



## POLICY PAPER SOMALIA

Date: 02/06/2015

### 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 the 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 The fact that a COI Focus could be out of date, does not necessarily mean that the policy that is being implemented by the Commissioner General is no longer up-to-date.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. Every asylum application is examined individually. An applicant must comprehensively demonstrate that he has a well-founded fear of persecution or there is a clear personal risk of serious harm. He can, therefore, not only refer back to the general conditions in the 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

After the fall of president Siad Barre in 1991, Somalia sank into chaos. Various authorities have taken power since then. Somaliland and Puntland became *de facto* states independent of Somalia in the 1990's. The general security situation in Somalia is largely determined by a long-term, ongoing, internal armed conflict which has resulted in many Somalis being uprooted or seeking refuge in other countries. In order to assess the need for international protection, the Commissioner General takes into account the fact that there are fundamental differences between the situations in Mogadishu, Central and Southern Somalia on the one hand, and the situation in Somaliland and Puntland on the other.

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

The Commissioner General recognises that the situation in Somalia is problematic but simultaneously is aware that the extremely complex Somali situation is not such that every Somali



person per se and simply as a result of his country of origin can be granted the status of international protection.

Refugee status, in the first instance, is granted to applicants for international protection who present specific and individual characteristics or facts, which indicate a fear of persecution.

In some cases, refugee status is also granted because an applicant belongs to a specific population group that, in its entirety, is systematically persecuted and it can thus be assumed that every member of that population group is at risk of persecution. The applicant for international protection must therefore only demonstrate that he belongs to this population group. He does not need to demonstrate individual persecution.

With women or girls, there will also be an examination whether there are reasons for granting the status of refugee due to a risk of genital mutilation. Prevalence of female genital mutilation is still very high among Somali women and young girls.

### 3. SUBSIDIARY PROTECTION

The Commissioner General recognises that the situation in Somalia is very problematic. The available information shows that the level of violence and the impact of armed conflict differs dramatically per region. These strong regional differences characterise the conflict in Somalia. For these reasons, when assessing the need for protection, the Commissioner General not only takes into account the current situation in Somalia but also examines the security situation in the area from which the applicant originates.

The CGRS constantly monitors the situation in Somalia. When assessing the need for subsidiary protection, the Commissioner General takes account of the actual situation in Somalia as is the case at the moment of decision-making.

The Commissioner General already grants many Somalis from Mogadishu, Central or Southern Somalia subsidiary protection status as a result of the general security situation in the country, even though the applicants cannot provide individual reasons as to why they are in danger.

For Puntland and Somaliland, the Commissioner General is of the opinion that there is no genuine risk of citizens becoming the victim of indiscriminate violence in the context of the armed conflict.

### 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 Somali nationality. If the applicant is not successful in this regard, the Commissioner General will decide to refuse international protection. An applicant for international protection may not solely rely upon a reference to the fact that he belongs to the Somali population group or has a particular Somali dialect. Speaking a specific language does not necessarily mean that a person comes from Somalia or a region for which the status of subsidiary protection is granted. For Somalia, a distinction is only made between regions in the northern and southern areas. In addition, the Somali population group not only occurs in Somalia but also in Djibouti, Ethiopia, Kenya and Yemen.

After the fall of the Siad Barre regime, many Somalis fled to various regions across the world. Many of them have now obtained another nationality. It is therefore also important to establish whether the applicant has nationalities other than Somali nationality. There is no need for



international protection if a person has various nationalities and can count on the protection of the national authorities in one of these countries. A Somali applicant for international protection who has dual nationality will thus need to demonstrate that neither the Somali authorities nor the authorities in the country where he has alternative nationality can or will offer him the necessary protection.

## 5. THE ACTUAL SITUATION

An applicant for international protection cannot simply rely upon a reference to Somali nationality. The applicant must also provide a clear insight into his place of residence before arriving in Belgium. This is extremely important for the assessment of the asylum application. The fact that the applicant has not recently come from Somalia or has spent a period of time in another country does not necessarily mean that he does not need protection. The applicant, however, will be expected to provide a clear overview of his situation or movements in the years before his arrival in Belgium.

The importance of providing clarity about actual origins and previous places of residence cannot be stressed enough. The actual region of origin is vitally important for investigating the need for international protection. The fear of persecution and the risk of serious harm will be examined on the basis of the actual place of origin. An applicant for international protection that provides false statements on his previous places of residence will prevent the asylum organisation from establishing whether the location from which he actually comes corresponds to a genuine risk of serious harm. The applicant will also be failing to provide an insight into whether he has the option to settle in a region where there is no risk of serious harm. Subsequently, the applicant is not providing a credible case for needing subsidiary protection.

## 6. EXCLUSION

The CGRS will always investigate whether persons fall 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.