

Applicant

, date of birth , male, national of Belarus

Address:

Public counsel: Marunga, Andrea, Wennberg & Glommen Advokaterna i Väst,
Fabriksgatan 7, SE-412 50 Gothenburg

Decision

The Swedish Migration Agency decides:

- to reject your application for a residence permit and a work permit.
- to reject your application for a declaration of refugee status and a travel document.
- to reject your application for a subsidiary protection status declaration.
- to expel you from Sweden, pursuant to the provisions of Chapter 8, Section 6 of the Aliens Act (2005:716).
- that the expulsion shall take place by you travelling to Belarus. If you can show that some other country can receive you, you may travel there instead.
- that you have to leave Sweden no later than four weeks after this decision has become final and non-appealable, under Chapter 8, Section 21 of the Aliens Act. If you do not leave the country in accordance with this decision by the end of this period, you may be given a re-entry ban under Chapter 12, Section 15a of the Aliens Act.
- to grant your public counsel Andrea Marunga payment for costs of SEK 18 438, of which SEK 3 688 is value added tax. The Swedish Migration Agency makes this payment.

Anders Englund
Decision-
making Officer

Carolina Mattsson
Reporting Officer

A signed original is held by the Migration Agency.

Copy to:

, main recipient
Andrea Marunga
Unit in
Asylum Examination Unit 6 in
Gothenburg

Your application

You applied for asylum in Sweden on 1 May 2017. The Migration Agency is examining your right to a residence permit as a refugee or a person eligible for subsidiary protection. In addition, we are examining your application for a travel document. We are also examining whether there are exceptionally distressing circumstances that mean that it would be contrary to Sweden's international commitments to expel you.

Provisions on which the decision is based

This decision is based on the provisions of the Aliens Act (2005:716) and the Act Temporarily Restricting the Possibility to Obtain Residence Permits in Sweden (2016:752). The relevant sections are set out in an annex to this decision.

There are also provisions about international protection in international law and in European Union law. There is more information about the provisions on the Migration Agency's website, www.migrationsverket.se.

Evidence in the case

Your account is evidence in the case. Documents, including documents in digital form, and information about your country of origin are other examples of evidence.

The following is a summary of the account you have given to support your application: You are a national of Belarus, and you come from Dubrovno. You are politically active in the party called the OGP and you have been subjected, in your country of origin, to assault, threats and harassment by persons linked to the authorities in Belarus.

Since the persecution emanates from the authorities in Belarus, you have not been able to turn to them to get protection. If you return to Belarus, you will be killed on account of your political activity in the OGP.

You have submitted the following in support of your application:

- Your driving licence
- Your military record book
- Your OGP membership card
- Document(s) showing that you are a candidate for elected office in the OGP
- Links to YouTube films
- An Excel list
- Copy of a court document
- Copy of a trade union membership card
- Copies of newspaper articles
- Copies of documents.

Migration Agency's assessment**Assessment of your information about your identity**

Before you can obtain a residence permit in Sweden, the Migration Agency needs to know who you are and where you come from. This means that you are obliged to plausibly demonstrate your identity by submitting

identity documents or by providing reliable and credible information.

You have said that you are a Belarusian national. To show who you are, you have submitted a Belarusian driving licence and a military record book. The Migration Agency makes the assessment that the documents submitted along with your oral account have plausibly demonstrated your identity and therefore also your Belarusian nationality. Nothing has emerged to show that you also have another nationality or that you have the right to stay in any other country over and above Belarus. Your case is therefore only being examined in relation to Belarus and the circumstances there today.

Assessment of your right to protection

The Migration Agency examines whether you have the right to protection in Sweden. We base this examination on your account and on the other evidence. We begin by considering whether your account is reliable and credible, i.e. whether it is coherent, detailed and not contrary to generally known facts or the information available about your country of origin. After that, we assess whether you risk abuse in Belarus that gives you the right to protection as a refugee or a person eligible for subsidiary protection.

Assessment of your right to protection as a refugee and a person eligible for subsidiary protection

The provisions on who is a refugee or a person eligible for subsidiary protection are set out in Chapter 4, Sections 1–2 of the Aliens Act.

Documentary evidence

The membership card from the OGP has been issued using simple printing technology and has been laminated with plastic. All the articles you have submitted have been printed from a computer and are therefore easily manipulated by, for example, pasting in images. The rest of the document are copies.

You have submitted screenshots in which you say that you are threatened. However, it is not possible to determine from whose phone the screenshots have been taken or who actually wrote the messages. In addition, the Migration Agency finds that the printouts are of a simple nature.

You have stated that you are on the list kept by VESNAS, a human rights organisation, of people subjected to offences. To support your information you have submitted a USB memory stick whose contents include an Excel list. However, it is not possible to determine who has drawn up the list. Moreover, the list is easy to manipulate.

According to you, the USB memory stick is supposed to contain audio files supporting your claim that you have been threatened by the Belarusian authorities. However, it is not possible to establish who the voices on the audio files belong to. The information that the persons on the audio files include officials from Belarusian authorities only come from you. So the audio files cannot be linked to the threat presented.

The USB memory stick submitted also contains five films that, according to you, show you and another party member when you are having various conversations that are critical to the regime. You say that the films have been published on YouTube. The Migration Agency sees from a general search that the films can be found on YouTube. The Agency also sees that the films have been shown a total of more than 10 000 times. However, the fact that the films have been spread on the internet does not plausibly demonstrate that they have come to the knowledge of the Belarusian authorities and that the authorities would be interested in you on account of them.

The documents submitted cannot plausibly demonstrate your need for protection. The Migration Agency therefore has to consider your oral account.

Oral account

You have said the following about your political activity in the OGP. The party's goal is to bring about fair and transparent elections and to change the legal system. You have been asked to describe why you joined the OGP specifically. In your reply you do not say much about the OGP's policies. Instead, you primarily say that you dislike Alexander Lukaschenko. You have been asked to describe your duties in the OGP. You have, for example, only said that you held elected office, that you gathered support signatures and that you flew the party flag. The Migration Agency makes the assessment that you have given a vague description of your political activities in the OGP.

As regards the harassment, the Migration Agency makes the following assessment. You have said that the district committee in your city decided that you could not use a school building for your goose breeding business on account of your political activities. The Agency also noted that the reasons for the police search and for your arrest and interview were partly that you had been reported to the police and partly to prevent you from taking part in a demonstration that had been refused a permit. The Migration Agency makes the assessment that the above acts do not meet the standard for persecution according to the Aliens Act. So they do not entitle you to international protection.

As regards the gross assault, the threats, the extortion and the search of premises, the Migration Agency makes the following assessment. You say that you were subjected to a gross assault on the order of the deputy chief of police. But you do not elaborate on your account. You also say that you were threatened on various occasions, including by unknown perpetrators on social media. You say that one of the perpetrators is supposed to have written that she will continue to be your nightmare. You do not elaborate more than that on your account, and your description of the threats is assessed as vague. You are also found to have given a meagre description of the extortion attempts that the Belarusian authorities are supposed to have subjected you to. You say that you have been subjected to a search under a search warrant of your home. However, this information is second-hand information. In addition to this, you have, for instance, said that the police have accepted reports made by you and interviewed you when you have been subjected to crimes. You say in your submission that in other cases the police have not accepted your reports. However, the Agency

makes the assessment that this is a /reconstruction after the event/ and finds, on the contrary, that the information given further contradicts you having had problems with the Belarusian authorities. Finally, you have said during the investigation that you do not know whether the Belarusian authorities are looking for you. The Migration Agency therefore makes the assessment that the information given by you that you risk being killed if you return is speculation. The Migration Agency makes the assessment that you have not plausibly demonstrated that there would be any specific threat to you from the Belarusian authorities if you returned to Belarus.

The Migration Agency makes the assessment that you have not plausibly demonstrated that, on returning to Belarus, you risk being subjected to persecution on account of your political activities. So you are not a refugee on account of your political belief. Nor has it emerged that you risk being subjected to persecution for other reasons if you return.

Individual reasons are needed to be assessed as a person eligible for subsidiary protection in relation to Belarus. The Migration Agency finds that you have not plausibly demonstrated that there would be an individual threat to you if you returned to Belarus. This assessment takes account of the absence of internal armed conflict in Belarus.

Therefore you are not a refugee or person eligible for subsidiary protection, and you cannot be given a residence permit on either of those grounds. This means that you cannot be granted a declaration of refugee status, a declaration of subsidiary protection status or a travel document.

Assessment of whether it would be contrary to Sweden's international commitments to expel you

Since you are not a refugee or a person eligible for subsidiary protection, we consider whether you can be given a residence permit on account of exceptionally distressing circumstances. It is an overall assessment of your personal circumstances, especially your state of health, your adaptation to Sweden and the situation in your country of origin, that determines whether there are such circumstances. The provisions are set out in Chapter 5, Section 6 of the Aliens Act.

You have said that you do not have any health problems at present. So your state of health is not an exceptionally distressing circumstance. Regarding your adaptation to Sweden, the Migration Agency notes that you have only been in Sweden for a short period of time and must therefore be considered to have stronger ties to Belarus.

The circumstances on a return in your case cannot be considered to constitute exceptionally distressing circumstances.

The circumstances in your case are not exceptionally distressing circumstances under the Aliens Act. Therefore you cannot be granted a residence permit on that ground. Nor is expelling you contrary to an international commitment under a convention.

Expulsion

The Migration Agency has examined your application and concluded that you do not have

the right to a residence permit in Sweden. Since you do not have the right to a residence permit, the Migration Agency decides to expel you.

Provisions on expulsion are set out in Chapter 8, Section 6 of the Aliens Act.

Return

Your expulsion order has to be enforced by you travelling to the country that we specify. This is stated in Chapter 8, Section 20 of the Aliens Act. You have to return to Belarus, or to some other country if you can show that that country will receive you.

Period of time to leave Sweden voluntarily

A person who is given a refusal of entry or expulsion order has to leave the country within a certain period of time. The provisions about this period are set out in Chapter 8, Section 21 of the Aliens Act.

You are given a period of four weeks to leave the country voluntarily. This means that you have to leave Sweden no later than four weeks after this decision

has become final and non-appealable. The decision becomes final and non-appealable when it can no longer be appealed or when you declare that you accept the decision, irrespective of whether or not you have already appealed.

If you do not leave Sweden within four weeks, you can be banned from returning to Sweden for a certain period of time. An alert about you will then be registered in the Schengen Information System (SIS) and you will not be allowed to enter other Schengen States either for as long as the ban is in force.

The decision can be appealed

If you want to appeal this decision, information on the last page tells you how to do so.

Annex

- Extract from the Aliens Act (2005:716)
- Extract from the Act Temporarily Restricting the Possibility to Obtain Residence Permits in Sweden (2016:752)

Appealing this decision

You can appeal this decision by yourself or with the assistance of your public counsel or someone else. Your appeal has to be made in writing and is sent to the Migration Agency. It must be received by the Migration Agency within three weeks from the date on which you received the decision. There is no time limit regarding the right to appeal against decisions on detention and supervision.

Decisions that can be appealed

Appeals can be made of the Swedish Migration Agency's decisions:

- to reject an application for a residence permit or withdraw a residence permit;
- to reject an application for a work permit or withdraw a work permit;
- to reject an application for a travel document;
- on status declaration;
- to reject an application for an alien's passport in a residence permit decision if the application for a residence permit has been rejected;
- on refusal of entry or expulsion;
- on transfer under the Dublin Regulation;
- on a ban on returning to Sweden;
- on detention and supervision;
- on payment of costs to the public counsel.

What to do

- Write which decision you want to appeal against and how you want it to be varied.
- Write your name, personal identity number or date of birth, postal address and telephone number.
- Sign the letter yourself. If you have a public counsel or someone else to help you with your appeal, that person can sign the letter. In that case they have to enclose a power of attorney.
- Send your appeal to the Swedish Migration Agency, Asylum Examination Unit 6 in Gothenburg, Box 1087, SE-405 23 Gothenburg.

What happens to your appeal?

The Migration Agency first checks whether your appeal has been received in due time. Then we check whether we have made the right decision or whether we should vary it in the way you want. If we do not vary the decision, we forward your case to the court, Gothenburg Administrative Court, Migration Court, which examines your case.

If you have any questions

When the Migration Court has received your appeal, you have to turn to it if you have questions about your appeal.