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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.

Some legislative and policy changes were implemented in 2021 which affected the review, cessation or revocation of international protection status. In Greece, Law No 4825/2021 amended the grounds for revoking or refusing to renew refugee status and clarified the steps of this procedure. The amendments also underline the authority's responsibility to provide an individualised reasoning for the decision to revoke the status or to refuse to renew it.

ECRE published a legal note on cessation and status review, outlining legal obligations under international and EU laws which include the impact of the CJEU judgment in OA.1100

Courts retained an important role in shaping the limits of initiatives introduced by national authorities in recent years on reviewing and revoking protection status for certain groups of applicants, for example, those who have committed a criminal offence or have travelled to their country of origin. For example, the Belgian CALL confirmed the revocation of refugee status in the case of a Turkish national who had been convicted several times of criminal offenses, but underlined that the revocation of the status cannot be interpreted as depriving him from his state of being a refugee and he is still entitled to all rights which the Geneva Convention attaches to it, as it was already noted by the CJEU in 2019 in Joined Cases C-391/16, C-77/17 and C-78/17.

The Austrian Supreme Administrative Court referred questions for a preliminary ruling to the CJEU on practices in Austrian courts to weigh different interests when a beneficiary of international protection has committed a criminal offence. The courts sometimes may grant national protection against a removal and at the same time do not revoke the international protection status.

The French Council of State noted in a case that the fact that a person refrained from any reprehensible behaviour after being released due to a serious crime does not automatically mean that this person no longer constitutes a serious threat to the society. Related to the revocation of subsidiary protection, the French National Court of Asylum upheld OFPRA's decision to revoke this status of a person, who was convicted several times with minor sentences, but the violent and repeated character of these crimes in a short period of time gave serious grounds to believe that the person's presence would be a serious threat to public order and security.

Related to travel, CALL confirmed the decision of the CGRS to revoke the refugee status of a beneficiary who travelled back to his country of origin for his father's funeral and obtained a passport. The court noted that his behaviour indicated an absence of fear of persecution. In another case, the CJEU deliberated on the automatic suspensive effect of an appeal against a return decision in the case of a seriously ill person whose refugee status was revoked due to travelling to a funeral in his country of origin *(see Section 2)*. The referring Belgian court asked whether in this situation the person has still a provisional right to residence and access to social assistance.

The Finnish Supreme Administrative Court upheld the decision to end subsidiary protection and revoke the permanent residence permit of an applicant who returned to his country of origin for 4 years after having obtained permanent residence. The court examined the situation based on up-to-date country of origin information and considered that the person had no family members or any other ties with Finland. The court also upheld the cessation of refugee status of an applicant who was granted the status due to his political opinion and religion, but then later voluntarily applied and obtained a passport at the country of origin's embassy in Helsinki.

The Estonian Court of Appeal granted the renewal of protection status to a person with subsidiary protection whose husband – joining her through family reunification – travelled back to their country of origin once.

Several courts gave further guidance on assessing the facts and circumstances for renewal, cessation or revocation. In Czechia, the Supreme Administrative Court clarified that, when reviewing an applicant's subsidiary protection status, the authorities have to examine the circumstances based on which the person received this status, and it is not adequate to base the decision not to renew the status due to changes in other circumstances. The Norwegian Supreme Court confirmed that when assessing the cessation of refugee status, the court must also consider the circumstances at the time of its decision, even when the person was already returned to the country of origin, and noted that the court can also take into account the possibility of the internal flight alternative when assessing the cessation of status. The Estonian Court of Appeal deliberated on the notion of a significant, non-temporary change of circumstances and found that since the political regime in the country of origin changed, the decision not to end the refugee status can be confirmed.

The French Council of State referred back a case to the National Court of Asylum, as it maintained the subsidiary protection status of a person whose spouse was granted this status as

well, based on a reasoning related to family unity, while the council noted that the court should have examined during the review the existence of the grounds for granting subsidiary protection. The council decided not to refer another case to the Constitutional Court, when the applicant complained that his refugee status was revoked and the CNDA rejected his request for annulment of this decision during a hearing, where the presence of the public was not allowed. The Budapest High Court referred questions to the CJEU for a preliminary ruling related to a decision to withdraw refugee status, which the determining authority took based on a binding, but confidential and classified, report from the national security authority, to which the applicant or his legal representative could not have access.

The Danish Refugee Appeals Board upheld the Immigration Service's decisions to revoke protection status for a number of Syrians from Damascus, for example, in the case of a single woman and in the case of a woman with children who left her spouse. In 2021, the Danish Refugee Appeals Board upheld the decision to revoke protection status in 50% of cases brought before the board. It was observed that mainly single women and elderly lost their permits.1101

- 1100European Council on Refugees and Exiles. (February 2021). Legal note on the cessation of international protection and review of protection statuses in Europe. Legal Note 7. https://ecre.org/wp-content/uploads/2021/02/Legal-Note-7-Cessation-February-2021.pdf
- 1101European Website on Integration. (2021, March 20). Denmark: Permits for certain Syrian refugees revoked. https://ec.europa.eu/migrant-integration/news/denmark-permits-certain-syrian-refugees-revoked_en

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