



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

Communicated on 4 March 2020

Published on 28 April 2020

## FIRST SECTION

Application no. 56179/19  
Awad ABDULAH AWAD  
against Finland  
lodged on 17 October 2019

## SUBJECT MATTER OF THE CASE

The application concerns the alleged discrimination of the applicant. By two decisions dated 26 March 2018, the Finnish Immigration Service refused the applicant a work-based residence permit as his Somali passport was not accepted as an identity document and refused his application for an aliens' passport since he was not granted a work-based residence permit. As a result, the applicant had to give up his permanent work. On 3 July 2018 the Non-Discrimination Ombudsman gave a statement, suggesting that the applicant had been indirectly discriminated. On 11 April 2019 the Administrative Court rejected the applicant's appeals. In its second statement to the Supreme Administrative Court on 5 July 2019, the Non-Discrimination Ombudsman suggested again that Somali citizens seemed to be in a disadvantageous position when work-based residence permits were issued. On 27 September 2019 the Supreme Administrative Court refused the applicant leave to appeal.

The applicant complains under Article 14, combined with Article 8, and under Article 1 of Protocol No. 12 that he has been discriminated against when he was not granted a work-based residence permit since the Finnish authorities did not accept his Somali passport as an identity document and refused to grant him an aliens' passport since he did not have a work-based residence permit. He has thus been discriminated against vis-à-vis other

foreign nationals because Somali nationals cannot in any circumstances receive work-based residence permits as their passports are not, as a rule, accepted and they cannot receive aliens' passports either because they cannot be granted work-based residence permits.

### **QUESTIONS TO THE PARTIES**

1. Has the applicant suffered discrimination in the enjoyment of his Convention rights, contrary to Article 14 of the Convention, read in conjunction with Article 8 of the Convention? In particular, has the applicant been subjected to a difference in treatment on a prohibitory ground when his requests for a work-based residence permit and for an aliens' passport were refused? If so, did that difference in treatment pursue a legitimate aim and did it have a reasonable justification?

2. Has the applicant suffered discrimination, contrary to Article 1 of Protocol No. 12 to the Convention, in the above-mentioned circumstances?