



# KNOWLEDGE-BASED HARMONISATION OF EUROPEAN ASYLUM PRACTICES

*A project of the Hungarian Helsinki Committee  
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## Case Summary

Country of Decision/Jurisdiction	<b>Poland</b>
Case Name/Title	
Court Name <i>(Both in English and in the original language)</i>	Wojewódzki Sąd Administracyjny w Warszawie Regional Administrative Court in Warsaw
Neutral Citation Number	V SA/Wa 82/06
Other Citation Number	LEX no 266087
Date Decision Delivered	13/09/2006
Country of Applicant/Claimant	Russian Federation
Keywords	Internal protection
Head Note (Summary of Summary)	Refusal to grant refugee status to a Chechen asylum seeker who lived in another part of the Russian Federation before coming to Poland.
Case Summary (150-500)	The applicant, a citizen of the Russian Federation and of Chechen ethnicity, came to Poland from Ingushetia, where he lived since December 2004. He was severely beaten by unknown "people in masks" who were looking for his cousin, who was a rebel fighter. He and his wife were interrogated and beaten again in February 2005 in the security service office in N. They were asked about the whereabouts of the applicant's brother-in-law (a rebel fighter as well). The applicant himself was not involved in the armed conflict in any way. He moved to Ingushetia in order to sell a house of his wife's grandmother who had passed away, was officially registered in Ingushetia and received his travel document there.
<i>Facts</i>	The applicant's application for asylum was rejected, but he was granted a tolerated stay permit. He submitted an appeal to the Regional Administrative Court, claiming that he should be granted refugee status.
<i>Decision &amp; Reasoning</i>	The Court agreed with the administrative authorities that the applicant does not fulfill the criteria to be granted refugee status. As one of the reasons the Court mentioned the possibility to settle in another part of the country of origin:  „Besides, since December 2004 the applicant and his wife lived in Ingushetia, thus on the territory where no military actions are taking place. A possibility to find safe shelter in another part of the country of one's citizenship, in particular in case of regional disturbances having ethnic background, or in the situation of civil war, is an important argument against the need to grant international protection".  „Ponadto skarżący wraz z żoną od grudnia 2004 r. mieszkał w Inguszetii, a



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	<p><i>zatem na terenie nie objętym działaniami wojennymi. Możliwość uzyskania bezpiecznego schronienia w innej części tego samego kraju, którego jest się obywatelem, zwłaszcza w przypadku regionalnych zamieszek na tle etnicznym lub warunków wojny domowej, w istotny sposób przemawia przeciwko potrzebie przyznania ochrony międzynarodowej”.</i></p>
<p><i>Outcome</i></p>	<p>The appeal was rejected by the Court.</p>

## Researcher’s comment:

This case is quite a typical example of a certain type of reasoning of both the Regional Administrative Court in Warsaw and, above all, of administrative authorities. The majority of Chechen asylum seekers coming from Chechnya were being granted a tolerated stay permit at that time. Those Chechen asylum seekers who used to stay for some time in other parts of the Russian Federation (mainly Ingushetia and Dagestan) or were just registered outside of Chechnya for whatever reason, were automatically expected to be able to settle in this other part of the Russian Federation. In some cases it lead „only” to rejection of refugee status, in others the applicants were, for this reason, refused any form of international protection.

Also, in a more recent case, V SA/Wa 1792/10 (judgement of 29.06.2011), the Regional Administrative Court in Warsaw pointed out the fact that the applicant used to live for three years outside of Chechnya (in another part of the R.F.) before coming to Poland. In that case the Court stated that a medical certificate submitted by the applicant confirms that he could legally travel and receive healthcare within Russia. The applicant was denied any form of protection and was issued an expulsion order.