



Unit 11

PROCEDURES FOR CESSATION OF REFUGEE STATUS



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11.1 General Principles

The 1951 Convention sets out circumstances under which **refugee status that was properly granted by UNHCR under its mandate may be ended**, because the individual who was recognized as a refugee is no longer in need of international refugee protection.

The cessation clauses can be divided into two broad categories:

- ▶ Those relating to a **change in the personal circumstances brought about by certain voluntary acts of the refugee** (cessation clauses in Article 1C(1)-(4));
- ▶ Those relating to a **fundamental change in the objective circumstances in the country of origin that were the basis of the recognition of refugee status** (cessation clauses in Article 1C(5)-(6)).

This Unit is intended to provide procedural guidance on assessing the **application of the cessation clauses to individual refugees in both categories**, when reliable information comes to light to indicate that an individual may no longer be in need of international refugee protection.

Where **general cessation of refugee status is to be declared on a group basis** because of a fundamental and durable change in the objective circumstances in the country of origin pursuant to Article 1C (5) and (6), UNHCR Offices should **consult with the relevant regional Bureau and functional units in DIP and the Division of Resilience and Solutions (DRS)** to develop and implement appropriate procedures. These should include procedures allowing individuals falling within the scope of the cessation declaration to apply for an exemption to cessation ("**exemption procedures**") on one of the following grounds:

- ▶ They continue to be in need of international refugee protection (i.e. continue to have a well-founded fear of persecution, despite the general positive changes in the country of origin); or
- ▶ Due to compelling reasons arising out of previous persecution, they cannot be expected to return to their country of origin.

Applicable minimum procedural standards are set out in § 11.3 – *Exemption Procedures* below.

Cessation of refugee status should be **distinguished from cancellation** of refugee status; the latter refers to decisions to invalidate refugee status which was wrongly granted to persons who, at the time of recognition, were not eligible for refugee protection, either because they did not fall within the inclusion criteria or because the exclusion criteria applied. Cessation also differs from **revocation**, which UNHCR understands as ending the refugee status of refugees who, following recognition, engage in conduct coming within the scope of the exclusion clauses in Article 1F(a) or 1F(c) (see §10 – *Procedures for Cancellation and Revocation of Refugee Status*).

UNHCR staff should be aware of the purpose of the cessation procedures and the circumstances that would make cessation of refugee status appropriate. **Cessation should only be undertaken where the facts that would bring the individual within one of the cessation clauses have been established, and where no other factors indicating the continued need for refugee protection exist.**

11.2 Cessation Procedures

Each UNHCR Office should implement procedures to ensure **fair, transparent and consistent application of the cessation clauses**. Procedures should set out the criteria for formal referral to cessation procedures, the responsibilities of staff members in cessation cases, and the rights of the individuals concerned. Given the significance of the cessation procedures for the individual concerned, and the potentially very serious consequences of an unjustified ending of refugee status, UNHCR cessation procedures **must incorporate the highest standards of fairness and due process**.

11.2.1 When to Formally Initiate Cessation Procedures

Individual cessation procedures should be formally initiated if there is **reliable information indicating that an individual is no longer in need of international refugee protection** because he/she falls within the scope of one of the cessation clauses in Article 1C. Such information may come to light in a variety of ways, including through statements made by the refugee himself/herself, or by others, in the course of subsequent UNHCR procedures (for example, resettlement or refugee status determination proceedings concerning family members).

When determining whether to formally initiate cessation procedures, the reliability of the information available, as well as its significance for the particular case, must be carefully assessed.

Where the available information does not conclusively indicate that the individual is no longer in need of international refugee protection or where there are concerns about the reliability of such information, UNHCR may need to gather additional information in order to establish whether there is sufficient basis for considering that a refugee no longer needs international refugee protection and, thus, whether to formally initiate cessation procedures. Such information should be gathered **prior to formally initiating cessation procedures** and may be sought from the refugee himself/herself by **conducting a Protection Interview with him/her to obtain, confirm and assess relevant information, or may be gathered from other sources before formally initiating cessation procedures**. Where a Protection Interview is conducted, a full and accurate record of the interview must be maintained through a verbatim transcript and/or an audio or video recording. The refugee should be informed about the scope of the Protection Interview, namely to confirm and update information regarding his/her continued international protection needs.

Any information that comes to light relating to possible cessation of refugee status should be immediately brought to the attention of the RSD Supervisor or a designated Protection staff member, who should decide the appropriate course of action, i.e. formally initiate cessation procedures or gather additional information with a view to determining whether such procedures should be initiated, including through conducting a Protection Interview. The determination that grounds exist to formally refer a recognized refugee to cessation procedures should be made by the RSD Supervisor or the designated Protection staff member.¹

¹ Exceptionally, where fundamental changes in the objective circumstances in the country of origin may warrant the cessation of refugee status for a distinct caseload or a group of individuals with a specific profile, the decision to initiate individual cessation procedures for such caseload or group of individuals should be taken in consultation with the relevant Regional Bureau and DIP.

11.2.2 Notice of Initiation of Cessation Procedures

Cessation procedures must include **requirements to notify the refugee** concerned regarding the nature and purpose of the cessation procedures, and the reasons why UNHCR considers that the individual's refugee status should be ended. The individual should be advised that if he/she has information to explain or challenge the information upon which the cessation procedures have been commenced, or other information regarding the continued need for refugee protection, he/she may request a **Cessation Interview** with a UNHCR staff member to present this information and/or make written submissions to this effect. The individual should also be advised that if he/she fails to request a Cessation Interview and/or make written submission within the prescribed period (see also § 11.2.3 – *Cessation Interviews*), the cessation assessment will nevertheless be conducted and a decision will be issued.

The requirement to notify the individual concerned, and to give the opportunity and sufficient time to reply to the information that has led to the formal initiation of cessation procedures, are fundamental elements of fairness and due process.

The notification should be in writing. The relevant information should be provided in an accessible manner and communicated in a language that the refugee understands. The principles and procedures set out in § 10.2.9 – *Notification of the Cancellation Decision* are relevant, and should be reflected in individual cessation procedures. UNHCR Offices should make reasonable efforts to notify the individual concerned of the initiation of cessation procedures. The date and means of notification should be recorded on the individual's RSD file and in UNHCR's case management database.

Where, despite reasonable efforts, it is not possible to notify the individual concerned and where there is **reliable information indicating that the individual is no longer in need of international refugee protection** as a result of his/her own actions (e.g. reliable evidence that an individual has re-established him/herself in the country of origin, or has acquired the rights of a national in a third country) or as a result of fundamental changes in the objective circumstances in the country of origin, refugee status may be ceased without notice. In such cases, the assessment and decision to cease refugee status must be done in accordance with the established procedures (see § 11.2.4 – *Cessation Assessment and Decision*, and § 11.2.5 – *Review of Cessation Decisions*).

Cases referred to individual cessation procedures should be assigned to Eligibility Officers or other Protection staff who have the required knowledge and experience in RSD.

11.2.3 Cessation Interviews

Individuals who are notified of individual cessation procedures should be given a reasonable period of time, which should not be shorter than **30 days after the date of notification**, within which to request a Cessation Interview. Cessation procedures should be **sufficiently flexible** to permit the individual concerned to request a Cessation Interview and/or to make submissions in the cessation procedures within a reasonable period after the deadline has elapsed where the individual has valid reasons for failing to request the interview or to make a submission within the deadline. Such reasons include, but are not limited to, late receipt of notification of initiation of cessation procedures, health problems, or other compelling reasons.

The Eligibility Officer or Protection staff member who conducts the Cessation Interview should maintain a full and accurate record of the interview, through a verbatim transcript and/or an audio or video recording. The procedures and principles set out in § 4.3.12 – *Recording the RSD Interview* should be followed in Cessation Interviews. It is also recommended that, at the beginning of the Cessation Interview, the individual refugee is counselled regarding the nature and purpose of the cessation procedures and the reasons why UNHCR considers that the individual's refugee status should be ended.

If an individual has been duly notified of the cessation procedures (see § 11.2.2 – *Notice on Initiation of Cessation Procedures*) but does not request a Cessation Interview nor present information relating to the need for continued international protection, once the deadline has elapsed, the Eligibility Officer may proceed with the Cessation Assessment and, where appropriate, the individual’s refugee status may be ceased.

11.2.4 The Cessation Assessment and Decision

In each case, the cessation decision should be recorded in a **Cessation Assessment**, which should include the following:

STANDARDS & GUIDELINES

CESSATION ASSESSMENT

- ▶ A summary of the information relevant to the grounds for cessation, including any relevant information provided by the individual whose refugee status is subject to individual cessation procedures;
- ▶ A record of:
 - (i) the credibility assessment conducted with regard to any statements provided by the individual concerned and, where relevant, other persons (e.g. family members or witnesses) in relation to the grounds for cessation and of the reasons why these statements have, or have not, been accepted as credible;² and
 - (ii) the determination of what material facts can be considered established, based on the credibility findings, where applicable, and any other reliable information (for further guidance on establishing material facts, see § 4.3.15 – The RSD Assessment);
- ▶ A determination of whether the established facts support a finding that the individual is no longer in need of refugee protection in accordance with the cessation clauses in Article 1C of the 1951 Convention and relevant UNHCR cessation policy and guidance (see *Annex 11-1: List of UNHCR and other Additional Relevant Resources*).³

Caseload or profile-specific Cessation Assessment forms may be used to facilitate and expedite the assessment of cessation of refugee status of individuals belonging to a caseload to which the “ceased circumstances” or “general cessation” clauses in Article 1C(5) and (6) apply. To promote quality and consistency in decision-making, such forms should be developed in consultation with the relevant Regional Bureau and relevant functional sections in DIP and the Division of Resilience and Solutions (DRS).

The Eligibility Officer should sign and date the Cessation Assessment before referring the recommendation and file to the review and approval procedures established by the Office (see § 11.2.4 – *Review of Cessation Decisions*).

² Where the refugee concerned neither requests a Cessation Interview nor makes any submissions regarding the applicability of cessation in his/her case and/or regarding his/her continued need for international refugee protection, a credibility assessment will not be necessary.

³ In cases falling under the scope of the cessation clauses in Article 1C(5) or (6), a determination of whether the individual continues to have a well-founded fear of persecution or whether he/she should be exempted from cessation due to compelling circumstances arising from past persecution will need to be addressed as part of the assessment.

11.2.5 Review of Cessation Decisions

Cessation procedures in each UNHCR Office should include a mechanism for review of all cessation decisions. The principles and procedures set out in § 4.4 – *Procedures for Review of RSD Decisions* are relevant to, and should inform the development of review procedures of cessation decisions.

The review and approval by the **RSD Supervisor** or the **Head of Office** should be required in all cases where a decision is made to cease

- ▶ the refugee status of a person who was recognized pursuant to UNHCR’s mandate; and
- ▶ the derivative refugee status, where the decision to cease is based on the individual’s own actions or changed circumstances.

As the cessation of the refugee status of an individual will automatically result in the ending of the derivative refugee status of his/her family members / dependants (i.e. there is no consideration of the grounds for cessation), the decision to end derivative refugee status in these circumstances does not require the review and approval of the RSD Supervisor or the Head of Office (see also § 11.4 – *Cessation of Derivative Refugee Status*).

Following review procedures within the UNHCR Office, **all decisions to cease an individual’s refugee status pursuant to Article 1C(1)-(4) of the 1951 Convention** must be submitted for review in accordance with the principles and procedures set out in § 4.4.3 – *Procedures for Consultation with UNHCR Regional Bureau(s) and DIP on RSD Decisions*. The review should be carried out by **the designated focal point in the relevant Regional Bureau**, unless an individual case or group of cases is delegated by the Bureau Director for review to another qualified and appropriate staff member at the regional level. Any changes to the RSD decision as a result of the Regional Bureau, and where applicable, DIP’s review should be made in accordance with the procedures set out in § 4.4.2 – *Procedures for Revising the RSD Assessment or Decision*. The individual concerned should be notified of the decision to cease the individual’s refugee status only once this is reviewed or endorsed by the Regional Bureau, and where applicable, DIP.

Cases which raise complex procedural, doctrinal or interpretative issues may be referred by the relevant Regional Bureau to DIP for guidance if necessary (see § 4.4.3 – *Procedures for Consultation with UNHCR Regional Bureau(s) and DIP on RSD Decisions*).

STANDARDS & GUIDELINES

THE SUBMISSION FOR HEADQUARTERS REVIEW SHOULD INCLUDE THE FOLLOWING:

- ▶ A copy of the Cessation Assessment, as well as the initial RSD Assessment and, where applicable, the Appeal Assessment;
- ▶ Copies of the transcripts of the Cessation Interview, the Protection Interview leading to the initiation of cessation procedures where applicable, as well as the transcripts of the interview(s) on which the initial RSD/appeal decision(s) was based. In the absence of a verbatim written transcript, the audio recordings of the interviews should be submitted;
- ▶ Copies of the supporting documentation submitted by or on behalf of the individual during the cessation procedures;
- ▶ Any other information relevant to the decision to cease status.

Alternative review procedures may be adopted in certain RSD operations where the Bureau and/or DIP determine that only cases of a specific type or exceptional nature need to be reviewed by Headquarters (for further guidance, see § 4.4.3 – *Procedures for Consultation with UNHCR HQ on RSD Decisions*).

11.2.6 Notification of Cessation Decisions

Individuals whose refugee status is ceased pursuant to UNHCR cessation procedures must receive **notice in writing of the decision and the reasons** supporting the cessation decision. Individuals whose refugee status is maintained following cessation procedures must also be notified of the decision. The principles and procedures set out in § 6 – *Notification of RSD Decisions* apply to the notification of cessation decisions.

STANDARDS & GUIDELINES

NOTIFICATIONS OF NEGATIVE DECISIONS LEADING TO THE CESSATION OF REFUGEE STATUS SHOULD ALSO INFORM THE INDIVIDUAL OF THE CONSEQUENCES OF CESSATION, INCLUDING:

- ▶ Where possible, the known implications of cessation of refugee status for the individual's legal status in the host country / country of asylum;
- ▶ The effect of cessation on protection and assistance received from UNHCR, including processing for resettlement;
- ▶ The effect of cessation on the derivative refugee status of family members/dependants, where applicable (see § 11.4 – *Ending of Derivative Refugee Status*);
- ▶ The right to appeal the decision to cease refugee status and the relevant procedures and applicable deadlines;
- ▶ Procedures regarding the return of refugee identity documents issued by UNHCR (see § 11.5 – *Withdrawal of UNHCR-issued Refugee Documents in Cessation Procedures*)

11.2.7 Appeal of Cessation Decisions

Individuals, whose refugee status is ended by UNHCR pursuant to individual cessation procedures, have the right to appeal the cessation decision. The timeframe for submitting an appeal application should be no less than 30 days after the date of notification of the cessation decision. In so far as possible, the appeal should be determined by an Eligibility Officer or another qualified Protection staff member who was not involved in the adjudication or review of the cessation decision at first instance. The principles and procedures set out in § 7 – *Appeal of Negative RSD Decisions* are applicable and should inform the development of appeal procedures in cessation cases.

While the appeal of the cessation decision is pending, the individual's refugee status remains valid. As such, an individual subject to cessation procedures should continue to enjoy the rights and protection accorded to them as recognized refugees throughout the period allowed for submitting an appeal and, once the appeal application is submitted, while a final decision is pending. The derivative refugee status of family members/dependants also remains valid while a final decision on the cessation of status or appeal of the recognized refugee is pending (see also § 11.4 – *Ending of Derivative Refugee Status*).

A first instance decision to cease refugee status that is not appealed within the established timeframe or an appeal decision to cease refugee status is considered final and should result in the closure of the file.⁴ Cessation of refugee status does not prevent an individual from requesting a re-opening of the RSD case at a later date (see § 9.2 – *Re-opening RSD Cases*).

11.3 Exemption Procedures

The refugee status of individuals falling within the scope of a cessation declaration ceases automatically once the cessation declaration comes into effect. UNHCR Offices must thus establish fair and efficient procedures to allow individuals (i) who continue to have a well-founded fear of persecution or (ii) who have compelling reasons arising out of previous persecution for refusing to avail themselves of the protection of the country of origin, to apply for an exemption to cessation. Exemption procedures must be established in consultation with the relevant Regional Bureau and functional units in DIP and DRS, and in accordance with UNHCR's cessation policies and guidance.

Individuals who fall within the scope of a cessation declaration should be notified within a reasonable timeframe prior to the entry into effect of the cessation declaration. The relevant information should be communicated in a language and manner that they understand.

STANDARDS & GUIDELINES

NOTIFICATIONS PRIOR TO THE ENTRY INTO EFFECT OF THE CESSATION DECLARATION SHOULD INCLUDE INFORMATION REGARDING:

- ▶ The cessation declaration, the process, scope of the cessation, timeframe for its entry into effect, and its consequences;
- ▶ The effect of cessation on protection and assistance received from UNHCR, including processing for resettlement;
- ▶ The implications of cessation of refugee status for the individual's legal status in the host country / country of asylum, including where possible any legal avenues to remain in the host country / country of asylum, and other available durable solutions;
- ▶ The exemption procedures, rights and obligations under the procedures and applicable deadlines.

Applicants in exemption procedures must have the opportunity to present information regarding their continued well-founded fear of persecution or compelling reasons for being exempt from cessation in person during a **first instance interview with a Protection staff member with RSD experience**. They should have the right to appeal a negative first instance decision regarding the applicability of exemption.

Applicants in exemption procedures retain their refugee status and associated rights until a final decision has been taken on their application. Family members / dependants of Applicants in exemption procedures also maintain their derivative refugee status pending a final decision on the application.

⁴ To facilitate a flexible approach, the files of individuals whose refugee status was ceased in first instance cessation procedures should generally not be referred to file closure until a minimum of six weeks has elapsed following the expiry of the appeal deadline (see § 9.1 – *Closure of RSD Cases* § 7.2.4 – *Time Limit for Submitting the Appeal Application*).

The principles and procedures set out in this Unit, as well as in § 3 – *Reception and Registration for Mandate RSD*, § 4 – *Adjudication of Refugee Status Claims*, § 6 – *Notification of RSD Decisions* and § 7 – *Appeal of Negative RSD Decisions*, are relevant and should inform the development and implementation of exemption procedures.

11.4 Ending of Derivative Refugee Status

11.4.1 Ending of derivative refugee status as a result of the cessation of the refugee status from which it was derived

Cessation of the refugee status of an individual will also result in the cessation of the derivative refugee status of his/her family members and dependants. Wherever possible, UNHCR Offices should take all reasonable steps to notify persons whose derivative refugee status has been ended following the cessation of the status of an individual refugee. At the time of notification, UNHCR Offices should also inform family members/dependants that the cessation of the derivative refugee status does not affect their right to make an independent refugee claim should they have grounds to claim refugee protection (see also § 5.3.5(a) – *Termination of Derivative Refugee Status as a result of the Cancellation, Revocation or Cessation of the refugee status of the Refugee Status Applicant* and § 11.2.6 – *Notification of Cessation Decisions*). The ending of the derivative status should be recorded on the appropriate individual file and in UNHCR's case management database.

11.4.2 Cessation of derivative refugee status

The derivative refugee status of family members/dependants may also be ceased based on their own actions or changed circumstances. Individuals with derivative refugee status should be given the opportunity to present an independent refugee claim if they have grounds to claim refugee protection at the time of the cessation procedures (for further guidance regarding cessation of derivative refugee status, see § 5.3.5(b) – *Cancellation, Revocation and Cessation of Derivative Refugee Status* and § 11.2.6 – *Notification of Cessation Decisions*). The principles and procedures set out in this Unit regarding the cessation of refugee status of an individual, including the right to appeal a cessation decision, also apply to the cessation of derivative refugee status of family members / dependants.

Where the derivative refugee status of family members / dependants is ceased as a result of a declaration of cessation, UNHCR Offices should take all reasonable steps to notify affected individuals of the cessation of their status. At the time of notification, UNHCR Offices should also inform family members/dependants of the exemption procedures in place, as well as of their rights and obligations and applicable deadlines in accordance with the guidance in § 11.3 – *Exemption Procedures* above. Where the refugee status of an individual is maintained following exemption procedures, the derivative refugee status of his/her family members/dependants will also be maintained as long as the family or dependency relationship still exists.

The cessation of the derivative status should be noted on the appropriate individual file and in UNHCR's case management database.

11.5 Withdrawal of UNHCR-issued Refugee Documents in Cessation Procedures

In the interest of maintaining the integrity of identity documentation issued by UNHCR to recognized refugees, UNHCR Offices should take **all reasonable steps to withdraw valid UNHCR refugee identity documentation**, including UNHCR Refugee Certificates, **issued** to individuals whose refugee status has been ended under cessation procedures or as a result of a cessation declaration (see also § 8.2.4 – *Retrieval of UNHCR Refugee Identity Documents*).

At the time of notification of a cessation decision or at the time of the notification of the application of a cessation declaration, individuals whose refugee status has been ended should be requested to return the UNHCR Refugee Certificate or any other refugee identity documentation that was issued by UNHCR upon recognition. Documentation issued by UNHCR to family members / dependants who were granted derivative refugee status should also be returned to UNHCR. The fact that the refugee documentation has been returned to UNHCR should be recorded on the individual's RSD file and in the Office's central record of identity documents. Where retrieval is not possible, the Office's central record of identity documents should be updated to reflect that the particular document is no longer valid (see § 8.3 – *Maintaining Office Records of UNHCR Refugee Identity Documents*).

Individuals who appeal the first instance cessation decision should be allowed to retain UNHCR refugee identity documentation until a final decision on their refugee status is reached. Individuals whose refugee status was ceased as a result of a cessation declaration and who apply for exemption procedures should also be allowed to retain UNHCR refugee identity documentation until a final decision on their refugee status is reached. To ensure the preservation of the family unity, family members / dependants should also be allowed to retain their UNHCR refugee identity documentation during this period.

Where the individuals to whom the UNHCR refugee identity document was issued are not in possession of other identity documents, or where the UNHCR refugee identity document may be required to document the refugee status held, it may be appropriate to permit the individuals to retain the refugee identity document issued by UNHCR upon recognition. In such cases and insofar as possible, the documentation should be clearly **amended to reflect the cessation of the refugee status**, and Offices should take any other necessary measures to prevent the improper use of the UNHCR refugee identity documents.

Annex: List of Additional Resources

UNHCR, *Guidelines on International Protection No. 3: Cessation of Refugee Status under Article 1C(5) and (6) of the 1951 Convention relating to the Status of Refugees (the "Ceased Circumstances" Clauses)*, 10 February 2003, HCR/GIP/03/03, available at: <http://www.refworld.org/docid/3e50de6b4.html>

UNHCR, *Guidelines on Exemption Procedures in respect of Cessation Declarations*, December 2011, available at: <http://www.refworld.org/docid/4eef5c3a2.html>

UNHCR, *Note on Suspension of "General Cessation" Declarations in respect of particular persons or groups based on acquired rights to family unity*, December 2011, available at: <http://www.refworld.org/docid/4eef5a1b2.html>

UNHCR, *Note/Advice on individual cessation in the context of prima facie recognition of refugee status for persons who have voluntarily returned to their country of origin*, 7 October 2011, available at: <https://refworld-internal.unhcr.org/cgi-bin/teaxis.exe/refworld/intranet/rwmain?page=search&docid=51ac5e104&skip=0&query=cessation%20prima%20facie>

UNHCR, *The Cessation Clauses: Guidelines on Their Application*, 26 April 1999, available at: <http://www.refworld.org/docid/3c06138c4.html>

UNHCR, *Note on Cessation Clauses*, 30 May 1997, EC/47/SC/CRP.30, available at: <http://www.refworld.org/docid/47fdfaf1d.html>



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