

Additional Elements in the Semi-finals

Pending the appeal before the Immigration Appeals Tribunal Amara has continued looking for employment, in order to support her brother Arash who arrived on 21 July 2023. Given the distressing incidents during his travel to Taurasia, he has been afflicted with terrifying nightmares. To ease her brother's mental anguish, Amara undertook the financial responsibility for his psychological counseling and treatment. During her studies Amara had saved enough money to be comfortable for the next twelve months (if not employed in the meantime). The exorbitant price tag of these therapy sessions, however, resulted in her savings being exhausted very rapidly. In addition, and despite her qualifications as a lawyer, Taurasian employers demonstrated reluctance to hire her because of her Afghan origin and her wearing a hijab. As of January 2024 it became very difficult for Amara to provide for her and her brother's basic needs. Given his bad mental state she did not want him to move to the Taurasian Asylum Centre outside Agarthia where reception is being offered to asylum applicants. As their needs grew, Amara started stealing food from different grocery stores and supermarkets.

On one occasion, 22 February 2024, she was caught on a surveillance camera. Prior to exiting the shop, she was stopped by security personnel. They compelled her to hand over the stolen goods and her identification papers. The store alerted the police who interrogated her and noted the facts in a police report that was sent to the Public Prosecutor's Office. She was allowed to leave the store with a caution.

Due to the lack of alternative solutions, Amara continued her practice of stealing small quantities of food. On the evening of 7 March 2024 she was once more caught red-handed stealing edibles from a supermarket. When the security guards intercepted her, she reacted in a verbally and physically violent manner towards them. She resisted handing over the food and her identity documents, and was cornered in the supermarket. The security personnel decided to call the police. Awaiting their arrival, the situation deteriorated. Amara menaced the security guards with a pocketknife in an attempt to leave the store. When the police arrived, her attitude worsened and it took the police officers 30 minutes to successfully subdue her. She verbally assaulted the police officers, threatened them with the knife and when they transported her to the police vehicle she hit them and spat on them. The police brought her to the police station where she was held in custody until Friday morning 8 March 2024. On 8 March 2024 she was charged by the Public Prosecutor of theft and theft with aggravating circumstance of physical violence for the facts on 22 February and 7 March 2024 and of assault against a police officer on 7 March 2024.

According to Article 397 of the Taurasian *Criminal Code*, theft is punishable with imprisonment for a period of three months to three years (§ 1), or, in the event of the aggravating circumstance of violence, five years (§ 6). Under Article 224 of the *Criminal Code*, assault of a police officer is punishable with imprisonment for a period of three months to five years.

In the morning of Friday 8 March 2024, Amara was released by the police. In accordance with a protocol between the Public Prosecutor's Office and the Immigration Service, the latter was informed the same day about the criminal charges that have been made against Amara.

Article 78 of the *Immigration Act* allows for i) the refusal of refugee status and exceptional leave to remain to an applicant for asylum and ii) termination of the awarded refugee status or exceptional leave to remain, in the event there are reasonable grounds for regarding the applicant, respectively beneficiary, as a danger to the public order and national security. In such instance an order to leave Taurasia and, in the event of non-compliance, a forced deportation order is given.

Consequently, on 15 March 2024 the Immigration Service took an "additional decision of refusal of refugee status and exceptional leave of remain" on the basis of Amara posing a danger to the public order and national security and ordered her, again, to leave Taurasia. The additional decision was notified to Amara on 18 March 2024, with reference to the facts of 22 February and 7 March and the criminal charges made against her.

Under the *Immigration Appeals Act*, legal and factual argument against such an additional refusal decision and the accompanying return measures is exclusively heard together with the appeal against the main refusal and return decision (*i.e.*, the original decision of 29 September 2023) if that appeal is already pending before the Immigration Appeals Tribunal.