



**Ministry for Foreign Affairs
Sweden**

Director-General for Legal Affairs

Special Rapporteur on the promotion and protection of
the right to freedom of opinion and expression;
Special Rapporteur on the situation of human rights in
the Islamic Republic of Iran;
Special Rapporteur on the situation of human right
defenders; and
Special Rapporteur on torture and other cruel, inhuman
or degrading treatment or punishment
Office of the High Commissioner
for Human Rights
United Nations
CH-1211 GENEVA 10
Switzerland

Communication from Special Procedures: Joint Urgent Appeal

**Reference: UA G/SO 214 (67-17) G/SO 214 (107-9) G/SO 214 (53-24)
Iran (2011-16) SWE 1 /2013**

Madam and Sirs,

I have the honour of referring to your letter of 1 February 2013 in which the Swedish Government is invited to submit certain observations regarding the situation of Mr Abdullah Barahouei, a national of the Islamic Republic of Iran, currently staying in Sweden, where he has applied for asylum and a residence permit. More specifically, the Government is asked to provide information about the facts of Mr Barahouei's case as well as whether any complaint has been lodged by him or on his behalf and the legal grounds for his deportation, if this is to take place.

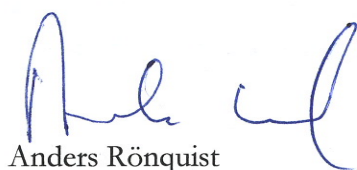
At the outset, the Government can clarify that Mr Barahouei's application for asylum and a residence permit has been examined on the merits by the Migration Board as well as by the Migration Court. His application was, however, rejected and the decision to expel him gained legal force on 30 October 2012. Nevertheless, on 30 January 2013, Mr Barahouei turned to the Migration Board and requested that his case be re-examined since there was a lasting impediment to the enforcement of his expulsion order. In accordance with Chapter 12, Section 19, third paragraph of the Aliens Act, the application automatically resulted in a suspension of the enforcement of the decision on expulsion. On 1 February 2013, the Migration Board granted

Mr Barahouei a re-examination of his case in accordance with Chapter 12, Section 19, first paragraph of the Aliens Act. The Migration Board found that there were new circumstances in the case which could be assumed to constitute a lasting impediment to the enforcement of the applicant's decision on expulsion. Following the decision on re-examination, a legal counsel will be appointed for Mr Barahouei and a new investigation of his need of protection in Sweden will be conducted.

The re-examination by the Migration Board, whose decision is subject to appeal to the Migration Court and to the Migration Court of Appeal, will result in a decision whether Mr Barahouei will be granted a residence permit in Sweden. It is further pertinent to clarify that any decision on expulsion of Mr Barahouei will not be enforced until there is a final decision in the re-examination proceedings. Hence, should the Migration Board find that there is no impediment to enforcing Mr Barahouei's decision on expulsion, he can appeal to the migration courts without risk of being expelled while his appeal is pending.

To sum up, the migration authorities are currently re-examining Mr Barahouei's need of protection in Sweden and he does not face an immediate risk of expulsion. Against this background, the Government does not find it necessary at this stage to answer the questions in your letter of 1 February 2013. However, the Government will of course provide information about the outcome of the re-examination of Mr Barahouei's case as soon as possible.

Please, accept, Madam and Sirs, the assurances of my highest consideration.

A handwritten signature in blue ink, appearing to read 'Anders Rönquist', with a stylized flourish extending to the right.

Anders Rönquist
Ambassador