



# KNOWLEDGE-BASED HARMONISATION OF EUROPEAN ASYLUM PRACTICES

*A project of the Hungarian Helsinki Committee  
co-financed by the European Commission*

## Case Summary Template

Country of Decision/Jurisdiction	<b>Bulgaria</b>
Case Name/Title	H.M. Madjid v. the head of the State Agency for Refugees
Court Name <i>(Both in English and in the original language)</i>	Supreme Administrative Court ( <i>Върховен административен съд</i> ) Panel of three judges
Neutral Citation Number	11261/2009
Other Citation Number	
Date Decision Delivered	28/10/2010
Country of Applicant/Claimant	Syria
Keywords	persecution, membership of a particular social group
Head Note (Summary of Summary)	The head of the State Agency for Refugees had issued a decision to reject refugee and subsidiary protection to Mr. Madjid on the ground that he did not qualify for refugee status or subsidiary protection. The decision was repealed and the administrative organ was obliged to issue a new decision following the binding interpretation of law given by the court.
Case Summary (150-500)	
<i>Facts</i>	Mr. Madjid is a Kurd from Syria. He is stateless and belongs to the group of the so-called 'maktumen', that is, 'second-class' Kurds in Syria without recognized citizenship and without recognition of their birth on the territory of Syria. The applicant complained that in the country of his former habitual residence, Syria, he was deprived of any human rights and subjected to discrimination in all spheres of life.  The head of the State Agency for Refugees refused protection to Mr. Madjid on the ground that he was not personally targeted in Syria and therefore he had not been subjected to persecution.
<i>Decision &amp; Reasoning</i>	The Court found that Mr. Madjid qualified for refugee protection as he had well-founded fear of persecution on ground of his membership to a particular social group – the 'maktumen' Kurds in Syria.  <i>"As it could be seen in the statements made by the applicant, the reasons for which he left his country of origin are related to his membership in a particular social group – the maktumen – and the ensuing persecution by the state authorities in Syria, which takes the form of legal and administrative measures amounting to discrimination with regard to recognition and exercise of his fundamental human rights. This refugee story in itself substantiates and defines a need for granting of international protection by the Republic of Bulgaria in the form of refugee status. Taking into account</i>



# KNOWLEDGE-BASED HARMONISATION OF EUROPEAN ASYLUM PRACTICES

A project of the Hungarian Helsinki Committee  
co-financed by the European Commission

	<p><i>that the story has been consistently and unequivocally related throughout the asylum procedure, as well as considering the country of origin information which reveals that there is persecution of the maktumen Kurds – the authorities do not recognize them as subjects with rights, there is no recognition of their right to citizenship, free movement, self-determination, education, access to medical assistance, conclusion of marriage, property, participation in the government of the state and a right to vote – a decisive circumstance comes to be the membership of the foreign national to the stated particular social group."</i></p> <p><i>"Видно от самите изявления на жалбоподателя, причините за напускането на държавата му на произход са свързани с принадлежността му към определена социална група – мактумени и следващото се от това преследване от страна на официалните власти на Сирия, изразяващо се в прилагането на закони и административни мерки, водещи до дискриминация спрямо признаването и упражняването на негови основни човешки права. Така поддържана, бежанската история сама по себе си предопределя и основателност и респ. необходимост от предоставянето на международна закрила от страна на Република България под формата на статут на бежанец. При положение, че историята е последователно и непротиворечиво поддържана в хода на производството, както и че видно от приложените справки е установено преследване на кюрдите - мактумени – властите не признават тяхната правосубектност, правото им на гражданство, правото на свободно придвижване, на самоопределение, на образование, на достъп да здравеопазване, встъпване в брак, собственост, участие в управлението на държавата и право на глас, то решаващо обстоятелство се явява принадлежността на чужденеца към посочената социална група."</i></p>
<p><i>Outcome</i></p>	<p>The court repealed the decision of the head of the State Agency for Refugees and the administrative organ was obliged to issue a new decision following the binding interpretation of law given by the court.</p>