

EASO Query System

PCY.2020.024

Original query

PCY.2020.024 – Belarusians with a business background

Query Type: **Policy**

Date Launched: 08/10/2020

Deadline for replies: 22/10/2020

Requesting Entity: **Lithuania**

Dissemination policy: Please note that **LT** would like to share information from with the Supreme Administrative Court of Lithuania. At the end of the query, responding countries are requested to indicate whether they grant their consent for this purpose.

Background information/reason for submitting query

Following a decision by the Supreme Administrative Court of Lithuania to review a case anew, the Lithuanian Migration Department would like to ask information about cases related to Belarusian nationals, who are entrepreneurs or family members of entrepreneurs, and against whom criminal procedures have been initiated in their country (e.g. they are charged with financial crimes). **LT** is looking into how to assess such cases and distinguish between individuals prosecuted for a crime and individuals with actual protection needs (i.e. Geneva Convention grounds, and in particular political opinion). The latter group may include individuals, who have been charged with financial crimes by the Belarusian government as a pretext but may be actually persecuted on political grounds. To this end, **LT** would like to request information from other EU+ countries on how they assess applications for international protection submitted by individuals of this profile.



Questions

1. During the reference period January 2018 -September 2020, has your country received applications for international protection from Belarusian nationals with a business background (entrepreneurs and/or their family members), who have been charged with financial crimes and claim that they have been falsely charged and are actually being persecuted on political grounds?

Yes

No

If NO, please go directly to question 6.

2. If YES to question 1, which reasons have these applicants identified as the reasons for their persecution?

3. What is your country's policy toward applicants of this profile (entrepreneurs and/or their family members)?

4. What information sources do you use to inform your policy toward this profile of applicants?

5. During the reference period January 2018-September 2020, have you granted a form of protection to applicants of this profile (entrepreneurs and/or their family members)?

Yes, we have granted refugee status on the following grounds:

Yes, we have granted subsidiary protection on the following grounds:

Yes, we have granted a national form of protection on the following grounds:

No protection granted to applicants of this profile

6. In the event that your country receives applications from individuals charged with financial crimes in their country, how do you assess whether such applicants have been reasonably charged with those crimes or whether they have actual protection needs (e.g. on Geneva Convention grounds)? Please note that this is a general question not exclusively focusing on Belarusian nationals. Feel free to share information on how you assess similar cases from other countries too.

Consent

As described in the background, LT would like to share information from with the Supreme Administrative Court of Lithuania. Do you give your consent for query results to be used for this purpose?

Yes

No

For reference, information provided by LT:

Ad.1. Yes

Ad.2. Applicants stated that they are prosecuted because of their political affiliations/ for political reasons as the regime in Belarus persecutes wealthy people and seeks to gain profit. Sometimes



applicants state that they will be prosecuted because of family bonds with entrepreneurs in order to put pressure on them.

Ad.3. As receiving applications from individuals of this profile is rare, no general policy exists

Ad.4. Information from state security department, Police department, COI and documents provided by the applicant (usually in such cases especially from Russia we get hundreds of pages of criminal case material)

Ad.5. No protection granted to applicants of this profile

Ad.6. We do not assess if a case was initiated reasonably. However, applicants' statements on the adequacy of the legislation application are reviewed in the context of the concept of "flagrant denial of justice" to that extent, which is possible in the light of information found in the open sources or received from other authorities (e. g. General prosecutor office). We also assess whether punishment, which is foreseen in the country of origin, is proportional and we compare penalties in different EU countries for the same crime.