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3.13.2.2. Review, cessation and revocation of international protection

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Legislative amendments in Italy specified that a short-term return to the country of origin is enough for the cessation of international protection status, unless the travel takes place for serious and proven reasons for strictly the necessary period.868

The CJEU clarified in three judgments the conditions for refusing to renew or revoking international protection from persons who were convicted of a crime (*see Section 2.5*).869 The Cypriot Administrative Court for International Protection referred questions for a preliminary ruling on the interpretation of the concept “danger to the security of the Member State”.

The Swedish Migration Agency updated its legal position based on these judgments and clarified that the need for a new personal interview before the decision on revocation must be decided individually, based on the specific circumstances of the case.870

The Finnish Ministry of the Interior started working on legislative amendments to make residence permits based on international protection temporary. A permit based on refugee status would be valid for 3 years and a permit based on subsidiary protection for 1 year, with the possibility to extend it by 2 years. In addition, the proposal suggests withdrawing a person’s international protection status and their residence permit based on that status if the person commits a serious offence in Finland that endangers public order and security or if the person endangers national security.871

The French Council of State confirmed OFPRA’s decision to revoke protection from a refugee who was found guilty of participating in a criminal group to organise a terrorist act and finance a terrorist undertaking. In another case, the council underlined that the CNDA could not annul OFPRA’s decision to revoke protection from a person who was convicted of a serious, non-political crime in another Member State, noting that the CNDA was not competent to question the qualification used by the other court.

The CNDA confirmed OFPRA’s decision to revoke international protection from a young adult who received refugee status on the principle of family unity, but later on, after turning 18, he broke all dependency ties with his father. The court observed that the circumstances which justified his recognition ceased to exist. The cessation of refugee status was also confirmed when the son’s status was based on family unity, but the serious crimes he committed against

his mother altered the family ties and the principle of family unity could not be applied anymore in accordance with its purpose.

The Lithuanian Administrative Court upheld the decision to revoke refugee status from a Russian national as he was considered to be a threat to national security due to his statements on the mandatory questionnaire of the State Security Department that he supported Russian military action in Ukraine.

The Austrian Supreme Administrative Court ruled that the revocation of international protection should not be combined with a return decision if it was established that the removal was not permitted due to a prohibition of *refoulement*.

- 868Decreto-Legge 10 marzo 2023, n. 20 Disposizioni urgenti in materia di flussi di ingresso legale dei lavoratori stranieri e di prevenzione e contrasto all'immigrazione irregolare, convertito con modificazioni dalla L. 5 maggio 2023, n. 50 [Decree Law No 20 of 10 March 2023 on the legal entry of foreign workers and on preventing and combating irregular immigration, converted with amendments by Law No 50 of 5 May 2023]. (10 March 2023). https://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.data
03-10&atto.codiceRedazionale=23G00030&elenco30giorni=true
- 869European Union, Court of Justice of the European Union [CJEU], *Bundesamt für Fremdenwesen und Asyl* v *AA*, C-663/21, ECLI:EU:C:2023:540, 6 July 2023. https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=3499

  European Union, Court of Justice of the European Union [CJEU], *XXX* v *Commissaire général aux réfugiés et aux apatrides (CGRS)*, C-8/22, ECLI:EU:C:2023:542, 6 July 2023.
- 870Swedish Migration Agency | Migrationsverket (2023). *Rättsligt ställningstagande. Förutsättningar för att återkalla en skyddsstatusförklaring - RS/054/2021 (version 5.0) [Legal position. Prerequisites for revoking a protection status declaration - RS/054/2021 (version 5.0)]*.

- 871Ministry of the Interior | Sisäministeriö. (2023, October 23). *Ministry of the Interior prepares to tighten the rules on international protection*.

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