



# KNOWLEDGE-BASED HARMONISATION OF EUROPEAN ASYLUM PRACTICES

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## Case Summary Template

Country of Decision/Jurisdiction	<b>Bulgaria</b>
Case Name/Title	Ali 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	14106/2009
Other Citation Number	
Date Decision Delivered	10/06/2010
Country of Applicant/Claimant	Iraq
Keywords	burden of proof, internal relocation
Head Note (Summary of Summary)	The head of the State Agency for Refugees had issued a decision to refuse refugee and subsidiary protection to Mr. Ali on the basis that his refugee story lacked details and therefore was not credible. Mr. Ali said that he left Iraq following personal threats that he had received. However, the interviewer contested the credibility of this information because it was not backed up by a detailed account of what had happened. Furthermore, the administrative organ pointed to an internal relocation alternative. The Court ruled on the burden of proof and the obligation of fact-finding in the asylum procedure and repealed the decision.
Case Summary (150-500)	
<i>Facts</i>	The head of the State Agency for Refugees had issued a decision to reject refugee and subsidiary protection to Mr. Ali on the basis that his refugee story lacked details and therefore was not credible. Furthermore, the applicant had not presented evidence for his statements. Mr. Ali said that he left Iraq following personal threats. The interviewer contested the credibility of this information because it was not backed up by a detailed account of what had happened. However, the applicant presented crucial evidence at the court hearing. Another argument that the administrative organ pointed to was the internal relocation alternative in Iraq. The Court ruled on the burden of proof and the obligation of fact-finding in the asylum procedure and repealed the decision.
<i>Decision &amp; Reasoning</i>	With regard to credibility, the court stipulated that the conclusion of the administrative organ, which stated that there was no evidence and no detailed account to support the statements of the applicant, were drawn in breach of the rules of procedure in examining an asylum application. The Court noted that it is the administrative organ on which an obligation lies to carry out an interview, to gather evidence <i>ex officio</i> on its own initiative and to clarify whether a detailed account of the alleged circumstances exists or



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	<p>not. Since the administrative organ did not fulfil its fact-finding obligation, the applicant did not present the evidence at the interview, but he presented it at the court hearing. The Court further noted that no profound country of origin information analysis was made in the decision.</p> <p>With regard to the internal relocation alternative claimed by the head of the State Agency for Refugees, the Court again noted that the burden of proof lies on the administrative organ to show that internal relocation was possible in Iraq. The Court stated:</p> <p><i>"It is true that it is not possible that all asylum applicants from Iraq always receive protection just because they are from Iraq. However the issue of whether the applicant belongs to a risk-threatened group and whether there are zones where he could be returned without exposing his life to a threat are circumstances that the administrative organ has an obligation to establish in accordance with Article 170 (1) of the Code on Administrative Procedure."</i></p> <p><i>"Вярно е, че не може всички кандидати за закрила само защото са граждани на Ирак винаги да получават такава. Но дали жалбоподателят е в рискована застрашена група и дали съществуват зони, където чужденецът може да бъде върнат без да е застрашен живота му е обстоятелство, чието установяване е задължение на административния орган, предвид чл. 170, ал. 1 от АПК."</i></p>
<p><i>Outcome</i></p>	<p>The decision of the administrative organ was repealed and the Court ruled that Mr. Ali's application should be re-examined with a view to granting him subsidiary protection.</p>