

EASO Query System

PCY.2020.023

Original query

PCY.2020.023 – Stateless applicants from other EU+ countries

Query Type: **Policy**

Date Launched: 05/10/2020

Deadline for replies: 19/10/2020

Requesting Entity: **Iceland**

Dissemination policy: **Restricted** to national asylum administrations

For any questions, please contact ids@easo.europa.eu

Background information/reason for submitting query

Last year, the Icelandic Directorate of Immigration received an application for international protection submitted by an individual from Estonia claiming to be stateless. The applicant had been issued an alien's passport and a residence card, which were still valid, by Estonian authorities.

While examining the application for international protection, the Directorate of Immigration discovered the applicant already applied for international protection in other EU+ countries and, in all the previous applications, the respective determining authorities decided to transfer him back to Estonia on the grounds of [article 12 of the Dublin Regulation](#). Based on the same article, the Directorate of Immigration requested a take charge from Estonia. Estonia accepted the request; however, the applicant appealed the decision before the Icelandic Immigration Appeals Committee, which decided to overturn the decision based on that fact that the applicant did not fall within the scope of the Dublin Regulation, as he is not a third country resident. The Committee decided that since Estonia is a Dublin member state, they cannot take charge of the individual and they cannot be asked to look at his asylum claim on its merits, as Estonia had already made a statement by issuing him an alien's passport.

Iceland would like to know how EU+ countries assess international protection applications submitted by individuals coming from other EU+ countries (with a focus on Estonia and Latvia) claiming to be stateless in their country and having an alien's passport and residence permit. Of particular interest is whether applicants of this profile would be considered as falling within the scope the Dublin Regulation.



Questions

1. During the reference period January 2017 to August 2020, has your country received applications for international protection by individuals coming from other EU+ countries, who claim to be stateless?

Yes

No

1.a. If YES to question 1, could you please specify if some of those applicants claimed to have Estonia or Latvia as their former habitual residence?

2. If YES to question 1, do you consider these applications as falling under Dublin Regulation?

Yes. Please specify under which grounds:

No

3. If YES to question 2, in case applicants of this profile submit an alien's passport or a valid residence card issued by the EU+ country of former habitual residence, would you still consider that EU+ country as responsible for examining the application under the grounds of article 12 of the Dublin Regulation¹?

Yes

No

Please specify.

For reference, information provided by IS:

Ad.1. Yes

Ad.1.a Yes, both Estonian and Latvian residence card/alien's passport – claiming to be stateless

Ad.2. Yes, the directorate decided on that but the ruling was overturned by the appeals committee

Ad.3. Yes, but the appeals committee does not agree (as stated in the background of the query)

¹ [Article 12 of the Regulation \(EU\) No 604/2013](#) of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast): *Issue of residence documents or visas*