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Your Excellency, Mr. Mattias Tesfaye

ASYLUM STATUS OF SYRIAN NATIONALS AND INFORMATION ON SYRIAN NATIONALS IN RETURN CENTRES

I am writing to express Amnesty International's concern with the review of asylum status of Syrian nationals in Denmark and to seek further information on the presence of Syrian nationals in return centres.

Asylum status of Syrian nationals in Denmark

Amnesty International's concern is heightened by the precedent which was set by the decision of the Denmark Refugee Board in December 2019 to deny asylum to three Syrian nationals from Damascus. This stated that the individuals were not at risk of persecution due to the "general conditions" in the area.¹ According to the ministry of Immigration and Integration, the Board partly based its decision on a report from the Danish Immigration Services of 21 February 2019, according to which Syrians from Damascus were not at risk from 'general violence in Damascus'.² This assessment of the situation in Damascus contradicts Amnesty International's own research-based findings and reduces possibilities to qualify for asylum, opening the way to forced returns.

In addition, the subsequent decision of the Danish Immigration Service in June 2020 to review the status of around 900 of Syrian refugees from Damascus by the end of 2020, leading to possible forced returns, also raises serious concerns.³

¹ The Refugee Board, Statement, 17 December 2019, https://fln.dk/Nyheder/Nyhedsarkiv/2019/17-12-2019?fbclid=IwAR3wCx4gW6PqS-eUsEZWT1yelU4-eZxegP9YkskDbRzzUqnrgZ_ES8p7MI

² Integrationsministeriet, "Regeringen saetter gang i genvurdering af syriske flygtninges behov for beskyttelse", 28 June 2020 <https://www.regeringen.dk/nyheder/2020/regeringen-saetter-gang-i-genvurdering-af-syriske-flygtninges-behov-for-beskyttelse/>

³ Integrationsministeriet, Press statement, 28 June 2020, <https://uim.dk/nyheder/regeringen-saetter-gang-i-genvurdering-af-syriske-flygtninges-behov-for-beskyttelse/>

Amnesty International is especially worried by the fact that the Refugee Board decided in May and June 2020 that five Syrians from Damascus did not need protection and must leave the country.⁴ Soon after the decision, in July 2020, a UNHCR spokesperson said that, “unless the situation in Syria is significantly improved in terms of ensuring protection for the population, the UNHCR urges States that have received Syrian refugees – including Denmark- to continue its protection”⁵.

Amnesty's research in Syria

Since the beginning of the conflict in Syria, Amnesty International has extensively documented serious violations of international humanitarian law, including war crimes, and gross human rights abuses committed by all parties. Amnesty International's on-going monitoring of human rights violations in Syria indicates that these violations and abuses continue. While military hostilities have faded down in the majority of Syria, Syrians are still at risk of persecution and human rights violations, including in the capital. Even though it can be argued that civilians are not at general risk due to military operation, Amnesty International's documentation indicates that a general risk of human rights violations against civilians persists in the country, including Damascus.

Amnesty International is currently conducting research on violations against Syrian refugees who have returned to Syrian government-controlled areas, including in Damascus. Our findings will be presented in an up-coming report that we are planning to publish shortly. Our recent research shows that many civilians returning to their place of origin in government-controlled areas are requested to go through a “security clearance” involving interrogation by Syrian security forces. Amnesty international considers these forces to be responsible for widespread and systematic human rights violations and abuses constituting crimes against humanity, including the use of torture, extrajudicial executions and enforced disappearances.

Amnesty International believes that Damascus residents would face a real risk of persecution or other serious human rights violations upon return to the area and are therefore still in need of international protection. Damascus is a diverse area, including rural areas, such as Eastern Ghoutta for instance, that were retaken by the regime having been previously held by rebel forces. Any Syrian coming from Eastern Ghoutta, Damascus, is considered as pro-opposition by government security forces, and therefore is at high risk of being arbitrarily arrested and being subjected to torture or other ill-treatment and possibly enforced disappearance.

Forcibly returning anyone to Syria violates the international law principle of *non-refoulement*, as it puts deported people at real risk of serious human rights violations. Even though Syrians in Denmark have not been expelled by force to Syria, the fact that asylum seekers whose application was refused are held in return centres leaves them with little alternative and might pressure them

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⁴ Integrationsministeriet, Press statement, 28 June 2020, <https://uim.dk/nyheder/regeringen-sætter-gang-i-genvurdering-af-syriske-flygtninges-behov-for-beskyttelse> (accessed December 14, 2020)

⁵ Skaerbaek Morten, "Opholdstilladelser: FN lagger afstand til Mattias Tesfayes beslutning om syrere", Politiken, July 2, 2020, <https://politiken.dk/indland/art7846485/FN-I%C3%A6gger-afstand-til-Mattias-Tesfayes-beslutning-om-syrere> (accessed December 14, 2020)

to return. International law prohibits “constructive” *refoulement*, which occurs when states use indirect means to coerce individuals to return to a place where they would be at real risk of serious human rights violations.

We therefore urge the Danish government and authorities to take Amnesty International’s recommendations and assessment regarding the situation in Syria and Damascus into account and to consider changing the practice vis-a-vis Syrians in Denmark.

In order to assist with the research of our forthcoming report, we would also appreciate your response to the following questions:

- 1- How many new asylum applications by Syrian nationals has the Danish Immigration Service received this year? How many have been accepted?
- 2- Since the decision of the Denmark Refugee Board that Damascus is an area where Syrians “are not at general risk”, how many asylum applications by Syrian nationals originating from Damascus have been rejected on that basis this year?
- 3- Has Denmark taken further steps to update its assessment of the risk of returning refugees to Syria, including areas within Damascus?

Information on Syrian nationals in Return Centres

Amnesty International received information according to which as of 15 November, 51 Syrian nationals were in Return Center Sjælsmark, Return Center Kaershovedgaard or Return Center Avnstrup.

We would appreciate your response to the following questions:

- 1- How many Syrian nationals were in return centres during August-December 2020? Could you please provide a breakdown per month, per return centre and according to sex and age (children/adults)?
- 2- On what grounds have these Syrian nationals been taken to return centres?
- 3- How many Syrian nationals in return centers have challenged the decision that led them to centres?

Since we are planning to publish a report on this issue, we would be grateful for any other related information or relevant documents that you may share with us. We would appreciate if you could respond by the 20th of January, so that we can include it in our forthcoming publication. Please note that we may reflect any information we receive from you in our published materials as appropriate (which may include quoting your responses verbatim). Information can be sent to the following email address gtirefugeeandmigrantsteam@amnesty.org.

Yours sincerely

Mark Dummett
Director of Global Issues Programme

