



# UNIT 11

Procedures for Cessation  
of Refugee Status

# PROCEDURES FOR CESSATION OF REFUGEE STATUS

## 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 terminated**, because the individual who was recognized as a refugee is no longer in need of refugee protection.

The cessation clauses can be divided into two broad categories:

- Those relating to a change in the personal circumstances brought about by the voluntary acts of the refugee;
  - Those relating to a change in the objective circumstances that were the basis of the recognition of refugee status.
- The paragraphs that follow are 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 refugee protection.
  - **Most commonly cessation is declared on a group basis.** Where general cessation is declared on a group basis because of fundamental and durable change in the country of origin, UNHCR Offices should **consult with UNHCR Headquarters** to develop and implement appropriate procedures.
  - Cessation of refugee status should be **distinguished from cancellation** of refugee status, which is intended to invalidate the refugee status of persons who, at the time of recognition, were not entitled to refugee status, either because they did not fall within the inclusion criteria or the exclusion criteria applied (see §10 - *Procedures for Cancellation of Refugee Status*).
  - UNHCR staff should be aware of the purpose of the cessation clauses 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 the cessation clauses have been established, and there do not exist other factors indicating the continued need for refugee protection.
  - Each UNHCR Office should implement procedures to ensure **fair, transparent and consistent application of the cessation clauses**. Given the significance of the Cessation procedures for the individual concerned, and the potentially very serious consequences of unjustified termination of refugee status, UNHCR Cessation procedures **must incorporate the highest standards of fairness and due process**.

## 11.2 Cessation Procedures

### 11.2.1 Notice to the Individual in Cessation Procedures

- The determination that grounds exist to refer an individual to cessation procedures should be made by the RSD Supervisor. Cessation files should be assigned to Eligibility Officers or other Protection staff who have experience in RSD.
- Cessation procedures should include **requirements for notice to the refugee** concerned of the nature and purpose of the Cessation procedures, and the reasons why UNHCR considers that the individual's refugee status should be terminated. The individual should be advised that if he/she has information to explain or challenge the facts 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.
- The principles and procedures set out in § 10.3.1 - *Notice to the Individual in Cancellation Procedures* are relevant, and should be reflected in individual cessation procedures. As a general rule, if it is not possible to notify the individual concerned, Cessation of refugee status in individual cases would not be appropriate. In exceptional circumstances (including cases where there is substantial and 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), refugee status may be terminated without notice, following established review and approval procedures.

### 11.2.2 Cessation Interviews

- Individuals who are notified of 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 or to make submissions in cessation procedures within a reasonable period after the deadline in appropriate cases.
- The Protection staff member who conducts the Cessation Interview should maintain a transcript of the interview. The procedures and principles set out in § 4.3.8 - *Recording the RSD Interview should be followed in Cessation Interviews*.
- If an individual has been duly notified of the Cessation procedures but does not request a Cessation Interview or present evidence relating to the need for continued international protection, within a reasonable period refugee status may be terminated.

### 11.2.3 The Cessation Assessment

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

#### Cessation Assessment

- A summary of the evidence that is relevant to the grounds for cessation, including an assessment of the reliability of the evidence and the credibility of the individual concerned;
- A determination of whether the accepted facts support a finding that the individual is no longer in need of refugee protection.

### 11.2.4 Review of Cessation Decisions

- Cessation procedures in each UNHCR Office should include a mechanism for review of all 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 terminate the refugee status of a person who was recognized pursuant to UNHCR's mandate.
- Following review procedures within the UNHCR Office, all first instance cessation decisions should be submitted for review to the Legal Advisor of the relevant Bureau at **UNHCR Headquarters who will consult with DIP, if necessary, and particularly when complex legal issues arise**. The submission should include the Cessation Assessment, the transcript or notes regarding a Cessation Interview (if one was conducted) and any other relevant documentation from the file.

### 11.2.5 Notification of Cessation Decisions

- Individuals whose refugee status is terminated pursuant to UNHCR cessation procedures must receive **notice in writing of the decision and the reasons** supporting the cessation decision. The general principles and procedures set out in § 6 - *Notification of RSD Decisions* are also relevant in individual cessation procedures.
- Notification of cessation of refugee status should also inform the individual of the **consequences of cessation**, including:
  - Where reliable information exists, the implications of cessation of refugee status for the individual's legal status in the host country;
  - The effect of cessation on assistance received by UNHCR, including processing for resettlement;
  - The status of individuals who received derivative status based on the refugee status that was terminated will also be terminated (see § 11.4 - *Cessation of Derivative Status*);
  - The right to appeal the cessation decision and the relevant procedures;
  - Procedures regarding the return of documents issued by UNHCR (see § 11.5 - *Withdrawal of UNHCR Documents in Cessation Procedures*).

### 11.3 Appeal of Cessation Decisions

- Individuals whose refugee status is terminated by UNHCR, pursuant to individual Cessation procedures, should have the right to appeal the cessation decision. The appeal should be determined by Protection staff member who was not involved in the preparation or review of the cessation decision. The principles and procedures set out in § 7 - *Appeal of Negative RSD Decisions* are relevant to, 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 should remain valid.
- A final cessation decision should result in the closure of the file. Cessation of refugee status would not prevent an individual from requesting a re-opening of the RSD file at a later date should a change in circumstances affect his/her need for refugee protection (see § 9.2 - *Re-opening RSD Files*).

### 11.4 Cessation of Derivative Status

- Cessation of the refugee status of the Principal Applicant will extend to the derivative status accorded to the family members/dependants of the Principal Applicant. The cessation determination will not affect the right of the persons who had derivative refugee status to make an independent claim.
- The termination of the derivative status should be noted on the appropriate individual file and on any central database used to record information regarding the family member/ dependant.

### 11.5 Withdrawal of UNHCR Documents in Cessation Procedures

- In the interest of maintaining the integrity of documentation issued by UNHCR to recognized refugees, UNHCR Offices should take **all feasible steps to amend or withdraw UNHCR documentation issued** to individuals whose refugee status has been terminated under cessation procedures.
- At the time of notification of a cessation decision, individuals whose refugee status has been terminated should be requested to return the UNHCR Refugee Certificate or any other documentation that was issued by UNHCR upon recognition. Documentation issued by UNHCR to family members/dependants who obtained derivative status should also be returned to UNHCR.
- Where the individuals to whom the UNHCR Refugee Certificate was issued are not in possession of other identity documents, or where the Refugee Certificate may be required to document the refugee status held, it may be appropriate to permit the individuals to retain the UNHCR Refugee Certificate or other documents issued by UNHCR upon recognition. In such cases, the documentation should be clearly **amended to reflect the cessation of the refugee status**, and Offices should take and other necessary measures to prevent the improper use of the UNHCR Refugee Certificate.