

Denmark - the Refugee Appeals Board's decision of 19 June 2017

Country of Decision:

Denmark

Country of Applicant:

Somalia

Date of Decision:

19-06-2017

Court Name:

The Refugee Appeals Board

Keywords:

Child Specific Considerations
Country of origin information
Credibility assessment
Gender Based Persecution
Refugee Status
Refugee sur place
Revocation of protection status
Subsidiary Protection

Relevant Legislative Provisions:

Council of Europe Instruments > [EN - Convention for the Protection of Human Rights and Fundamental Freedoms](#) [1] > [Article 3](#) [2]

Headnote:

The applicant is an ethnic Somali and a Sunni Muslim belonging to the Bon Clan from Mesegawayn in the Galgaduud Region, Somalia. The applicant was originally in 2014 granted subsidiary protection by the Danish Immigration Service under the Danish Aliens Act Art. 7 (2). In February 2017, the Danish Immigration Service revoked the applicant's subsidiary protection.

The account of the applicant regarding his original application was rejected by the Board due to a lack of credibility.

The majority of the Board found probable that the applicant's daughter if returned to Somalia

would be at risk of forced circumcision.

As the primary applicant, the child was granted refugee status under the Danish Aliens Act Art. 7 (1). Consequently, the cohabiting parents were granted refugee status under the Danish Aliens Act Art. 7 (1) with reference to the UNHCR Guidelines on International Protection: Child Asylum Claims under Articles 1 (A) 2 and 1 (F) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees, published on 22 December 2009 para. 9.

Facts:

The applicant, born in 1992, is an ethnic Somali and a Sunni Muslim belonging to the Bon Clan from Mesegawayn in the Galgaduud Region, Somalia. He entered Denmark in November 2013 and applied for refugee status. He originally stated that he feared to be killed by al-Shabaab or members of the Abgaal-Wa'esli Clan as his brother had killed three members of this clan. Further, in the applicant's account to the Board he stated that if returned to Somalia his new born daughter is at risk of forced circumcision.

On 18 July 2014, the Danish Immigration Service granted the applicant subsidiary protection under the Danish Aliens Act Art. 7, (2) as deportation to South and Central Somalia at that time was found to be a violation of the ECHR Article 3 with reference to the ECtHR Case Sufi and Elmi v. the United Kingdom.

On 14 February 2017, the Danish Immigration Service decided not to prolong the applicant's temporary protection under the Danish Aliens Act Art. 11 (2), cf. Art. 19 (1) no. 1 and Art. 19 (7) cf. Art. 26 (1).

Decision & Reasoning:

The account of the applicant regarding his original application was rejected due to lack of credibility.

The Board then turned to the applicants account regarding the daughter's risk of forced circumcision.

The Board noted that female circumcision was a broadly accepted cultural phenomenon and according to the country of origin information 95-99% of women in the age of 15-49 had been circumcised. The Board accepted that the applicant's partner had been circumcised and there is a tradition in the partner's family, clan and home region for circumcising young girls. Against this background, the majority of the Board found probable that the applicant's daughter if returned to Somalia would be in risk of forced circumcision.

As the applicant's daughter was to be considered the primary applicant the Board therefore granted the child refugee status under the Danish Aliens Act Art. 7 (1) and consequently granted the cohabiting parents refugee status under the Danish Aliens Act Art. 7 (1). The majority of the Board referred, in this regard, to the UNHCR Guidelines on International Protection: Child Asylum Claims under Articles 1 (A) 2 and 1 (F) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees, published on 22 December 2009 para. 9.

Outcome:

The applicant was granted refugee status under the Danish Aliens Act Art. 7 (1).

Other sources cited:

The UNHCR Guidelines on International Protection: Child Asylum Claims under Articles 1 (A) 2 and 1 (F) of the 1951 Convention.

The 1967 Protocol relating to the Status of Refugees, published on 22 December 2009 para. 9.

National / Other Legislative Provisions:

[Denmark - The Danish Aliens Act Art. 7](#) [3]

(1) [4]

(2) [5]

[Denmark - The Danish Aliens Act Art. 11 \(2\)](#) [6]

[Denmark - The Danish Aliens Act Art. 19 \(1\) no. 1](#) [7]

[Denmark - The Danish Aliens Act Art 19 \(7\)](#) [8]

[Denmark - The Danish Aliens Act Art. 26 \(1\).](#) [9]

Links:

[1] <http://www.asylumlawdatabase.eu/en/content/en-european-convention-protection-human-rights-and-fundamental-freedoms-echr>

[2] https://www.asylumlawdatabase.eu/node/195#toc_12

[3] <https://www.asylumlawdatabase.eu/en/national-and-other-legislation/denmark-danish-aliens-act-art-7>

[4] <https://www.asylumlawdatabase.eu/en/taxonomy/term/8137>

[5] <https://www.asylumlawdatabase.eu/en/taxonomy/term/8133>

[6] <https://www.asylumlawdatabase.eu/en/national-and-other-legislation/denmark-danish-aliens-act-art-11-2>

[7] <https://www.asylumlawdatabase.eu/en/national-and-other-legislation/denmark-danish-aliens-act-art-19-1-no-1>

[8] <https://www.asylumlawdatabase.eu/en/national-and-other-legislation/denmark-danish-aliens-act-art-19-7>

[9] <https://www.asylumlawdatabase.eu/en/national-and-other-legislation/denmark-danish-aliens-act-art-26-1>