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7.12.2 Review, cessation and revocation of international protection status

Debates around the increased use of status reviews and more rigorous use of cessation (recast Qualification Directive, Articles 11 and 16) and revocation grounds (recast Qualification Directive,
Articles 14 and 19) further transformed the status of international protection towards a more temporary, less stable status.

For example, withdrawal procedures remained a priority for the BFA in Austria.[572] The Federal Minister of the Interior called for the modification of national and EU legislation at the beginning of 2019 to allow for the withdrawal of refugee status based on a conviction of a serious crime or repeated crimes, including sexual assault and violence against women.[573]

The Ministry of Justice and Emergency Management instructed the Norwegian Directorate of Immigration (*Utlendingsdirektoratet*) to review 150 asylum cases from Eritrea in a random manner and consider the revocation of the protection status following news that several Eritrean refugees participated in public events, gatherings and meetings in support of or together with current Eritrean government representatives.[574]

Legislation was amended in Lithuania and a new ground was added to withdraw subsidiary protection: when there is a serious ground that the person’s stay in the country would represent a threat to national security or the community.

Legislative amendments in Denmark changed the criteria for assessing the derivative circumstances for cessation, and the residence permit of refugees and their family members may be revoked in a wider range of circumstances (DK LEG 01). The amendments concern situations where it has been determined that that the refugee is no longer in need of international protection and imply that residence permits given to refugees and family members of refugees will be revoked if the need for protection no longer exists, unless revocation would be contrary to Denmark’s international obligations. In cases concerning the revocation of a temporary residence permit, the authorities will assess whether or not the alien in question will risk persecution if returned to his/her home country. If it is not the case, the residence permit will be revoked unless it is contrary to Denmark’s international obligations. The amendments also imply that residence permits given to refugees and family members will be granted with a view to a temporary stay and that the Danish Immigration Service is responsible for initiating automatic reviews of residence permits given to refugees when they expire. UNHCR Denmark

commented on the draft law which was presented originally in 2018 and underlined that periodic reviews done frequently risk undermining the security of the status and, thus, risks hindering the integration process.[575]

The Council of State in France ruled that refugee status can end due to divorce when the status was obtained based on family unity. OFPRA and, if necessary, CDNA assess the circumstances of the case and if the person can continue to benefit from previously-granted protection.

EMN prepared an overview of national debates, challenges, policies and practices of EU countries, Norway and Switzerland on using cessation due to travel or contact with national authorities of the country of origin, and on the procedures for and consequences of withdrawing the status.[576] For example, the Act on Foreigners and Integration was amended in Switzerland and it allows the SEM to prohibit refugees to travel to another country in order to prevent that they travel further to their country of origin.[577] UNHCR warned about the practical limits of this new legislation[578] and proposed amendments to the draft law.[579]

572 See: EASO. (2019). *Annual Report on the Situation of Asylum in the European Union 2018*. https://easo.europa.eu/sites/default/files/easo-annual-report-2018-web.pdf

573 Federal Ministry of the Interior. (2019, February 7). *Kickl: Schutzstatus bei einer Straftat aberkennen*. https://www.bmi.gv.at/news.aspx?id=75694E75757062684A2F633D

574 Ministry of Justice and Emergency Management. (2019). *GI-04/2019 – instruks om å gjennomgå asylsaker fra Eritrea og vurdere tilbakekall av oppholdstillatelse dersom det foreligger opplysninger om at en flyktning har fått opphold i Norge på uriktig grunnlag mv.* https://www.regjeringen.no/contentassets/ad851968502742be8e34e1c284801b11/instruks-om-a-gjennomga-asylsaker-fra-eritrea-og-vurdere-tilba-kekall-av-oppholdstillatelse-dersom-det-foreligger-opplysninger-om-at-en-flykt-ning-har-fatt-opphold-i-norge-pa-uriktig-grunnlag-mv..pdf

575 UNHCR. (2019, January 18). *UNHCR Observations on the Law Proposal 'Lov om ændring af udlændingeloven, integrationsloven, repatrieringsloven og forskellige andre love (Videre adgang til inddragelse af opholdstilladelser for flygtninge, loft over antallet af familiesammenføringer, skærpet straf for overtrædelse af indrejseforbud og overtrædelse af opholds-, underretnings- og meldepligt, ydelsesnedsættelse for forsørgere mv.)' (sags. Nr. 2018-20616, akt. Nr. 598518) (hereinafter 'the Proposal')*. https://www.unhcr.org/neu/wp-content/uploads/sites/15/2019/01/UNHCR-prel.-Observations-on-the-law-proposal-2018-20161-akt-nr.-598518.pdf

576 EMN. (2019). *Beneficiaries of International Protection Travelling to and Contacting Authorities of Their Country of Origin: Challenges, Policies and Practices in EU Member States, Norway and Switzerland: Synthesis Report for the EMN Study*. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_beneficiaries_international_protection_synthesis_en.pdf

577 SEM. (2020, February 19). *Entrée en vigueur de modifications de lois et d'ordonnances dans le domaine migratoire*. https://www.sem.admin.ch/sem/fr/home/aktuell/news/2020/ref_2020-02-20.html

578 UNHCR. (2019). *UNHCR-Stellungnahme zu den Verordnungsänderungen zur Umsetzung der Änderung vom 14. Dezember 2018 des Ausländer- und Integrationsgesetzes (Verfahrensnormen und Informationssysteme) – Reiseverbote und Videoüberwachung in Bundesasylzentren.* https://www.unhcr.org/dach/wp-content/uploads/sites/27/2019/08/CH_2019_UNHCR-_Stellungnahme_Reiseverbote_Video%C3%BCberwachung.pdf

579 UNHCR (2019). *UNHCR-Stellungnahme zu den Änderungen des Bundesgesetzes über die*

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