



RESPONSES TO INFORMATION REQUESTS (RIRs)

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SYR102807.E

Syria: The Syrian government's attitude towards, and its treatment of, citizens who have made refugee or asylum claims, particularly when the claim was made in Canada or the United States (US)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

An official from the Syrian Human Rights Committee (SHRC), an independent London-based organization concerned with the freedoms and human rights of Syrians (SHRC 5 Dec. 2003), provided the following information in correspondence with the Research Directorate:

... [A]nyone who applies for asylum and [is] known to the Syrian security services will be arrested, prosecuted and detained, for distributing false information about Syria.

This issue is applicable to all countries including Canada and USA. (SHRC 4 Apr. 2008)

An official from the Office of the United Nations High Commissioner for Refugees (UNHCR) Representation in Canada provided the following information in 14 April 2008 correspondence with the Research Directorate:

According to information available to the UNHCR Representation in Damascus, and confirmed by a number of European Embassies in Syria, the mere unsuccessful application for asylum abroad will not lead *per se* to prosecution or other forms of persecution in Syria.

1. However, persons who left Syria illegally may have to face prosecution because of illegal departure and this is in many cases most probable.

The Syrian authorities have indicated to different embassies that the mere illegal departure is not considered as a serious crime. This does not apply if there should be any person who is suspected on matters related to terrorism. The same is the case if there is any indication that the person was involved in trafficking activities.

2. Persons who have engaged abroad in political activities (e.g. demonstrations in front of Syrian Embassies against the Syrian Government) may indeed have to face prosecution upon return.

... .

4. The procedure upon return of the unsuccessful asylum-seeker to Syria is the following:

a. The person has to report to the Immigration Department in order to apply for new documentation.

b. The procedure also comprises a visit to the Political Security Branch by which the person will be interrogated regarding the earlier motives and reasons for the illegal departure from Syria. Should this arise, it will be very difficult for the returnee to keep the information on a potential asylum application abroad confidential. Inquiries on the reasons for an asylum application abroad may

follow.

c. Should there be no problem, then the person will obtain, in about three months, new identity documents.

d. Should the authorities come to the conclusion that the person may be considered as an opponent against the regime, the consequences may be very serious. UNHCR is not aware of the fate of such persons. Human Rights Reports on the conditions and treatment of detainees in different types of detention facilities, in particular of those facilities belonging to different Security Branches, speak for themselves.

The UNHCR also stated that the following information that was provided to the Research Directorate on 28 August 2003 was still accurate:

The Syrian law on departure of Syrian nationals, Law no. 42 of 31 December 1975 remains in force and has not been amended. Available information indicates that the practical implementation of this law has not changed since [April 1995]. Any Syrian national who departs the country illegally faces judicial consequences that may, in principle, result in up to three months imprisonment.

Generally speaking, one may expect the same treatment for unsuccessful Syrian asylum-seekers who have departed the country illegally. ... [T]he response of the Syrian authorities is very much dependent upon the nature of the departure and the profile and background of the individual. If it becomes known that they have applied for asylum, the consequences may be severe. However, if the individual's claim for asylum remains confidential then s/he may avoid further complications with the local law enforcement agencies and judicial authorities. Of course, the maintenance of confidentiality will depend, in part, on the manner in which the individual is returned to the country of origin. (28 Aug. 2003)

Refugees International, a Washington-based organization that provides advice on displacement issues to governments and non-governmental organizations (NGOs) (n.d.), reports on the case of a man who was deported to Syria from Germany after his asylum application was refused (Refugees International 13 Feb. 2006). Upon his return, he "was sentenced to two years in prison by the high security court and severely tortured" (ibid.). Refugees International also indicates that "[t]he average length of detention for seeking political asylum abroad was reported to be three to six months" (ibid.). According to the United States (US) Department of State *Country Reports on Human Rights Practices for 2007*, "[p]ersons who have unsuccessfully sought asylum in other countries and who have past connections with the MB [Muslim Brotherhood] have been prosecuted upon their return to Syria" (11 Mar. 2008, Sec 2.d).

According to Amnesty International (AI), two men, Abdul Rahman Musa and Usama Sayes were detained by the Syrian authorities after having failed to secure asylum from the United Kingdom (UK) and the United States (US) respectively (13 May 2005). A 2007 AI report indicates that, in June 2005, both Sayes and Musa were sentenced to death but that their punishment was decreased to a twelve-year prison sentence (see also *Independent on Sunday* 2 July 2006). The Official from the SHRC provided the following information on Musa and Sayes:

Mr Abdul Rahman Musa who was deported to Syria from the USA after applying for asylum was charged with distributing false and fabricated information and undermining the prestige of the state. The same was applied to other deportees including Mr. Usama Sayes who was deported from the UK in 2005 [and] whose sentence was increased [to] two years because he was charged [with] distributing false information and undermining the state's prestige because he applied [for] asylum in the UK. (SHRC 4 Apr. 2008)

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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Internet sites, including: British Broadcasting Corporation (BBC), European Country of Origin Information Network (ecoi.net), Foreign Law Guide, Freedom House, Fédération internationale internationale des droits de l'homme (FIDH), Human Rights Watch (HRW), Integrated Regional Information Networks (IRIN), Legislationline, United Kingdom (UK) Home Office, Office of the United Nations High Commissioner for Refugees (UNHCR) Refworld, United States (US) Department of State, U.S. Committee for Refugees (USCRI), The World Law Guide (Lexadin).

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