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ID number: 015146319708-20

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OSCE Office for Democratic Institutions and Human Rights
Human Dimension Implementation Meeting 2017

Working session 11 : HUMANITARIAN ISSUES AND OTHER COMMITMENTS

Refugees and displaced persons

STATEMENT OF THE EUROPEAN FEDERATION FOR FREEDOM OF BELIEF (FOB)

REJECTION AT THE ITALIAN BORDER OF MUSLIM REFUGEES HOLDING REGULAR UNITED NATIONS TRAVEL DOCUMENTS ISSUED BY THE BRITISH AUTHORITIES AND EXEMPTED FROM THE VISA ON THE BASIS OF THE EUROPEAN AGREEMENT OF 1959

Monday, 18 September 2017

I am Alessandro Amicarelli, a London based lawyer specializing in human rights and freedom of belief, and I am currently chairing the European Federation for Freedom of Belief (FOB), that I represent today as I did the previous years.

FOB is a secular and independent-by-any-faith association incorporated in Italy and registered as a lobbying group in Bruxelles and Strasbourg since December 2014.

We advocate for the human rights, and specifically for the freedom of belief of all people in the European continent, whether they belong to traditional or new religious groups, philosophical or spiritual schools of thought and even non believers, atheists and unconcerned in line with the European legislation in this field.

Today I will briefly address one main point starting from an actual case:

Mr Mohammed Ali (the name is one of fantasy to preserve confidentiality) is a citizen of a mainly Muslim country.

He was previously employed by a United Nations Mission and he is living and working legally in the UK.



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Few years ago he was granted refugee status and was issued with a UN Travel Document in compliance with the 1951 Geneva Convention by the British Authorities.

Over the last years in compliance with the 1959 European Agreement on the Abolition of Visas for Refugees Mr Ali travelled to several countries that are signatory members of this Agreement and was admitted to the territories of these countries without a visa.

It is in fact specified on the travel document that holders of this kind of document must be admitted into the territories of states that are part to the 1959 Agreement without a visa for staying up to 90 days and if there are no risks for security with that single person.

Earlier in January 2017 Mr Ali was travelling from London to Rome to attend a religious event and after spending two nights in Rome he would have travelled back to London.

He had return ticket, proof of where he would have been overnight and registration for the event.

Prior to travelling from London the British border police confirmed he did not need a visa to travel to Italy, and so did the airline employees and he was in fact admitted on board.

Once in Italy however the Italian border police contested to him the absence of a visa stamp on his passport and served him with an EU rejection notification.

He explained to them he did not need one and did show to the agents the statement on his travel document clearly reading he does not need a visa to travel to a number of countries including Italy.

The agents explained that he needed one instead as following the terroristic attacks occurred in Europe, a directive of the Ministry of Interior had been issued earlier in November 2016.

They added such directive did impose the visa on all refugees originally from some countries and travelling from specific countries and did show him a document in Italian language on the screen of a computer to prove what they were saying.

Mr Ali doesn't speak Italian, nor does understand it and could not understand what the agents were trying to explain in a poor English and decided to call me as a lawyer.

I explained to him he had the right to enter the country without a visa and he asked me to talk with an agent.

The agent confirmed the above circumstances.

I explained to her she was wrong and that I wanted proof of such directive and more details about that; I was told that was not possible being that an internal regulation that could not be circulated and that she was only applying the law and that Mr Ali would have been sent back to London in few hours.

You can imagine the shock for a lawyer to hear such an explanation from a police agent of a democratic country.



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Mr Ali instructed me to investigate about this matter and so far the Ministry of Interior has not responded yet to the inquiries I made about such internal regulation.

After some investigation I realised that other Muslim refugees travelling from London to Rome had experienced the same story of Mr Ali only in the immediate days before his own experience.

The Ministry of Foreign Affairs as of today officially states on their website a visa is NOT required in the circumstances of Mr Ali.

http://www.esteri.it/mae/it/ministero/servizi/stranieri/ingressosoggiornoinitalia/passaporti_documenti.html

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Specifically the Ministry of Foreign Affairs states :

“Other travel documents equivalent to a passport are:

(...)

***a travel document for refugees**, governed by the “Convention Relating to the Status of Refugees”, signed in Geneva on 28 July 1951.*

Refugees must obtain a visa unless they already hold a sojourn permit in one of the Schengen countries or a travel document issued by one of the signatory States of the Strasbourg Agreement of 20 April 1959);”

Albeit the United Kingdom is not a member of the Schengen area, even though participates to some programmes, the United Kingdom is indeed a signatory member of the Strasbourg Agreement of 20 April 1959, hence refugees holding UN travel documents issued by the British authorities are entitled to travel to several without a visa as clearly stated on their travel document.

Informed of this story the Ministry of Foreign Affairs has requested further information to investigate on the matter.

Today we request the Italian government to state:

- If the Ministry of Interior has ever adopted this regulation prohibiting Muslim refugees to enter the country following the terroristic attacks
- In the positive to provide clear details about that
- Whether the Ministry of Foreign of Affairs is aware of this regulation



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- If the regulation does exist, if the government has decided to suspend the membership to the 1959 Agreement and in the positive when was the Secretary General of the Council of Europe informed about that in compliance with art. 7.1 of the 1959 Agreement
- If such regulation or directive does not exist we ask the Italian government to explain the reasons why Muslim refugees holding regular UN travel documents issued by the British authorities and exempted from the visa in compliance with the Strasbourg Agreement - of which both Italy and the UK are signatory members – are being rejected at the Italian border.

At the same time we ask the British government to state:

- Whether they are aware of such cases of rejection at the Italian border of refugees holding regular UN travel documents issued by the British authorities in compliance with the 1951 Geneva Convention, travelling to a country, Italy, that is with the UK a signatory member of the Strasbourg Agreement of 1959
- Whether they may consider to take any actions to request further explanations from the government of Italy in regards to this matter

Same inquiry we make to all the governments belonging to the Geneva Convention that are also signatory members of the 1959 European Agreement on the Abolition of the Visas for Refugees.

In compliance with the OSCE documents, and the FORB Guidelines and other international human rights instruments on Religion and Belief, as FOB we want a Europe without discrimination based on religion and belief and we hope the Italian government may provide clear and detailed information about this explaining why Muslim refugees are being rejected even though they hold valid UN documents issued in the UK and exempting them from the requirement of the visa.

Thank you!

Alessandro Amicarelli, spokesman

on behalf of FOB,

European Federation for Freedom of Belief