



Hungarian Helsinki Committee

KNOWLEDGE-BASED HARMONISATION OF EUROPEAN ASYLUM PRACTICES

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Case Summary

Country of Decision/Jurisdiction	Lithuania
Case Name/Title	I. H. A. e. G. Z. v. Migration Department under the Ministry of Interior of the Republic of Lithuania (Migration Department)
Court Name <i>(Both in English and in the original language)</i>	Vilnius Regional Administrative Court (Vilniaus apygardos administracinis teismas), Supreme Administrative Court of Lithuania (Lietuvos vyriausiasis administracinis teismas)
Neutral Citation Number	A ¹⁸ -1022/2007
Other Citation Number	
Date Decision Delivered	09/11/2007
Country of Applicant/Claimant	Egypt
Keywords	Credibility, persecution
Head Note (Summary of Summary)	<p>Applicant appeal against refusal to grant asylum on the ground that the applicant did not prove the individual threat.</p> <p>The Migration Department's appeal against the Vilnius Regional Administrative Court's decision to revoke the decision of the Migration Department and return the asylum application to the Migration Department for re-examination.</p>
Case Summary (150-500)	<p>The applicant claims that since childhood he was interested in Christianity. According to the applicant, in Egypt the freedom of religion does not exist; preferential treatment is given to Islam; confessors of other religions are discriminated against; state authorities do not allow persons who are born Muslims to change their religion. According to the applicant, though formally he lived as Muslim, such a life was unacceptable for him. The situation changed when he met a Lithuanian Christian. The applicant came to Lithuania and became a Christian. The applicant claims that he told his mother and cousin about his christening, but he does not know if they revealed this information for others. According to the Constitution of Egypt, Sharia law, the main source of legislation, forbids a change of religion. The Government of Egypt does not defend people who converted from Islam to Christianity. The applicant believes that if he was returned to the country of origin, he would face a threat from both the authorities of Egypt and Islamic fundamentalists.</p>
<i>Facts</i>	<p>The Migration Department rejected the asylum application because of the following reasons. While living in Egypt, the applicant was concerned with Christianity only superficially; he did not prove his knowledge of Christianity. Also, the applicant has never faced a threat of persecution for his activity or beliefs in Egypt. Moreover, the applicant lodged the asylum application only after 7 months of irregular stay in Lithuania. The applicant became</p>



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	<p>interested in Christianity only after he came to Lithuania. In the light of these facts, the Migration Department concluded that the applicant's story is unfounded and the claim for asylum was lodged in order to avoid an expulsion to the country of origin.</p> <p>Both refugee status and subsidiary protection were rejected (11-07-2006).</p>
<p><i>Decision & Reasoning</i></p>	<p>The Migration Department rejected the asylum application, as the applicant did not prove the individual threat of persecution for a change of religion.</p> <p>The Vilnius Regional Administrative Court stated that the right to religion is one of essential human rights, which is established in international documents of human rights protection. The Regional Court referred to forms of persecution for religion, identified by the UN Human Rights Committee: 1) discrimination which amounts to persecution, 2) severe physical damage caused (an attack on integrity of a person), or a threat of such damage, 3) a prohibition of religious community (or practise) or unreasonable restrictions, 4) forced compliance with the certain norms. The Regional Court stated that all the mentioned forms of persecution on a religion basis are exercised in Egypt. Therefore, if the applicant was returned to his country of origin he would suffer from persecution.</p> <p>Also, the Regional Court stressed that the Migration Department did not explain why the UNHCR's opinion on the case had not been taken into consideration.</p> <p>The Vilnius Regional Administrative Court revoked the decision of the Migration Department and returned the asylum application for re-examination.</p> <p>The Migration Department appealed against the decision of the Vilnius Regional Administrative Court claiming that the applicant did not prove his story and that the UNHCR does not have the right to issue binding documents.</p> <p>The Supreme Administrative Court of Lithuania stated:</p> <p><i>"The Christening Certificate of 15-01-2006 of Vilnius St. Teresa's parish confirms that the applicant was christened. This event is not considered in the decision, although it is a significant issue in dispute. The decision is based on doubts and guesses about the conditions artificially created by the applicant in order to be granted refugee status. The defendant failed to prove that for the applicant, after being christened, it is safe to return to his country of origin."</i></p> <p><i>„Vilniaus Šv.Teresės parapijos 2006-01-15 krikšto liudijimas patvirtina, kad pareiškėjas buvo pakrikštytas. Šis įvykis sprendime neaptartas, nors yra reikšmingas nagrinėjamam ginčui. Sprendimas yra grindžiamas abejonėmis, bei spėjimais apie pareiškėjo dirbtinai sudarytas sąlygas, kad įgyti pabėgėlio statusą. Atsakovas nepagrindė sprendimo tuo, kad pareiškėjui yra saugu grįžti į savo kilmės šalį priėmus krikštą."</i></p>
<p><i>Outcome</i></p>	<p>The Supreme Administrative Court of Lithuania refused the appeal of the Migration Department and left the decision of the Vilnius Regional Administrative Court unchanged.</p>



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