



KNOWLEDGE-BASED HARMONISATION OF EUROPEAN ASYLUM PRACTICES

A project of the Hungarian Helsinki Committee

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Case Summary Template

Country of Decision/Jurisdiction	Bulgaria
Case Name/Title	Ahmed Hasan 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	7798/2005
Other Citation Number	
Date Decision Delivered	18/01/2006
Country of Applicant/Claimant	Iraq
Keywords	Asylum interview, contradictory statements, discontinuance of the asylum procedure
Head Note (Summary of Summary)	The head of the State Agency for Refugees had issued a decision to discontinue the procedure on the examination of the asylum application of Mr. Hasan. The administrative organ assumed that the contradictions in the statements of the applicant in two interviews that were carried out with him amounted to lack of cooperation with the interviewer and constituted a ground to discontinue the asylum procedure.
Case Summary (150-500)	
<i>Facts</i>	The interviewer at the State Agency for Refugees identified contradictions in the statements of the applicant at the two interviews carried out with him. Following that, the interviewer proposed to the head of the State Agency for Refugees to stop and then discontinue the asylum procedure, because the applicant failed to cooperate with the administrative organ on clarifying the facts in the case. The administrative organ invoked Article 14 (3) of the Law on Asylum and Refugees (LAR), which stipulates that the asylum procedure is stopped when the applicant refuses to cooperate with the authorities without a well-founded reason. The court repealed this decision stating that the contradictory statements do not constitute 'lack of cooperation', but are to be assessed when examining the substance of the asylum application.
<i>Decision & Reasoning</i>	The court found that the existence of contradictions in the statements of the applicant at the interviews does not represent a refusal to cooperate. <i>"There is a refusal to cooperate if the applicant does not present any facts regarding his personal circumstances and his refugee account and does not reply to the questions posed at the interview. The court finds that the existence of contradictions in the refugee story has relevance when examining the substance of the issue whether the asylum application is well-founded or not and it might substantiate a refusal to be granted refugee or</i>



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	<p><i>subsidiary protection, but does not represent lack of cooperation within the meaning of Article 14 (3) of LAR."</i></p> <p><i>"Отказ от съдействие е налице при такова поведение на кандидата, с което последният не предоставя никакви факти относно личността си и бежанската си история и не отговаря на зададените по време на интервюта въпроси. Наличието на противоречия в представената от чужденеца бежанска история според настоящия съдебен състав има значение при разглеждане по същество на въпроса дали искането за даване на статут е основателно или неоснователно и може да обуслови издаването на административен акт - отказ за представяне статут на бежанец или хуманитарен статут, но не представлява отказ от съдействие по смисъла на чл. 14, т. 3 от ЗУБ."</i></p>
<i>Outcome</i>	<p>The decision of the administrative organ was repealed and the head of the State Agency for Refugees was obliged to continue the procedure on the examination of the asylum application.</p>