



## POLICY PAPER SYRIA

Date: 26/10/2015

### DISCLAIMER

A country-specific policy paper provides the main points regarding the policy rules that are applied by the Commissioner General when assessing requests for asylum from a specific country.

A country-specific policy paper begins with a brief, simplified summary of the complex situation in a country of origin. The situation outline only covers the asylum-related aspects of the situation in that country. A non-exhaustive overview is then provided of the at-risk groups in the country of origin. The focus lies on the at-risk profiles that the CGRS encounters during its day-to-day work. In addition, it only covers the policy themes that are relevant for the country of origin or any special policy rules that apply to that particular country. Subsequently, a country-specific policy paper does not contain a complete overview of all of the possible issues that may be faced by the citizens of the relevant country of origin.

The policy implemented by the Commissioner General is based on a thorough analysis of accurate and up-to-date information on the general situation in the country of origin. This information is collated in a professional manner from various, objective sources, including the EASO, the UNHCR, relevant international human rights organisations, non-governmental organisations, professional literature and coverage in the media. When determining policy, the Commissioner General does not simply examine the COI Focuses, drawn up by Cedoca and published on this website, as these deal with just one aspect of the general situation in the country of origin. The fact that a COI Focus could be out of date, does not necessarily mean that the policy that is being implemented by the Commissioner General is no longer up-to-date.

The policy paper does not reflect the complexity of the asylum application assessment process. When assessing an application for asylum, the Commissioner General not only considers the actual situation in the country of origin, at the moment of decision-making, he also takes into account the individual situation and personal circumstances of the applicant for international protection concerned. Every asylum application is examined individually. An applicant must comprehensively demonstrate that he has a well-founded fear of persecution or that there is a clear personal risk of serious harm. He cannot, therefore, simply refer back to the general conditions in his country, but must also present concrete, credible and personal facts.

A policy paper only has an informative value and is published without obligation and in order to provide information. No rights, of any nature, can be derived from the content of a country-specific policy paper. The information is of a general nature and is not adapted to applicants' personal or specific circumstances. A country-specific policy paper cannot therefore be used as a resource for corroborating an application for asylum or an appeal against a decision made by the Commissioner General.

The information contained in a policy paper is checked as carefully as possible. The CGRS puts a great deal of effort into updating policy papers and ensuring they are as complete as possible. Despite these efforts, it is possible that the content encompasses oversights or inaccuracies. The CGRS cannot be held liable for any direct or indirect damage resulting from access to, consultation or use of the information published in a policy paper.

For a better understanding of the policy themes that may be dealt with in a country-specific policy paper, see web page "About the CGRS/Policy".

### 1. SITUATION OUTLINE

Since 2011, Syria has been involved in a bloody, internal armed conflict which has resulted in a very high number of victims, displaced persons and refugees. The opposing parties do not spare the civilian population. Every day, on a large scale and in the most barbaric manner, both the Syrian army and the armed opposition forces violate international humanitarian law and human rights. In many cases, civilians are targeted for ethnic or religious reasons or because they are perceived to be part of another political movement.

The civil war has had a devastating impact on the civilian population. There are estimated to be a total of 12.2 million Syrians who, as a result of the armed conflict, require humanitarian assistance. Displaced persons within Syria total 7.6 million. In addition, 4.2 million Syrians have fled the country. Most of the refugees that are located outside Syria can be found in neighbouring countries (Turkey, Jordan, Lebanon) and often in very precarious circumstances.



## 2. PERSECUTION IN THE CONTEXT OF THE REFUGEE CONVENTION

Given the enormous impact of the armed conflict on the Syrian civilian population and the extremely problematic security and human rights situation in the country, it is clear that Syrian citizens need international protection.

In light of the fact that many Syrians have a well-founded fear of persecution on the grounds of one of the conditions in the Refugee Convention, most Syrian applicants for international protection are granted refugee status.

## 3. SUBSIDIARY PROTECTION

The extent of indiscriminate violence in Syria is so high that there are genuine reasons for assuming that any civilian who is present in Syria faces a serious threat to his life or person. If there are no elements that refer to persecution due to one of the five criteria in the Refugee Convention, subsidiary protection status will be granted as a result of the war in the country (article 48/4, § 2, c) of the Aliens Act).

## 4. (DUAL) NATIONALITY

Identity, nationality and origin are significant elements in the asylum procedure. An applicant for international protection must initially, on the basis of concrete documents of proof and/or coherent statements, demonstrate that he has Syrian nationality. If the applicant is not successful in this regard, the Commissioner General will decide to refuse international protection.

It is also important to establish whether the applicant has nationalities other than Syrian nationality. There is no need for international protection if a person has different nationalities and there is no threat of persecution in one of these countries or he can count on the protection of the national authorities. A Syrian applicant for international protection who has dual nationality will thus need to demonstrate that neither the Syrian authorities nor the authorities in the country where he has alternative nationality can or will offer him the necessary protection.

## 5. EXCLUSION

The war in Syria is characterised by systematic and severe violations of international humanitarian law. Civilians have become victims of war crimes and crimes against humanity on a large scale.

For this reason, the CGRS will always investigate whether persons are connected to the Assad regime or the Syrian opposition or rebels under article 1F of the Refugee Convention.

If there are serious reasons for assuming that the applicant was directly involved in war crimes and crimes against humanity, or it is clear that he had a commanding role in this type of act, he will be excluded from the Refugee Convention and the status of subsidiary protection.