camps, protected camps)?

If you have such cases: how do they explain (justify) their actions?

BELGIUM

Many asylum-seekers were initially housed at Red Cross camps in Kenya before coming to Belgium. These camps were, however, run by Kenyan nationals. A great many asylum-seekers left these camps for three reasons:

– some camps were closed;
– people were driven out of the camps by the Kenyans;
– the camps formed a kind of "mini-Somalia" in which clan tensions merely continued.

DENMARK

There are no examples of cases where asylum applicants have voluntarily refused to accept protection from humanitarian organizations in their locality.

GERMANY

No such cases have arisen so far.
None of the asylum-seekers in Spain declared that they had left a refugee camp or a humanitarian aid camp in Somalia or bordering countries. Spain considers however that refusal of settlement in a refugee camp or having left it would not be sufficient in itself to refuse to grant that asylum-seeker any kind of protection, depending on the special circumstances of the case.

FRANCE

Ces circonstances n'ont jamais été évoquées.

IRELAND

This has not arisen to date.

ITALY

Un tel cas ne s'est pas présenté.
LUXEMBURG


NETHERLANDS


AUSTRIA

No such cases have arisen.

PORTUGAL

No such cases recorded.

FINLAND

Several applicants had stayed in refugee camps in Kenya and Ethiopia prior to their arrival to Finland. As from 1994 asylum applications from such persons were rejected and they were not granted a residence permit even for humanitarian grounds (except for unaccompanied minors). Later on returning them to Kenya or Ethiopia appeared not to be feasible, so most of them were finally issued a residence permit on humanitarian grounds.
UNITED KINGDOM

These cases are looked at in the normal way (see 2 (b) above) and refusal of protection by a humanitarian organisation would not in itself be a reason to refuse refugee status or exceptional leave to remain.
**Question 4:**

*Have the exclusion clauses (Art. 1F of the Geneva Convention) been applied? Give details.*

**BELGIUM**

One file currently under examination involves a man suspected of having engaged in warfare purely and simply for profit. In the case in question he might come under an exclusion clause.

These provisions are not as yet applied in the case law of the Permanent Commission on Appeal for Refugees.

**DENMARK**

No.

**GERMANY**

The exclusion clauses of the Geneva Convention on Refugees are not applied under German law.

**GREECE**
SPAIN

No exclusion clauses have been applied to any Somali to date.

FRANCE

Non.

IRELAND

To date, no. We would apply article 1F, but we have had no reason to do so yet and would be guided by the UNHCR handbook criteria. In the absence of any experience of dealing with such cases we will have to approach any case which falls within the ambit of Article 1F on the merits of that individual case.

ITALY

Elles n'ont jamais été appliquées.

LUXEMBURG


NETHERLANDS


RESTREINT
AUSTRIA

No.

PORTUGAL

FINLAND

Article 1 F of the Geneva Convention has not been applied.

SWEDEN

UNITED KINGDOM

We have no record of any case in which the exclusion clauses have been invoked.
**Question 5:**

*Have the cessation clauses been invoked? Give details.*

**BELGIUM**

Not yet applied in the case of Somali files.

**DENMARK**

No.

**GERMANY**

The provisions on the cessation of refugee status (revocation or lapse of refugee status) have not been applied to date.

**GREECE**

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**SPAIN**

No cessation clauses have been applied to any Somali refugee to date.
La situation actuelle ne permet pas de recourir aux articles 1C5 et 1C6.

Situation has never occurred.

Non, dans aucun cas.

If the question refers to the cessation clauses in the Geneva Refugee Convention, the answer is: No.

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FINLAND

The cessation clauses have not been applied.

SWEDEN

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UNITED KINGDOM

We have no record of any case in which the cessation clauses have been invoked.
Question 6:

Basic procedures for scrutinising applications:

Before taking a decision, do you interview applicants systematically or selectively?
In the latter case, on what criteria is the interview based?

BELGIUM

In principle, each asylum-seeker is interviewed by the three bodies involved (the Aliens' Office at the admissibility stage, the Office of the Commissioner-General at the appeal stage and again at the substantive stage and, finally, the Permanent Commission on Appeal for Refugees at the substantive appeal stage). Once the asylum-seeker has negotiated all possible stages, he has been interviewed four times, not counting the possibility of appeal before the Council of State.

There are a few exceptions to this basic rule. In certain cases (involving in particular asylum-seekers from Yugoslavia, Guinea, Zaire and Angola), a letter is sent prior to the substantive investigation asking whether the applicant wishes to continue the procedure and whether he wishes to make his reasons known in writing. On the basis of the reply to this letter, it is decided whether a substantive interview is necessary. In the event, therefore, of flagrant contradictions between the letter and the statements made at the admissibility stage by the person concerned, rejection is automatic. This procedure does not apply to Somali files.

A second exception is the "immediate recognition" procedure whereby, if it is clear from the interview at the Office of the Commissioner-General at the urgent appeal stage that the file is such as to warrant immediate recognition, the substantive interview is dispensed with. This has happened with a number of Somali files.
The Permanent Commission on Appeal for Refugees is an instance dealing with administrative law and appellants are always summoned to be heard in session. They may be assisted or represented by a lawyer.

DENMARK

All asylum applicants are systematically interviewed with a view to establishing their identity and citizenship. Such interviews are based on a wide-ranging questionnaire and sometimes a photograph test, as well as a language test in certain cases.

To establish the nationality of an applicant, Denmark has prepared a series of more or less comprehensive topics for interrogation, chronologies and outlines of specific events and situations, concerning Somalia generally and more specifically Mogadishu, and in certain cases specifically concerning different minority groups, particularly the Bajuni population.

In 1993 and 1994 Denmark received a larger number of asylum applications from ostensibly Somali citizens who claimed to be Bajuni. The systematic interviewing of persons claiming to be Bajuni revealed that an overwhelming number of them turned out not to be Somali citizens, but rather Tanzanian or Kenyan citizens. For the purpose of this type of identification the national police have arranged to cooperate with the Kenyan authorities with regard to fingerprints.

In certain circumstances a language test is also used, particularly in especially difficult cases. Such language tests are conducted in cooperation between Denmark (Aliens Office) and Sweden (Government Immigrants Office, Language Department, in Stockholm). The language test is, however, seen merely as one element in the treatment of the case, as is the photograph test.
Bajuni applicants are questioned concerning the situation of the Bajuni clan in Somalia, their culture, language, economy, settlement patterns etc. Many of these questions have been compiled on the basis of Denmark’s contacts and cooperation with anthropologists, missionaries and others who have had professional dealings with Somalia and its peoples, including the Bajuni.

The same applies to applicants belonging to other minority groups or clans who claim to be from Somalia.

The trouble with devoting time to this type of nationality interrogation is the considerable work involved in finding the relevant information for the questionnaire as well as its short-term value, particularly owing to the fact that the questions gradually become known to newly arrived asylum-seekers. To a certain extent this also applies to photograph tests. The document section of the Aliens Office is therefore continually on the lookout for additional information for use in interviews. This is obviously very time-consuming, and the result often does not reflect the effort involved.

Besides, it has been of crucial importance that the language test, interview and photograph test should mutually reinforce each other in the treatment of the case.

GERMANY

Decisions under the asylum procedure are taken on the basis of a personal interview, in which the asylum-seeker is questioned systematically and comprehensively as to the reasons for his application. Refugee status is occasionally awarded without interview if sufficient evidence has already been provided.
Applicants whom we consider to be genuine Somalis (due to their physical traits, their language and their claims) are systematically interviewed before a decision is taken on their cases.

FRANCE

L’entretien avec les demandeurs d’asile somaliens est systématique, l'expérience ayant démontré que les récits, du fait du recours à un tiers pour leur rédaction, sont rarement conformes à la réalité des faits.

IRELAND

Applicants are dealt with systematically. When they arrive at an airport, applicants are normally interviewed on arrival or exceptionally within a few days. Other applicants who come to notice elsewhere are given short interviews to establish a few basic facts on the day of their application and detailed interviews are scheduled at the first available opportunity.

ITALY

La décision est prise collégialement après une audition individuelle du demandeur par un membre de la Commission centrale pour la reconnaissance du statut de réfugié.
Before any decision is taken, the asylum-seeker is given an extensive interview, on the record, designed to establish his identity, clarify his reasons for seeking asylum and determine the route travelled and any stays in other countries.

Portugal systematically interviews all asylum applicants.

Applicants are interviewed systematically. Only children below 18 years who arrive together with their parents are not interviewed.
UNITED KINGDOM

We interview applicants only selectively, for example if there are doubts that the applicant is Somali or if it is a high profile case.
Question 7:

Are asylum applicants whose applications are refused granted an alternative status?

If so, what is this status and approximately how many (%) obtain this status?

BELGIUM

Apart from the provisional status introduced for certain categories of applicants from the former Yugoslavia (which is still valid in a number of cases), Belgium offers no status as a tolerated person or other alternative status, which is another reason why the Convention is interpreted broadly.

The backlog built up over the years by the various bodies responsible for dealing with asylum applications meant that the asylum procedure dragged on for years in some cases. Since many applicants had in the meantime become well integrated into Belgian society, the Minister for the Interior has acted to regularize the situation of some of them (although this remains an exceptional step).

DENMARK

It is a basic principle that applicants from Somalia who are refused asylum are not accepted for residence on any other grounds.
GERMANY

There is no provision for granting special status to Somali applicants whose applications are refused.

If there are humanitarian reasons why someone should not be expelled (§ 53 of the Aliens Law), the person concerned usually receives leave to remain on sufferance (not right of residence, simply a stay of expulsion) under general provisions.

In 1995 there were found to be obstacles to expulsion on humanitarian grounds in the case of 315 Somalis.

GREECE

SPAIN

Yes, but only if they bring documentation proving their nationality and if we are convinced that they reached Spain without staying for a long period in third countries where they could obtain protection. In that case they are allowed to stay in Spain on humanitarian grounds. So far this year, approximately 30% have obtained that alternative status as compared with 15% in 1995. This residence permit is not granted when asylum-seekers provide no documentary proof of nationality or have stayed in third countries for a long period or if we have grounds for believing that they have moved to another European country (this occurs frequently, which is why we think that asylum-seekers in other countries of the Union have previously lived in Spain and vice versa).
IRELAND

They may be granted leave to remain for humanitarian reasons.

ITALY

Par décret du 9.9.92, le ministère des affaires étrangères a accordé, pour des raisons ayant trait à l'activité professionnelle ou aux études, un permis de séjour provisoire (d'un an, renouvelable) aux citoyens somaliens n'ayant pas le statut de réfugié qui étaient venus en Italie à la suite des événements survenus dans leur pays.
Il y a actuellement 17 389 ressortissants somaliens en Italie.

LUXEMBURG

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AUSTRIA

Under Article 36 of the Aliens Law, Somali nationals are granted a stay of expulsion if expulsion is not permissible or does not seem possible for practical reasons.

In particularly deserving cases, upon issue of a decision rejecting an application for asylum, the asylum authority may, under Article 8 of the Asylum Law, give an alien leave to stay in the country for a limited period if expulsion is not possible on legal or practical grounds or if there are important factors making it unreasonable to expel him in view of the situation in his home country. However, little use has been made of this possibility in the case of Somali asylum-seekers.

PORTUGAL

see point 2 of the questionnaire.

FINLAND

Only a few of all the applicants have been granted asylum. A couple of years ago (92/93) many applicants coming from Central Somalia were issued residence permits, because of their need of protection and the other for humanitarian reasons. Those who have arrived during the past few years (94/95) have been issued residence permits for humanitarian reasons.
Applicants who are refused asylum can be granted exceptional leave to remain.

The numbers who were granted this status from the decisions made were as follows:

1995: 92 %
1994: 91 %
1993: 92 %
1992: 87 %
Question 8:

Are asylum applicants whose applications are refused granted and who do not obtain an alternative status, repatriated to Somalia or expelled to a third country?

Are there any parts of Somalia where rejected asylum seekers may be safely returned?

How is repatriation implemented? Are there any particular difficulties?

BELGIUM

The Aliens’ Office, which is competent to handle repatriations, has kept statistics on the matter since 1994, since when 7 Somalis have been repatriated – 3 to Mogadishu via Dubai and 4 via Nairobi.

It is a known fact, however, that five Somalis were also repatriated to Mogadishu in 1993 (this incident caused quite a stir when the detailed arrangements involved became known in January 1996).
DENMARK

Somali applicants are refused asylum only on the basis that they can be safely returned to a country of origin. Denmark does not practise enforced expulsion to Somalia.

On the basis of a fact-finding mission to north-east and north-west Somalia, Denmark is considering changing its practice vis-à-vis Somali citizens who it is believed will be able to reside safely in those regions, taking into account such factors as the security and clan situation.

GERMANY

Nobody has as yet been repatriated to Somalia. There is no moratorium on removals, but it is not technically feasible to send people back to Somalia, as there are no communications links whereby Somalis could be forcibly transported back to their country.

Expulsion to third countries does not take place in practice.

GREECE
SPAIN

Such applicants are subject to general legislation concerning aliens and they may be expelled if they do not meet the requirements for remaining in Spain.

FRANCE

IRELAND

To date the question of repatriation/expulsion has not arisen as the majority of cases have not been determined and those finalised have either been granted refugee status or humanitarian leave to remain.

ITALY

Un tel cas ne s’est pas présenté.

LUXEMBURG

NETHERLANDS
AUSTRIA

Owing to the situation known to prevail in Somalia, a restrictive yardstick is used in repatriating Somali nationals. Moreover, it is extremely rare for repatriation documents to be issued for Somali nationals without papers. Expulsions back to neighbouring countries are carried out if, on the basis of the conditions obtaining, they come under the readmission agreements in force with the neighbouring countries in question and there are no other impediments to such expulsion.

PORTUGAL

Under Portuguese law, applicants who are refused refugee status are granted a period of time in which to leave the country voluntarily. Once this period has elapsed, legal action can be taken to expel them for being unlawfully present on Portuguese territory. However, so far no Somali whose application for asylum has been rejected has been repatriated to his country or origin.

FINLAND

Finland has not repatriated any Somalis to Somalia. Finland has sent a few Somalis back to safe third countries in Europe (e.g. the Nordic countries, the Netherlands, Germany, Great Britain, Italy).

SWEDEN
Applicants who are refused without alternative status are not repatriated to Somalia. They are, however, removed to third countries. Since 1994, the first year for which figures are available, details are as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Removals</th>
</tr>
</thead>
<tbody>
<tr>
<td>1994 (from October)</td>
<td>3</td>
</tr>
<tr>
<td>1995</td>
<td>10</td>
</tr>
<tr>
<td>1996 (to August)</td>
<td>14</td>
</tr>
</tbody>
</table>

Rejected asylum seekers may be returned to their own clan areas but the practicabilities of removal currently prevent this.

The particular difficulty is that there are no direct routes to Somalia.

Documentation for travel via third countries is also problematic.