CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

COUR EUROPÉENNE DES DROITS DE L'HOMME
EUROPEAN COURT OF HUMAN RIGHTS

THIRD SECTION

DECISION

AS TO THE ADMISSIBILITY OF

Application no. 31246/06
by Zinaida Ivanovna GONCHAROVA and Artem ALEKSEYTSEV
against Sweden

The European Court of Human Rights (Third Section), sitting on 3 May 2007 as a Chamber composed of:

Mr B.M. ZUPANČIČ, *President*,
Mr C. BÎRSAN,
Mrs E. FURA-SANDSTRÖM,
Mrs A. GYULUMYAN,
Mr E. MYJER,
Mr DAVID THÓR BJÖRGVINSSON,
Mrs I. BERRO-LEFÈVRE, *judges*,
and Mr S. QUESADA, *Section Registrar*,

Having regard to the above application lodged on 21 July 2006,

Having regard to the interim measure indicated to the respondent Government under Rule 39 of the Rules of Court,

Having regard to the decision to grant priority to the above application under Rule 41 of the Rules of Court,

Having deliberated, decides as follows:

THE FACTS

The applicants, Ms Zinaida Ivanovna Goncharova and her son Mr Artem Alekseytsev, are Russian nationals who were born in 1955 and 1986 respectively and are currently in Sweden.

A. The circumstances of the case

The facts of the case, as submitted by the applicants, may be summarised as follows.

1. The background and the proceedings before the national authorities

On 31 August 2002 the applicants (together with S., the husband/father of the applicants) arrived in Sweden from Russia and, on the following day, they applied to the Migration Board (*Migrationsverket*) for asylum and residence permits. The first applicant stated that she was a trained engineer and had worked at a construction site in Siberia where she had met S. who also worked there. In 1998 the family had moved to Kaliningrad, where they had lived until the departure to Sweden. According to the applicants, the first applicant had been working as an election administrator during the mayor's election in 1994 and had revealed irregularities, for which reason she had been dismissed from work. Following this, the authorities had harassed the family in different ways, *inter alia*, by creating administrative problems for them (their apartment had not been repaired, they had been prohibited from using electrical appliances in their home, their telephone had been cut off and they had not received proper medical care). The first applicant had complained about their problems to the authorities, the Duma and the President but the only result had been that the local authorities had threatened them and had told the first applicant to stop complaining. In 1999 the applicants had been assaulted and battered by unknown men; they strongly suspected that the authorities were responsible. The second applicant had been granted 1,500 roubles in compensation for the battering but he had only received 500 roubles. He alleged that the persons who had battered him had told him that his mother should stop complaining. He still suffered from headaches and problems with his heart. The second applicant further stated that he feared being drafted for military service and being sent to Chechnya, where several of his friends had died.

On 12 May 2003 the Migration Board rejected the family's application for asylum and residence permits. It found that the difficulties which the family had endured in their home country could neither be classified as persecution nor be considered serious enough to grant the family residence permits on humanitarian grounds. With regard to the second applicant's fear of being drafted for military service, the Board observed that this was not a ground on which he could be granted leave to stay in Sweden.

The applicants appealed to the Aliens Appeals Board (*Utlänningsnämnden*), maintaining their claims and adding a number of examples of how the family had been treated unjustly by the authorities because of the first applicant's complaints to them. The applicants had, *inter alia*, not been given a proper apartment to live in and had also been refused housing benefits from the State. The first applicant further alleged that she

had been threatened and harassed in Sweden because she had reported a person for drug abuse. She stated that she could take no more and that both she and S. were receiving psychiatric help following an attempt by S. to hang himself. The second applicant claimed that he suffered from recurring headaches.

On 24 February 2004 the Aliens Appeals Board rejected the appeal, sharing the Migration Board's reasoning and conclusion. It further found that the applicants' mental health problems were not of such a serious nature that they could be granted residence permits on humanitarian grounds.

The applicants then lodged a new application for residence permits, relying on the same grounds as before and adding that the Swedish authorities had not examined their application properly. The first applicant claimed that her life would be in danger if she were forced to return to Russia, since they had been denied all civil and human rights there. Moreover, she had written more letters to the Russian President and the State Prosecutor which had led to her sister being harassed by Government representatives and local authorities in Kaliningrad. The sister had been asked questions about the whereabouts of the first applicant and threatened.

On 22 April 2004 the Aliens Appeals Board rejected the new application. It observed that it had already considered the applicants' claims in its earlier decision and found no reason to change it. In reaching this conclusion, it had regard to the additional submissions made by the applicants.

The applicants lodged another new application with the Aliens Appeals Board, adding to their earlier claims that the second applicant would face a real risk of being bullied if, upon return, he had to do his military service. Due to the family's very difficult situation, he had tried to commit suicide in August 2004 and the personnel at the hospital had had to watch over him 24 hours a day. He had remained in psychiatric care as an in-patient on a voluntary basis for three weeks. They submitted several medical certificates concerning the entire family.

On 21 September 2004 the Aliens Appeals Board also rejected this application, noting that the second applicant did not suffer from a serious mental disorder but that his poor mental health was due to the family's stressful and insecure living situation. It therefore concluded that neither his nor his parents' mental health was so poor that the family could be granted leave to stay in Sweden on humanitarian grounds. Even having regard to all the circumstances of the case, the Board considered that it would not violate the standards of humanity to deport the applicants to their home country.

On 5 November 2004 the applicants were deported to Kaliningrad.

On 10 December 2004 the second applicant returned to Sweden and his girlfriend's mother let him stay with them. However, he did not apply for asylum and a residence permit until 22 April 2005. Before the Migration Board, he claimed that he and his parents had been detained by the police for two days upon return to Russia and that he had been beaten with batons.

When they had returned to their home town, Sovetsk, he had once been attacked by three unknown persons at the entrance to their apartment building. His mother had also been threatened on the phone by unknown persons. It had been impossible for him to live in Russia because of all the threats against him and his parents. If he had to return, he would not be able to study, get a job or have access to health care. Moreover, he alleged that he had been called to do his military service and that, since he had left the country, he was considered a deserter and would risk a long prison sentence. The second applicant further stated that he was depressed and feeling unwell, for which he was seeing a counsellor. Lastly, he invoked his relationship with his Swedish girlfriend (born in July 1990) and the fact that he lived with her and her family. They had met in January 2004 and been together since then.

On 11 November 2005 the Migration Board rejected the application. It first noted that the second applicant could not be granted asylum because he had evaded military service and it found nothing to suggest that he would receive a disproportionate sentence if he was tried and convicted of desertion. The Board then considered that it was for the Russian authorities to deal with threats and violence from unknown persons and that the second applicant had failed to show that the Russian authorities neither could nor would help him. Moreover, he could not be granted leave to stay either based on reasons of a social/economic nature or based on his alleged poor health. Lastly, the Board noted that the second applicant's girlfriend was only 15 years old and that it was normally required that both persons in a relationship were adults (over 18 years old) for the Board to consider granting a residence permit based on a close relationship. In any event, it observed that the second applicant could apply for a residence permit based on the relationship from Russia, as was the normal procedure.

The second applicant appealed to the Aliens Appeals Board, relying on the same grounds as before and adding that it would be inhumane to send him back.

On 23 February 2006 the Aliens Appeals Board upheld the Migration Board's decision in full.

The Migration Board then carried out a new examination of the second applicant's case under the interim amendments to the Aliens Act in force at the time. The second applicant submitted that he should be allowed to stay in Sweden since he had been in the country for a long time and had developed strong ties to Swedish society. In this respect, he referred to his girlfriend with whose family he lived, that to the fact that he was playing in a local football club and that he had been promised a job if he got a residence permit. He further stated that it would be devastating to his mental health and development if his medical treatment was interrupted. Lastly, he claimed that the Russian military authorities were looking for him because he had not yet done his military service.

On 22 June 2006 the Migration Board decided that he could not be granted leave to stay in Sweden based on the interim amendments to the Aliens Act. It considered that the second applicant had not been in Sweden for such a long time that he had established strong ties to Swedish society. Moreover, his medical condition was not so serious that he could be granted leave to stay on this ground and he should have applied for a residence permit on the basis of his relationship with his girlfriend before having entered Sweden. The Board concluded that the second applicant had not invoked any new circumstances which had not already been considered by itself or the Aliens Appeals Board and that there were no reasons to depart from their earlier conclusions. This decision could not be appealed against.

During the spring of 2006 the first applicant returned to Sweden and renewed her application for asylum and a residence permit. This application is still pending before the Migration Board. It would seem that S. remains in Kaliningrad.

2. Particulars on the second applicant's state of health

According to medical certificates, dated 27 May 2004, 30 August 2004 and 14 October 2004, written by M. Hansson, counsellor, O. Elmgren, resident doctor, and E. Erenius, chief physician and specialist in psychiatry, at the child and youth psychiatric unit at Karlshamn hospital, the second applicant had been in contact with the unit since the end of October 2003. He had contacted them for problems with recurring headaches which he claimed had been caused by the battering in Russia and for which he had also seen a neurologist in Kaliningrad. The second applicant had been very afraid, anxious and stressed by the thought of being deported and had preferred to be with his friends, playing football, instead of being at home. His insecure living situation had deeply affected him and, on 16 August 2004, he had tried to commit suicide by taking an overdose of pills. He had been hospitalised and, initially, kept under surveillance. He had left the hospital at the beginning of September 2004 but had been hospitalised again on 23 September 2004, following another rejection by the Aliens Appeals Board. Apparently, he had threatened to kill himself using a knife but his mother had intervened. This time he had remained at the hospital for four weeks, diagnosed as suffering from severe depression and post-traumatic stress disorder (PTSD) caused by various traumas over many years.

After his return to Sweden, in December 2004, he had contacted the psychiatric unit at the hospital. He had begun to have regular contact with his counsellor, M. Hansson, who, in a medical certificate dated 12 July 2006, stated that, on 8 July 2006, he had tried to commit suicide by taking pills, following a rejection of his application for asylum by the Migration Board. He had been urgently hospitalised as he had lost consciousness. He had been disappointed that the suicide attempt had failed but had been released from hospital after a few days when the treating physician

considered that he was no longer suicidal. The counsellor concluded that the second applicant was in great need of care and treatment to deal with his situation and the trauma of having been an asylum seeker for many years without any stability in his life. There was a risk that his mental health had been seriously damaged which could lead to him developing a serious mental disorder.

The last medical certificate, dated 11 September 2006, was written by O. Elmgren and stated that the second applicant suffered greatly from his insecure situation and had lost faith in the future. The doctor considered that the second applicant was on the verge of a serious mental crisis and that there was a clear risk of suicide.

3. Application of Rule 39 of the Rules of Court and the request for information on the second applicant's state of health

On 4 August 2006 the applicants requested the Court to indicate to the Swedish Government under Rule 39 of the Rules of Court a suspension of their deportation to Russia.

On 9 August 2006 the President of the Second Section decided to apply Rule 39. He further decided to request the Swedish Government to provide information on the second applicant's current mental health and whether it would be an impediment to his deportation.

On 9 November 2006 the Government informed the Court that, on 11 August 2006, the Migration Board, following the Court's request, had decided to stay the deportation of the second applicant until further notice. However, since the first applicant's application for asylum and a residence permit was still pending before the Migration Board, no enforceable deportation decision existed against her which could be suspended.

As concerned the second applicant's mental health and the possibility to deport him, the Government submitted that, based on the medical evidence available, his poor mental health related primarily to his uncertain situation as an asylum seeker in Sweden and the prospect of being expelled. In this respect, they noted that both his suicide attempts had been directly linked to decisions to reject his asylum applications or preparations to enforce the deportation orders. Moreover, the care offered by the psychiatric unit had focused on ways for the second applicant to cope with his situation and to support him. The diagnosis from 2004 that he suffered from PTSD and severe depression had not been repeated and, in the Government's view, there was nothing to support such a diagnosis at the present time. On the contrary, they observed that he had only met with the counsellor three times between January and July 2006. In any event, they found nothing in the medical evidence available to substantiate that his current state of health was so poor that he could be considered to be suffering from a serious mental disturbance. In these circumstances, and referring to the Court's case-law, the Government considered that there were no impediments to

deporting the second applicant to his home country. They also expressed their confidence that a deportation would be carried out in such a manner as to minimise the suffering of the second applicant, taking into account his medical condition.

B. Relevant domestic law and practice

The basic provisions, applied in the present case, concerning the right of aliens to enter and to remain in Sweden were laid down in the 1989 Aliens Act (*utlänningslagen*, 1989:529 – hereinafter referred to as "the 1989 Act"). However, the 1989 Act was replaced, on 31 March 2006, by a new Aliens Act (*Utlänningslag*, 2005:716 – hereinafter referred to as "the 2005 Act"). Both the 1989 and 2005 Acts define the conditions under which an alien can be deported or expelled from the country, as well as the procedures relating to the enforcement of such decisions.

Chapter 1, Section 4 of the 1989 Act provided that an alien staying in Sweden for more than three months should have a residence permit. Such a permit could be issued, *inter alia*, to an alien who, for humanitarian reasons, should be allowed to settle in Sweden (Chapter 2, Section 4). For example, serious physical or mental illness could, in exceptional cases, constitute humanitarian reasons for the grant of a residence permit if it was a life-threatening illness for which no treatment could be provided in the alien's home country.

Further, according to the 1989 Act, an alien who was considered to be a refugee or otherwise in need of protection was, with certain exceptions, entitled to residence in Sweden (Chapter 3, Section 4). The term "refugee" referred to an alien who was outside the country of his nationality owing to a well-founded fear of being persecuted for reasons of race, nationality, membership of a particular social group, or religious or political opinion, and who was unable or, owing to such fear, unwilling to avail himself or herself of the protection of that country. This applied irrespective of whether the persecution was at the hands of the authorities of the country or if those authorities could not be expected to offer protection against persecution by private individuals (Chapter 3, Section 2). By "an alien otherwise in need of protection" was meant, *inter alia*, a person who had left the country of his or her nationality because of a well-founded fear of being sentenced to death or receiving corporal punishment, or of being subjected to torture or other inhuman or degrading treatment or punishment (Chapter 3, Section 3).

An alien who was to be refused entry, deported or expelled, in accordance with a decision that had gained legal force, could be granted a residence permit if he or she filed a new application based on circumstances which had not previously been examined, and if the alien was entitled to a residence permit under Chapter 3, Section 4, or it would be contrary to the requirements of humanity to enforce such a decision (Chapter 2,

Section 5 b). Regard could also be had to serious illness under this provision. Such new applications were filed with and examined by the Aliens Appeals Board (Chapter 7, Section 7).

As regards the enforcement of a refusal of entry, deportation or expulsion, account had to be taken of the risk of capital punishment or torture and other inhuman or degrading treatment or punishment. According to a special provision on impediments to enforcement, an alien could not be sent to a country where there were reasonable grounds for believing that he or she would be in danger of suffering capital or corporal punishment or of being subjected to torture or other inhuman or degrading treatment or punishment (Chapter 8, Section 1).

In essence, the 2005 Act did not substantially amend the above provisions, except for the following.

By the 2005 Act, the Aliens Appeals Board has been replaced by the Migration Court and the Migration Court of Appeal (Chapter 14, Section 3). Moreover, it is no longer possible to renew applications but, instead, the Migration Board shall, on its own initiative, determine whether there is any impediment to the deportation or expulsion (Chapter 12, Section 18).

Furthermore, between 15 November 2005 and 30 March 2006, certain interim amendments to the 1989 Act were in force, according to which the Migration Board, upon application by an alien or on its own initiative, could re-determine final decisions already taken by the Aliens Appeals Board. The object of these temporary amendments was to grant residence permits to aliens who, *inter alia*, had been in Sweden for a very long time or where there existed "urgent humanitarian interests" (*humanitärt angeläget*). Special consideration was given to the situation of children.

COMPLAINTS

The applicants complained under Article 3 of the Convention that, if deported from Sweden to Russia, they would face a real risk of being persecuted and harassed in their home country. Moreover, due to the second applicant's poor mental health, a deportation would cause him irreparable damage and entail a serious risk for his life and health. The second applicant further complained under Article 8 of the Convention that his right to family life with his Swedish girlfriend would be violated since they would be separated if he were sent to Russia. Lastly, the applicants invoked numerous other Articles of the Convention, essentially claiming that they had been treated badly and discriminated against by the Swedish authorities and complaining that the second applicant was not allowed to work in Sweden.

THE LAW

1. The applicants alleged that their deportation to Russia would constitute a violation of Article 3 of the Convention, which provides:

> "No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

The Court first observes that the first applicant's application for asylum and a residence permit in Sweden is still pending before the national immigration authorities and that, consequently, there is no enforceable deportation order against her. It follows that this complaint, in respect of the first applicant, is inadmissible for non-exhaustion of domestic remedies within the meaning of Article 35 § 1 of the Convention and must be rejected pursuant to Article 35 § 4.

As concerns the second applicant, who is an adult, there is an enforceable deportation order against him and the Court will thus proceed to consider his complaints under Article 3 of the Convention.

a) The second applicant claimed that he would be exposed to a real risk of being harassed and persecuted if he were forced back to Russia and possibly even be imprisoned for having evaded military service.

The Court reiterates that the Contracting States have the right, as a matter of well-established rules of international law, including treaty obligations, in particular the Convention, to control the entry, residence or deportation of aliens. However, the deportation of an alien by a Contracting State may give rise to an issue under Article 3, and hence engage the responsibility of that State under the Convention, where substantial grounds have been shown for believing that the person in question, if deported, would face a real risk of being subjected to treatment contrary to Article 3 in the receiving country. In these circumstances, Article 3 implies the obligation not to deport that person (see, among other authorities, *H.L.R. v. France*, judgment of 29 April 1997, *Reports of Judgments and Decisions* 1997-III, p. 757, §§ 33-34).

In so far as regards the allegation of persecution and harassment, the Court notes that the second applicant has referred to his mother's conflict with the Russian authorities as the source of these problems and that they were mainly of an administrative/economic nature. The Court further observes that the second applicant was granted compensation by the Russian authorities following the assault on him, by unknown persons, in 1999 and that he did not report the second assault in November 2004 to the competent authorities. Thus, the Court finds that he has failed to show that, if he were to be returned to Russia, the Russian authorities would be unable or unwilling to protect him against unknown assailants or individual civil servants who transgressed their powers. Moreover, the second applicant's father has remained in Russia since the family was deported from Sweden in

November 2004 and the Court sees no obstacles to the second applicant joining him either in Kaliningrad or somewhere else in the country.

Turning to the second applicant's claim that he would risk being imprisoned upon return to Russia for having evaded military service, the Court observes that he has submitted no documents to the Court to show that he has either been called to do his military service or that he is sought as a draft evader. It therefore considers that he has failed to substantiate that he will be imprisoned, or even prosecuted, for having evaded military service. In any event, the second applicant has presented no evidence that, if he were to be prosecuted for having evaded military service, he would risk a disproportionate sentence. In this respect, the Court attaches importance to the fact that the case concerns deportation to a High Contracting Party to the European Convention on Human Rights, which has undertaken to secure the fundamental rights guaranteed under its provisions (see *Tomic v. the United Kingdom* (dec.), no. 17837/03, 14 October 2003).

In these circumstances, the Court finds that it has not been established that there are substantial grounds for believing that the second applicant would face a real risk of being subjected to treatment contrary to Article 3 of the Convention if returned to Russia.

b) The second applicant further claimed that his deportation from Sweden to Russia would cause him irreparable damage due to his poor mental health, if he were to survive at all.

The Court reiterates that, due to the fundamental importance of Article 3, it has reserved to itself the possibility of scrutinising an applicant's claim under Article 3 where the source of the risk of the proscribed treatment in the receiving country stems from factors which cannot engage either directly or indirectly the responsibility of the public authorities of that country, or which, taken alone, do not in themselves infringe the standards of that Article. In any such context, however, the Court is obliged to subject all the circumstances surrounding the case to rigorous scrutiny, especially the applicant's personal situation in the deporting State (see the *D. v United Kingdom* judgment of 2 May 1997, *Reports* 1997-III, § 49).

Consequently, the Court will examine whether deportation of the second applicant to Russia would be contrary to Article 3 having regard to all the material before it at the time of its consideration of the case, including the most recently available information on his state of health.

The Court would also highlight that, according to established case-law, aliens who are subject to deportation cannot in principle claim any entitlement to remain in the territory of a Contracting State in order to continue to benefit from medical, social or other forms of assistance provided by the deporting State. However, in exceptional circumstances the implementation of a decision to remove an alien may, owing to compelling humanitarian considerations, result in a violation of Article 3 (see, for example, the *D. v. United Kingdom* judgment, cited above, § 54).

In the present case, the second applicant has been diagnosed as suffering from his insecure situation as an asylum seeker whose applications have been rejected. He has become depressed and lost his faith in the future and has, on two occasions, been hospitalised following suicide attempts by taking pills.

The Court accepts that the second applicant suffers from the uncertain situation in his life and that it has caused him mental distress. However, it observes that he has never been committed to closed psychiatric care or undergone specific treatment in Sweden. He has seen a counsellor to find solutions to cope with his situation but he has not been in regular contact with a psychiatrist, even though his counsellor has considered that it would be useful. In this respect, the Court notes that the second applicant had seen a doctor in Kaliningrad before going to Sweden and that he has not claimed before the Court that medical treatment as such would not be available in Russia. Thus, there is no reason to believe that he would not benefit from care in his home country, should he be in need of it.

In any event, the fact that the second applicant's circumstances in Russia will be less favourable than those enjoyed by him while in Sweden cannot be regarded as decisive from the point of view of Article 3 (see *Bensaid v. the United Kingdom*, no. 44599/98, § 38, ECHR 2001-I; *Salkic and others v. Sweden* (dec.), no. 7702/04, 29 June 2004).

Furthermore, concerning the risk that the second applicant would try to commit suicide if the deportation order were enforced, the Court reiterates that the fact that a person, whose deportation has been ordered, threatens to commit suicide does not require the Contracting State to refrain from enforcing the deportation, provided that concrete measures are taken to prevent the threat from being realised (see *Dragan and Others v. Germany* (dec.), no. 33743/03, 7 October 2004, and, *mutatis mutandis*, *Ovdienko v. Finland*, (dec.), no. 1383/04, 31 May 2005). In the present case, the Court observes that the second applicant has tried to commit suicide twice, in August 2004 and July 2006, and that a doctor, in September 2006, considered that there was a clear risk of suicide. However, the Court notes that he was deported together with his parents in November 2004 without any incidents and that, following his three days of hospitalisation in July 2006, he has not been in contact with the Swedish health care system except for occasional visits to his counsellor.

The Court further takes note of the respondent Government's submission that a deportation would be carried out in such a way as to minimise the suffering of the second applicant, having regard to his medical condition. Moreover, since the second applicant's father is living in Russia, the Court has no reason to doubt that he would help his son upon return.

Thus, having regard to the high threshold set by Article 3, particularly where the case does not concern the direct responsibility of the Contracting State for the possible harm, the Court does not find that the second

applicant's deportation to Russia would be contrary to the standards of Article 3 of the Convention. In the Court's view the present case does not disclose the exceptional circumstances established by its case-law (see, among other, *D v. United Kingdom*, cited above, § 54).

It follows that the second applicant's complaints under Article 3 are manifestly ill-founded within the meaning of Article 35 § 3 of the Convention and must be rejected pursuant to Article 35 § 4.

2. The second applicant also complained that it would violate Article 8 of the Convention to deport him since it would entail a separation from his girlfriend with whom he had a serious relationship. This Article states insofar as relevant the following:

> "1. Everyone has the right to respect for his private and family life...
>
> 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, ..."

The Court does not question that the second applicant and his girlfriend have strong feelings for each other. However, they have not formalised their relationship in any way and the Court notes that the girlfriend is a minor, not yet 17 years old, and still living with her mother and siblings. In these circumstances, they cannot be said to have established a "family life" within the meaning of Article 8 of the Convention. The Court considers, nonetheless, that the complaint falls to be considered under the aspect of the second applicant's right to "private life" (see, *Nylund v. Finland*, (dec.), no. 27110/95, *Reports* 1999-VI).

The Court is satisfied that the deportation order against the second applicant was "in accordance with the law" and pursued a legitimate aim, namely the economic well-being of the country, within the meaning of Article 8 § 2 of the Convention. It remains to be determined whether the interference was "necessary in a democratic society".

In that respect, the Court observes that the second applicant and his girlfriend got to know each other in January 2004, i.e. after the Migration Board had rejected the second applicant's first application for asylum and a residence permit in Sweden and only one month before the Aliens Appeals Board upheld the Migration Board's decision and the deportation order became enforceable. Thus, they knew from the beginning of their relationship that the second applicant would not be allowed to remain in Sweden and, hence, they can never have had any legitimate expectation of developing their relationship in Sweden. Furthermore, there would be no obstacles to them keeping in contact even if the second applicant were returned to Russia, and it would remain open to him to apply for a residence permit in Sweden, on the basis of the relationship, at the Swedish Embassy in Russia.

Having regard to the above, the Court finds that it would not violate the second applicant's right to respect for his private life to enforce the deportation order against him. Consequently, this complaint is manifestly ill-founded and must be rejected pursuant to Article 35 §§ 3 and 4 of the Convention.

3. The Court has examined the remainder of the applicants' complaints as submitted by them. However, in the light of all the material in its possession, the Court finds that these complaints do not disclose any appearance of a violation of the rights and freedoms set out in the Articles of the Convention or its Protocols.

It follows that this part of the application is also manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention. Accordingly, since the entire application is inadmissible, the application of Rule 39 of the Rules of Court to the present case should be discontinued.

For these reasons, the Court unanimously

Declares the application inadmissible.

Santiago QUESADA
Registrar

Boštjan M. ZUPANČIČ
President