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icon on review of protection

International protection status ceases in circumstances when the status is no longer necessary or justified. It may also be revoked when the person should have been excluded from international protection earlier, when the status was obtained through misrepresenting or omitting facts, or when the beneficiary is considered to be a danger to the security of the state or the community.

Legislative changes were initiated in Malta, where amendments to the International Protection Act adjusted the criteria for exclusion from subsidiary protection status and the right to appeal in that case.1072

NOAS observed delays in status reviews, often because authorities were looking into potential fraud.1073 Amendments to the Immigration Act would allow authorities to expulse refugees without first making a decision on the cessation of the status, when the person has been convicted and sentenced for a crime that is punishable by 2 or more years of prison.1074 UNHCR underlined that committing a serious crime is not a reason for cessation under the Geneva Convention, and cessation reasons should be differentiated from the termination of refugee status. The organisation assessed that "(t)he proposed parameters fall short of the required analysis of the degree of seriousness of a crime that would constitute a danger to the security of the country or a danger to the community".1075

Similar amendments were proposed in Denmark. Any foreigner who is sentenced to an unconditional prison sentence would be deported, regardless of the length of stay in the country. UNHCR regretted that the proposal was not sufficiently detailed to assess Denmark’s compliance with international obligations and urged the Danish government to give special consideration to beneficiaries of international protection.1076

In Germany, as of January 2023, the Act on the Acceleration of Asylum Court Proceedings and the Asylum Procedure entered into force. The most important changes of the reform include the complete abandoning of the routine revision of the status under the former Section 73(2a) of the

Asylum Act. Prior to the reforms, a revision of the status was initiated automatically by BAMF 3 years after the first final decision on the status.1077

In Greece, throughout 2022, the Greek Council of Refugees reported a significant increase in the number of cessation decisions for beneficiaries under the "old procedure''. According to this reporting, beneficiaries whose countries of origin were included in the list of safe countries of origin by Joint Ministerial Decisions were served with decisions of a few paragraphs long without an individualised assessment, citing only the Joint Ministerial Decision as a reasoning. Beneficiaries must wait months until their case is given an asylum case number before their appeal can be examined by the Appeals Authority. They then must wait months after their appeal has been heard to be called for an oral hearing by the Appeals Authority. Throughout this time, they are in possession of the certificate of filing an appeal, which does not give them access to the labour market, health care or the social assistance system.1078

In Hungary, as of January 2022, the grounds for exclusion from subsidiary protection were complemented by an additional case. Accordingly, a foreigner is not granted subsidiary protection if there are reasonable grounds to believe that, prior to their admission by Hungary, they committed an offence in their country of origin which is punishable in Hungary by a term of imprisonment of up to 3 years or more and there are reasonable grounds for believing that the applicant left their country of origin only in order to avoid the penalty for the offence. This ground serves as a basis for the withdrawal of subsidiary protection status as well.1079

The courts continued to interpret practices associated with reviews and withdrawal grounds and procedures. The CJEU concluded that asylum authorities cannot be required to automatically take into account the non-reasoned opinion of specialist bodies for national security – like the secret service – when deciding on withdrawing international protection. The court underlined that the authorities must have all available information to conduct an assessment freely, and information may partially be provided by the secret service, but it cannot be binding on the authority.

The Dutch Council of State referred several questions to the CJEU for a preliminary ruling to provide guidance on the interpretation and assessment of a particularly serious crime when national authorities intend to withdraw the international protection status. The court asked whether the final conviction for a particularly serious crime was enough to demonstrate a threat to society or must the authorities prove that the threat to society continues to exist even after a conviction.

In another instance, the council referred for re-examination the case of an Afghan national, whose refugee status was withdrawn in 2020. Noting that there was a radical change in the circumstances in Afghanistan in 2021, the withdrawal decision needed to be reconsidered in the light of these changes.

The Tribunal of Brescia in Italy confirmed that the renewal of subsidiary protection status must not be conditional on holding a passport.

The Council of State in Belgium sent a case back for reconsideration by CALL, as it found that the court did not substantiate properly the reasons which justify the 10-year time limit for

withdrawing international protection based on one ground mentioned in the law, while there was no time limit on withdrawing protection on other grounds.

The Irish Supreme Court confirmed that the revocation of refugee status cannot have a retrospective effect, unless it is specifically stated in national legislation. Thus, the appellant could keep his Irish citizenship acquired at birth, even though his father's refugee status was later revoked.

The French Council of State reiterated that, when refugee status is withdrawn, a person can only be returned if the authorities undertake an in-depth, individual assessment of the personal situation and the risk of ill treatment in the country of origin. The council noted that refugee status may be withdrawn, but the person is still considered to be a refugee and a removal is possible only after an individual assessment of the personal situation and of the absence of risk in the country of return.

The ECtHR underlined this in in two cases related to the return of persons whose application for international protection had been revoked. In *R.* v *France*, the court observed that the French Administrative Court pronounced a decision with the reasons for rejecting the applicant's request against a deportation decision only after the deportation had taken place, and thus it could have not remedied the inadequacy of the earlier risk analysis. In *W.* v *France*, the court found that the person would face a real risk of inhuman or degrading treatment, as the prefecture disclosed details about his personal situation to the consulate when requesting readmission.

The courts were also called upon to assess the impact of withdrawal procedures in other EU+ countries when deciding on the cases of applicants who had already obtained international protection status in a Member State but then moved onward to ask for international protection again in another. For example, the Dutch Court of The Hague granted interim measures for a Syrian family and then decided against their readmission to Bulgaria, where they would risk losing their international protection status. The Bulgarian authorities may revoke an international protection status when the beneficiary does not extend the identity document or residence permit on time.

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