



## **EMN Ad-Hoc Query on NO AHQ on Asylum Applications from Venezuela**

Requested by Jolandie CLEMENTE on 14th September 2018

### **Protection**

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovak Republic, Spain, Sweden, Norway (22 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 currently revising the policy towards applicants for asylum from Venezuela. In 2017, most applications received from this group were rejected by the Norwegian authorities, but in 2018, some applicants were granted asylum. We would like your assessment of the current situation in Venezuela, with a special focus on specific groups that might be at real risk of persecution according to the Geneva-convention from the regime or from other parties.

## **Summary**

Summary is intended for **EMN circulation** only.

## **Questions**

1. Does your MS consider the situation in Venezuela (socioeconomic/health/violence/general security) to be so difficult that it merits general protection for all applicants for asylum from the country? **YES/ NO**
2. Does your MS consider any particular groups from Venezuela to be at a real risk of persecution from the regime or other parties?  
Please briefly describe why these particular groups/ professions etc. are considered at risk: is it because they opposed the regime or are there other reasons?
3. In the opinion of your MS – is it possible to apply the internal flight option in Venezuela?  
Will the decision to resort to an internal flight option be influenced by whether the agent of persecution is from the central government, local government, or organized crime etc.?
4. Los colectivos: Did your MS receive asylum cases related to persecution from these groups (of organized crime) in 2018? (colectivo Tupamaros most frequently mentioned in Norwegian cases) **YES / NO**  
*If yes, what was the outcome, and did your MS consider the internal flight option for the applicants?*
5. If available – can you provide us with the percentage of cases in your total caseload on Venezuela in 2018 (Jan. 1 – Sept. 1) granted protection/asylum in your MS?

## Responses

	Country	Wider Dissemination	Response
	Austria	Yes	<p><b>1.</b> The decision on whether asylum is granted or not always depends on the circumstances in the individual case. Decisions on individual cases are based on current information on the country of origin. A general statement on whether all applicants would be granted protection is therefore not possible. --- Source: Ministry of the Interior</p> <p><b>2.</b> See question 1 --- Source: Ministry of the Interior</p> <p><b>3.</b> See question 1 --- Source: Ministry of the Interior</p> <p><b>4.</b> / --- Source: Ministry of the Interior</p> <p><b>5.</b> Applications for asylum: (January 1 to August 31, 2018): 7 Protection/Asylum granted: (January 1 to August 31, 2018): 2 (among them subsidiary protection: 1; humanitarian stay: 1) The percentage cannot be calculated since not necessarily all Venezuelans, who have been granted protection/asylum between January 1 and August 31, 2018, have also applied for asylum in the same period. Source: <a href="https://www.bmi.gv.at/301/Statistiken/files/2018/Asylstatistik_August_2018.pdf">https://www.bmi.gv.at/301/Statistiken/files/2018/Asylstatistik_August_2018.pdf</a> --- Source: Ministry of the Interior</p>
	Belgium	No	
	Bulgaria	Yes	<p><b>1.</b> In compliance with the Law on Asylum and Refugees each application for international protection is examined individually. When deciding on the application for international protection, all relevant facts, statements or documents relating to the applicant's personal situation and the situation in his/her country of origin are considered.</p> <p><b>2.</b> Since 1993, only one application for international protection has been filed by a citizen of</p>

			<p>Venezuela. It was in 2013.</p> <p><b>3.</b> Since 1993, only one application for international protection has been filed by a citizen of Venezuela. It was in 2013.</p> <p><b>4.</b> No.</p> <p><b>5.</b> No applications were filed during the period January - September 2018. Since 1993, only one application for international protection has been filed by a citizen of Venezuela. It was in 2013.</p>
	Croatia	Yes	<p><b>1.</b> N/A.</p> <p><b>2.</b> Republic of Croatia does not have any asylum seekers from the Bolivarian Republic of Venezuela. Because of that, it is impossible for us to make any generalized or specific statements concerning asylum seekers from Venezuela.</p> <p><b>3.</b> See answer no. 2.</p> <p><b>4.</b> N/A</p> <p><b>5.</b> See answer no. 2.</p>
	Cyprus	Yes	<p><b>1.</b> Cyprus has not received applications for international protection from Venezuela and therefore we are not in the position to answer the question</p> <p><b>2.</b> Cyprus has not received applications for international protection from Venezuela and therefore we are not in the position to answer the question</p> <p><b>3.</b> Cyprus has not received applications for international protection from Venezuela and therefore we are not in the position to answer the question</p> <p><b>4.</b> Cyprus has not received applications for international protection from Venezuela and therefore we</p>

			<p>are not in the position to answer the question</p> <p><b>5.</b> Cyprus has not received applications for international protection from Venezuela and therefore we are not in the position to answer the question</p>
	Czech Republic	No	
	Estonia	Yes	<p><b>1.</b> No.</p> <p><b>2.</b> All applications for international protection are examined individually case by case and thus the decisions are made based on the claims of the individual, as well as analyzing relevant country of origin information. At the moment there are no particular groups that are considered highly at risk of persecution in Venezuela.</p> <p><b>3.</b> There is no appropriate case practice that would allow this question to be answered.</p> <p><b>4.</b> No.</p> <p><b>5.</b> No Venezuelan citizens were granted protection in this time period.</p>
	Finland	Yes	<p><b>1.</b> No</p> <p><b>2.</b> No. The number of applicants has been very low and each case is individually assessed.</p> <p><b>3.</b> The internal flight alternative has not been implemented. Each case is assessed individually.</p> <p><b>4.</b> Yes, although no decisions have been issued as of yet.</p> <p><b>5.</b> 5 applications in 2018, no decisions yet.</p>

	Germany	No	
	Greece	Yes	<ol style="list-style-type: none"> <li>1. No.</li> <li>2. During the first eight months of 2018, 18 applicants for international protection originating from Venezuela submitted an international protection application in Greece. Given the very limited number of applicants from Venezuela, the fact that the Asylum Service examines every application on its individual merits as well as the fact that the Asylum Service does not hold statistics concerning claimed grounds for protection and that no relevant/exact information can be retrieved from our system, we are unable to provide you with more specific information.</li> <li>3. Please see our answer in question 2.</li> <li>4. Please see our answer in question 2.</li> <li>5. In the first eight months of 2018, in a total of 41,358 application lodged, 18 applications were submitted by Venezuelan applicants.</li> </ol>
	Hungary	Yes	<ol style="list-style-type: none"> <li>1. Recently there have been no asylum applicants from Venezuela in Hungary. For this reason there is no current practice regarding such applications.</li> <li>2. Recently there have been no asylum applicants from Venezuela in Hungary. For this reason there is no current practice regarding such applications.</li> <li>3. Recently there have been no asylum applicants from Venezuela in Hungary. For this reason there is no current practice regarding such applications.</li> <li>4. Recently there have been no asylum applicants from Venezuela in Hungary.</li> <li>5. In 2018 (Jan. 1 -Sept 1.) no Venezuelan citizen sought asylum or was granted protection in Hungary.</li> </ol>

	Ireland	No	
	Latvia	Yes	<ol style="list-style-type: none"> <li>1. NO - due to the small number of asylum seekers from Venezuela (just 3 cases during the last 5 years) we do not have in-depth analysis on situation in Venezuela; so far each case was considered on its individual merits.</li> <li>2. Because of limited experience and lack of in-depth COI research and analysis, we are not in position to give a reasoned opinion regarding the persecution of particular groups/professions in Venezuela.</li> <li>3. N/A</li> <li>4. No.</li> <li>5. In 2018 - 1 applicant from Venezuela (the case is under consideration currently).</li> </ol>
	Lithuania	Yes	<ol style="list-style-type: none"> <li>1. There were no applications for asylum from Venezuelans in Lithuania during the period from 2011 to 2018. Therefore, it is not possible to answer further questions. It should be also noted, that each application is examined individually.</li> <li>2. N/A</li> <li>3. N/A</li> <li>4. N/A</li> <li>5. N/A</li> </ol>
	Luxembourg	Yes	<ol style="list-style-type: none"> <li>1. No. Luxembourg treats every international protection application on a case-by-case basis analysing the facts described by the applicant as well as the evidence provided and taking into consideration the general situation of the country of origin, in order to determine if there is a reasonable and serious risk</li> </ol>

			<p>of prosecution of the applicant.</p> <p><b>2.</b> Journalists and political opponents. Journalists face an array of serious obstacles, including threats, harassment, intimidation and attacks. Political opponents of the government are persecuted and prosecuted.</p> <p><b>3.</b> No. In Venezuela the situation is chaotic. The agent of persecution is the central government but there is also a situation of violent crime (kidnapping and carjacking) perpetrated by organized crime.</p> <p><b>4.</b> No. N/A.</p> <p><b>5.</b> Between the 1st January and 31 July 2018 the number of Venezuelan applicants for international protection is 3. In 2017 only 1 subsidiary protection was granted to a Venezuela national of the 1206 international protection status granted (1152 refugee status and 54 subsidiary protection), representing 0,08%.</p>
	Malta	Yes	<p><b>1.</b> While taking into account the deteriorating situation in Venezuela, and especially, a rise in criminality, food and medicine shortages, an acute economic crisis and political instability, the Office of the Refugee Commissioner is of the opinion that the situation in Venezuela does not reach the threshold for an applicant to be granted international protection. However each case is assessed on an individual basis.</p> <p><b>2.</b> Depending on the particular circumstances of the case, including the level of political involvement, evidence of past acts of persecution, and other actions committed by the applicant that might have attracted the adverse attention of the State or State affiliated groups (including the colectivos), persons falling under one or more of the following profiles could be granted refugee status on the basis of their political opinion (real or perceived): (a) prominent political activists or supporters of the opposition; and (b) journalists.</p> <p><b>3.</b> Depending on the background and personal circumstances of the applicant, internal protection alternative could be considered as a viable option in those cases where the well-founded fear of persecution or a real risk of suffering serious harm emanates from non-State actors (e.g. criminal</p>

			<p>gangs). This is so because threats from criminal gangs is generally localized (i.e. limited to the area under the control/influence of the gang). In those cases where it has been established that the State or a State affiliated group (including the colectivos) is the actor of persecution or serious harm, internal protection alternative would generally not be considered as being either available or viable.</p> <p><b>4.</b> The Office of the Refugee Commissioner does not keep statistics pertaining to the reason why an application for international protection is being lodged. Kindly also refer to the answers provided for questions 2 and 3 in relation to the outcome of claims related to persecution at the hands of the colectivos.</p> <p><b>5.</b> Between January and August 2018, the Office of the Refugee Commissioner received a total of 25 new applications from Venezuela nationals. Regarding decisions taken concerning applications from Venezuelan nationals between January and August 2018, out of a total 13 decisions; 9 were rejected, 1 was granted refugee status and 3 were withdrawn.</p>
	Netherlands	Yes	<p><b>1.</b> No, the Netherlands does not consider the situation in Venezuela to be so difficult that it merits general protection for all applicants for asylum. There is no specific country policy for Venezuelan asylum seekers. The general asylum policy towards Venezuelan refugees is applicable.</p> <p><b>2.</b> The Netherlands does not have specific policies vis-à-vis Venezuelan asylum seekers. This is because of very limited numbers of Venezuelan asylum requests. Therefore the Netherlands does not have any specific risk categories. Asylum cases are assessed on an individual basis.</p> <p><b>3.</b> See response above. There are no specific policies concerning Venezuela, so this also applies to the issue of the internal flight alternative. The question whether the agent of persecution is either from the central government, local government, or organized crime, also effects whether an internal flight alternative is considered to be available. In the case of the central government, no internal flight alternative will, in general, be considered available. But as already mentioned, there are no specific policies, also in this respect.</p> <p><b>4.</b> Yes. In our jurisprudence we found one example of a Venezuelan asylum seeker who based his claim on los colectivos. This Venezuelan asylum seeker applied for an asylum permit on 3 February</p>

			<p>2018 in the Netherlands because he feared members of los colectivos because of his profession as a doctor. The Dutch court did not grant him an asylum permit because it was not likely that members of los colectivos were personally looking for him. His fear was therefore considered unfounded. The Netherlands did not consider the internal flight option for this applicant.</p> <p><b>5.</b> The Immigration and Naturalisation Service (IND) reported that between 1 January and 1 September 2018 there was a total of 12.290 asylum requests. Of this total, 92 were from Venezuela. Percentages of cases granted asylum are yet unknown.</p>
	Poland	Yes	<p><b>1.</b> YES</p> <p><b>2.</b> Poland did not have any Venezuelan applicants who were considered to be at a real risk of persecution because of membership to a particular group.</p> <p><b>3.</b> Because of the security situation in the whole country Poland does not apply internal flight option in Venezuela.</p> <p><b>4.</b> No</p> <p><b>5.</b> In the above mentioned period of time there was only one case of Venezuelan citizen who applied for protection in Poland and the decision was not issued yet. There was also one Venezuelan applicant who applied for protection in Poland in August 2017, and he was granted subsidiary protection.</p>
	Slovak Republic	Yes	<p><b>1.</b> Slovak Republic has not had asylum seekers from Venezuela so far.</p> <p><b>2.</b> N/A</p> <p><b>3.</b> N/A</p> <p><b>4.</b> N/A</p>

			5. N/A
	Spain	Yes	<p>1. Despite the difficulty of the current situation, each application is analyzed individually in order to verify if it needs international protection.</p> <p>2. Yes. As stated in the previous question, we start with an individual study of each application. The belonging to these groups is an element that is considered.</p> <p>3. No. The general situation in which the country finds itself makes it impossible to consider the possibility of internal displacement since political polarization, the economic crisis, the shortage of food and medicines and the high level of insecurity affect equally the all regions of the country.</p> <p>4. Yes. Most of the Venezuelan applicants claim persecution by the collectives. Within the so-called “collectives we find different groups or social organizations that have different purposes and that also operate in different cities or regions of the country. In most of the requests that alleged persecution by groups, the criteria was negative. However, for the resolution of each application, the specific circumstances that occur in each case are taken into account.</p> <p>5. The protection rate from January 1 to September 25 is 1.08%.</p>
	Sweden	Yes	<p>1. No</p> <p>2. The answer is no. The SMA doesn't in general terms consider any specific group in Venezuela to be at real risk of persecution. The reason for this is mainly that we do not have any current legal policy regarding Venezuela so these kind of assessments are entirely made on individual basis in each case.</p> <p>3. As in the answer above we do not have any current legal policy regarding Venezuela and that includes the assessment of a possible internal flight option. Therefore we can not give any general answer to this question either, since this kind of assessment is made entirely on individual basis too.</p> <p>4. The SMA doesn't keep any statistics over what type of persecution that is normally invoked in asylum cases in specific countries or areas and due to this circumstances the question above</p>

			<p>unfortunately cannot be properly answered.</p> <p><b>5.</b> So far this year we have received 96 asylum application from persons from Venezuela. So far this year 66 asylum cases from Venezuela has been decided out of which 1 has been granted asylum and 54 have been rejected.</p>
	<p>Norway</p>	<p>Yes</p>	<p><b>1.</b> No. Though Norway considers the situation to be tense and difficult, we do not think the situation provides grounds for granting all applicants from Venezuela international protection.</p> <p><b>2.</b> Norway considers that members of the political opposition or persons associated with the opposition might often risk persecution. Furthermore, other persons that have publicly criticized the regime, for example journalists, students, HR-activists and former military/police, are often seen as enemies of the regime and can experience reactions that will amount to persecution. The risk-assessment must be conducted individually in all cases. As Norway sees it, the regime regards most of the groups mentioned as a threat and has shown a willingness to arrest large numbers of people for shorter or longer periods of time. Even ordinary demonstrators might risk serious ill-treatment and imprisonment.</p> <p><b>3.</b> In Norway's opinion, the internal flight option will not be a viable option in most cases. The regime controls the entire territory, and local and regional authorities are loyal. Many criminal groups have impunity, and therefore internal flight risks can be uncertain in these cases.</p> <p><b>4.</b> Yes. Norway received at least two cases related to persecution from Tupamaros in 2018. Because of a high degree of collaboration with the authorities, impunity and the fact that Tupamaros are represented in many regions of the country, internal flight was not found to be viable.</p> <p><b>5.</b> Unfortunately, Norway does not have a precise number at this time. A majority of the cases decided by the Immigration appeals board have been granted asylum so far in 2018. A number of cases will be decided after the evaluation of our policy.</p>