

**UNHCR**United Nations High Commissioner for Refugees  
Haut Commissariat des Nations Unies pour les réfugiés

Forbunden for Jugoslaven (Kosovo) (31)

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UNHCR

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18 March 2002

Notre/Our code: SEO-PRL-04

Re: **Cessation of refugee status for refugees from Kosovo**

Dear Ms. Egelund,

Thank you for your letter of 31 January 2002, inquiring on UNHCR's views regarding the applicability of the cessation clause described in Article 1 C (5) of the 1951 Convention relating to the Status of Refugees to refugees from Kosovo.

In the case of Kosovo, UNHCR has not pronounced itself or sought a consultation with interested Governments on the general applicability of the cessation clause contained in Article 1 C (5). The reason being that developments in Kosovo, although very encouraging, are not of such a fundamental, stable and durable character as to allow the conclusion that the bases for fear of persecution have been fully removed for all Kosovars.

Since June 1999, there have been meaningful changes in Kosovo. These changes have permitted the voluntary return of over a million Kosovo Albanians who fled Kosovo prior and during the 1999 conflict. There remain, however, circumstances that can give rise to fear of persecution. The most serious of these circumstances affect non-ethnic Albanians, even if they were not present during the worst part of the conflict in Kosovo. In addition, there are few specific situations that may still affect ethnic Albanians.

To highlight these protection concerns, UNHCR issues periodically its position on the Continued Protection Needs of Individuals from Kosovo. Currently we are working on the update of our position, which we expect to release at the end of this month. Most of this position focuses on the protection needs of non-ethnic Albanians. At the same time we also expect to release the ninth UNHCR/OSCE Joint Assessment on the Situation of Minorities in Kosovo.

Based on the above mentioned general assessments, States parties to the 1951 Convention on the Status of Refugees may review the individual circumstances on the basis of which a person has been recognised a refugee – at least for those refugees who have not yet acquired permanent residence. Such a review must of course be surrounded by all the procedural guarantees that apply to refugee eligibility procedures generally. Furthermore, States applying Article 1C (5) must take into consideration the exception to the cessation provision contained in the second paragraph. This exception deals with the special situation where a person that has been subjected to very serious persecution in the past will not cease to be a refugee, even if fundamental changes have occurred in his/her country of origin. In addition, it should be kept in mind that cessation of refugee status should not result in persons residing in a host State with an uncertain status. Nor would cessation necessarily lead to return of the individual concerned. The nature of the family, social and economic links developed with the host country would need to receive due consideration.

Ms. Sara Egelund,  
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For the same reasons, UNHCR would advise against any systematic review of the status of those refugees who have spent many years in a host country and can, as a result, legitimately expect a long-term regularisation of their residence in this country.

I trust this will answer your queries. Please let us know if we can be of further assistance.

Yours sincerely,

Jean-François Durieux  
Deputy Director  
Bureau for Europe



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Date 31-01-02  
Ref.

UNHCR Regional Office for the Nordic and  
the Baltic Countries  
Stockholm

**Re. Cessation of refugee status for refugees from Kosovo**

The Danish Immigration Service recently decided to review time-limited residence permits granted to recognised refugees from Kosovo, as and when the residence permits expire and the refugees apply for renewal. Under the current aliens' law, residence permits granted to refugees become permanent after three years of residence. So far, extension has been refused in four cases, all of which have been appealed and are currently pending before the Appeals' Board.

The Immigration Service considers these cases as "test cases", which will have precedent setting effect in future, similar cases. According to the Danish Refugee Council's information, the Immigration Service foresees that a couple of hundred cases will be subject to review once the refugees' residence permits expire.

In this connection, the Danish Refugee Council would like to ask UNHCR whether it considers that:

- the conditions are fulfilled for applying the cessation clause in Article 1 C (5) of the 1951 Convention relating to the Status of Refugees to refugees from Kosovo;
- if so, whether the guidelines contained in UNHCR's Position on the Continued Protection Needs of Individuals from Kosovo, dated March 2001, are applicable in cessation procedures;
- or whether special or additional criteria and considerations are relevant when reviewing the status of refugees from Kosovo.

I thank you for your kind consideration of these questions and look forward to your early reply.

Yours sincerely,

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CC: The Danish Immigration Service, The Secretariat of the National Appeals' Board

