

Flygtningenævnets baggrundsmateriale

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[Home](#)

Cessation of Status

The Executive Committee,

Recalling Conclusion No. 65 (XLII) which, inter alia, underlined the possibility of use of the cessation clauses in Article IC (5) and (6) of the 1951 Convention in situations where a change of circumstances in a country is of such a profound and enduring nature that refugees from that country no longer require international protection, and can no longer continue to refuse to avail themselves of the protection of their country, provided that it is recognized that compelling reasons may, for certain individuals, support the continuation of refugee status,

Taking into account that the application of the cessation clause(s) in the 1951 Convention rests exclusively with the Contracting States, but that the High Commissioner should be appropriately involved, in keeping with the role of the High Commissioner in supervising the application of the provisions of the 1951 Convention as provided for in Article 35 of that Convention,

Noting that any declaration by the High Commissioner that the competence accorded to her by the Statute of her Office with regard to certain refugees shall cease to apply, may be useful to States in connection with the application of the cessation clauses as well as the 1951 Convention,

Believing that a careful approach to the application of the cessation clauses using clearly established procedures is necessary so as to provide refugees with the assurance that their status will not be subject to unnecessary review in the light of temporary changes, not of a fundamental character, in the situation prevailing in the country of origin,

(a) Stresses that, in taking any decision on application of the cessation clauses based on "ceased circumstances", States must carefully assess the fundamental character of the changes in the country of nationality or origin, including the general human rights situation, as well as the particular cause of fear of persecution, in order to make sure in an objective and verifiable way that the situation which justified the granting of refugee status has ceased to exist;

(b) Underlines that an essential element in such assessment by States is the fundamental, stable and durable character of the changes, making use of appropriate information available in this respect, inter alia, from relevant specialized bodies, including particularly UNHCR;

(c) Emphasizes that the "ceased circumstances" cessation clauses shall not apply to refugees who continue to have a well-founded fear of persecution;

(d) Recognizes therefore that all refugees affected by a group or class decision to apply these cessation clauses must have the possibility, upon request, to have such application in their cases reconsidered on grounds relevant to their individual case;

(e) Recommends, so as to avoid hardship cases, that States seriously consider an appropriate status, preserving previously acquired rights, for persons who have compelling reasons arising out of previous persecution for refusing to re-avail themselves of the protection of their country and recommends also that appropriate arrangements, which would not put into jeopardy their established situation, be similarly considered by relevant authorities for those persons who cannot be expected to leave the country of asylum, due to a long stay in that country resulting in strong family, social and economic links there;

(f) Recommends that States, in giving effect to a decision to invoke the cessation clauses, should in all situations deal humanely with the consequences for the affected individuals or groups, and that countries of asylum and countries of origin should together facilitate the return, to assure that it takes place in a fair and dignified manner. Where appropriate, return and reintegration assistance should be made available to the returnees by the international community, including through relevant international agencies.

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