Compilation of jurisprudence

Ending international protection

Second edition

EASO Professional Development Series for members of courts and tribunals

Updated by IARMJ-Europe
under contract to EASO

2021

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European Asylum Support Office

The European Asylum Support Office (EASO) is an Agency of the European Union (EU) that has the mandate of supporting the enhancement of quality standards and striving for consistency in the implementation of the legal instruments of the Common European Asylum System (CEAS). To that aim, EASO contributes to the development and consistent implementation of the CEAS, promotes practical cooperation among Member States on asylum, and supports Member States that are subject to particular pressures.

Article 6 of the EASO founding Regulation ([1]) specifies that the Agency shall establish and develop training available to members of courts and tribunals in the Member States. For this purpose, EASO shall take advantage of the expertise of academic institutions and other relevant organisations, and take into account the Union's existing cooperation in the field with full respect to the independence of national courts and tribunals. EASO, as the EU centre for expertise in the field of international protection, therefore supports the development of judicial training materials and activities. These are available to members of courts and tribunals of the EU, its associated countries, and beyond.

International Association of Refugee and Migration Judges

The International Association of Refugee and Migration Judges (IARMJ) ([2]) is a transnational, non-profit association that seeks to foster recognition that protection from persecution on account of race, religion, nationality, membership of a particular social group, or political opinion is an individual right established under international law, and that the determination of refugee status and its cessation should be subject to the rule of law. Since the foundation of the association in 1997, it has been heavily involved in the training of members of courts and tribunals around the world dealing with asylum cases. The European Chapter of the IARMJ (IARMJ-Europe) is the regional representative body for judges and tribunal members within Europe. One of the Chapter's specific objectives under its Constitution is 'to enhance knowledge and skills and to exchange views and experiences of judges on all matters concerning the application and functioning of the Common European Asylum System (CEAS)'.

Contributors

Editorial team of judges and tribunal members

In order to ensure the integrity of the principle of judicial independence and that the EASO Professional development series for members of courts and tribunals is developed and delivered under judicial guidance, an editorial team composed of serving or recently retired judges and tribunal members, with extensive experience and expertise in the field of asylum law, was selected under the auspices of a Joint Monitoring Group (JMG). The JMG is composed of representatives of the contracting parties, EASO and IARMJ-Europe. The Editorial team reviewed drafts, gave detailed guidance to the drafter, drafted amendments, and was the final decision-making body as to the scope, structure, content and design of the work. Their work was undertaken through regular electronic/telephonic communication.

The members of the editorial team were judges/tribunal members **Hugo Storey** (United Kingdom, Chair), **Liesbeth Steendijk** (the Netherlands, Deputy Chair), **Hilkka Becker** (Ireland), **Jakub Camrda** (Czech Republic), **Katelijne Declerck** (Belgium), **Harald Dörig** (Germany), **Catherine Koutsopoulou** (Greece), and **Florence Malvasio** (France). They were supported and assisted in its task by Project Manager, **Clara Odofin**.

The editorial team bears overall responsibility for the final product.

Drafters

Claire Thomas (consultant) was the primary drafter, and **Frances Nicholson** (consultant) provided editorial support.

([1]) Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office [2010] OJ L 132/11.

([2]) The International Association of Refugee and Migration Judges was formerly known as the International Association of Refugee Law Judges (IARLJ). See https://www.iarmj.org.

Compilation of jurisprudence

The purpose of this compilation of Jurisprudence is to be an accompanying resource to the judicial analysis and to provide courts and tribunals in Member States with a helpful aid when hearing appeals or conducting reviews of decisions on applications concerning ending international protection.

The cases summarised in this compilation are confined to those which have been named within the main body of text of the judicial analysis. Included in this compilation is jurisprudence from

— European courts, that is, the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR);

— National courts and tribunals of the Member States of the European Union; and

— National courts and tribunals of other states.

Within these sections, cases are listed in date order from the oldest to the most recent. National court and tribunal judgments are listed alphabetically by country, whether among Member States or other states, with the judgments of the highest court or tribunal first followed by lower courts or tribunals, again from the oldest to the most recent.

All cases cited or otherwise mentioned in the footnotes of the judicial analysis can be found in Appendix D: Primary sources of the analysis. Further information on all cases can be found through the hyperlinks provided or via the list of websites provided at the end of this compilation.

A list of abbreviations is provided at the end of the compilation.

This compilation of jurisprudence will be updated, as necessary, by EASO in accordance with the methodology for the EASO Professional development series for members of courts and tribunals.

List of abbreviations

AsylVfG	Asylverfahrensgesetz (Asylum Procedure Act, Germany)
BVerwG	Bundesverwaltungsgericht (Federal Administrative Court, Germany)
CESEDA	Code on the Entry and Stay of Foreigns and Asylum Law (Code de l'entrée et du séjour des étrangers et du droit d'asile)
CJEU	Court of Justice of the European Union
CNDA	Cour nationale du droit d'asile (France)
DRC	Democratic Republic of Congo
EASO	European Asylum Support Office
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECO	Entry Clearance Officer (UK)
ECtHR	European Court of Human Rights
ECWA	Court of Appeal of England and Wales (United Kingdom)
EU	European Union
GC	Grand Chamber (of both the CJEU and ECtHR)
IAC	Immigration and Asylum Chamber (of Upper Tribunal, UK)
IEHC	High Court (Ireland)
IESC	Surpeme Court (Ireland)
OFPRA	Office français de protection des réfugiés et apatrides (French Office for the protection of refugees and stateless persons)
QD	Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted
QD (recast)	Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast)
SSHD	Secretary of State for the Home Department (UK)
TFEU	Treaty on the Functioning of the European Union
UK	United Kingdom of Great Britain and Northern Ireland
UKAIT	Immigration and Asylum Tribunal (UK)
UKHL	House of Lords (UK)
UKSC	Supreme Court (UK)
UKUT	Upper Tribunal (UK)
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East

Court of Justice of the European Union

Cases are listed in date order from the oldest to the most recent.

Court	Case name/ reference/date	Relevance/key words/main points	Cases cited
CJEU (Grand Chamber)	*Aydin Salahadin Abdulla and Others* v *Bundesrepublik Deutschland* Joined cases C-175/08, C-176/08, C-178/08, C-179/08 2 March 2010 EU:C:2010:105	Keywords: Classification as a 'refugee' – Cessation of refugee status – Change of circumstances – Unfounded fear of persecution – Revocation of refugee status – Proof Judgment after a preliminary ruling concerns the interpretation of Article 11(1)(e) of Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (QD), read in conjunction with Article 2(c) of that directive. **Para. 9:** 'Recital 10 of the preamble to the Directive states: "This Directive respects the fundamental rights and observes the principles recognised in particular by the [Charter]. In particular this Directive seeks to ensure full respect for human dignity and the right to asylum of applicants for asylum and their accompanying family members".' **Paras. 65-83:** '65. Article 11(1)(e) of the Directive, in the same way as Article 1(C)(5) of the Geneva Convention, provides that a person ceases to be classified as a refugee when the circumstances as a result of which he was recognised as such have ceased to exist, that is to say, in other words, when he no longer qualifies for refugee status. '66. By stating that, because those circumstances "have ceased to exist", the national "can no longer … continue to refuse to avail himself or herself of the protection of the country of nationality", that article establishes, by its very wording, a causal connection between the change in circumstances and the impossibility for the person concerned to continue to refuse and thus to retain his refugee status, in that his original fear of persecution no longer appears to be well founded. '67. In so far as it provides that the national "can no longer … continue to refuse" to avail himself of the protection of his country of origin, Article 11(1)(e) of the Directive implies that the "protection" in question is the same as that which has up to that point been lacking, namely protection against the acts of persecution envisaged by the Directive.	CJEU: *Poseidon Chartering BV* v *Marianne Zeeschip VOF and Others*, C-3/04, 16 March 2006

Court	Case name/ reference/date	Relevance/key words/main points	Cases cited
		‘68. In that way, the circumstances which demonstrate the country of origin’s inability or, conversely, its ability to ensure protection against acts of persecution constitute a crucial element in the assessment which leads to the granting of, or, as the case may be, by means of the opposite conclusion, to the cessation of refugee status. ‘69. Consequently, refugee status ceases to exist where the national concerned no longer appears to be exposed, in his country of origin, to circumstances which demonstrate that that country is unable to guarantee him protection against acts of persecution against his person for one of the five reasons listed in Article 2(c) of the Directive. Such a cessation thus implies that the change in circumstances has remedied the reasons which led to the recognition of refugee status. ‘70. In order to arrive at the conclusion that the refugee’s fear of being persecuted is no longer well founded, the competent authorities, by reference to Article 7(2) of the Directive, must verify, having regard to the refugee’s individual situation, that the actor or actors of protection of the third country in question have taken reasonable steps to prevent the persecution, that they therefore operate, inter alia, an effective legal system for the detection, prosecution and punishment of acts constituting persecution and that the national concerned will have access to such protection if he ceases to have refugee status. ‘71. That verification means that the competent authorities must assess, in particular, the conditions of operation of, on the one hand, the institutions, authorities and security forces and, on the other, all groups or bodies of the third country which may, by their action or inaction, be responsible for acts of persecution against the recipient of refugee status if he returns to that country. In accordance with Article 4(3) of the Directive, relating to the assessment of facts and circumstances, those authorities may take into account, inter alia, the laws and regulations of the country of origin and the manner in which they are applied, and the extent to which basic human rights are guaranteed in that country. ‘72. Furthermore, Article 11(2) of the Directive provides that the change of circumstances recorded by the competent authorities must be “of such a significant and non-temporary nature” that the refugee’s fear of persecution can no longer be regarded as well founded. ‘73. The change of circumstances will be of a “significant and non-temporary” nature, within the terms of Article 11(2) of the Directive, when the factors which formed the basis of the refugee’s fear of persecution may be regarded as having been permanently eradicated. The assessment of the significant and non-temporary nature of the change of circumstances thus implies that there are no well-founded fears of being exposed to acts of persecution amounting to severe violations of basic human rights within the meaning of Article 9(1) of the Directive.	

Court	Case name/ reference/date	Relevance/key words/main points	Cases cited
		'74. It must be pointed out that the actor or actors of protection with respect to which the reality of a change of circumstances in the country of origin is to be assessed are, under Article 7(1) of the Directive, either the State itself or the parties or organisations, including international organisations, controlling the State or a substantial part of the territory of the State. '75. As regards the latter point, it must be acknowledged that Article 7(1) of the Directive does not preclude the protection from being guaranteed by international organisations, including protection ensured through the presence of a multinational force in the territory of the third country. '76. In view of all the foregoing considerations, the answer to the first question is that Article 11(1)(e) of the Directive is to be interpreted as meaning that: – refugee status ceases to exist when, having regard to a change of circumstances of a significant and non-temporary nature in the third country concerned, the circumstances which justified the person's fear of persecution for one of the reasons referred to in Article 2(c) of the Directive, on the basis of which refugee status was granted, no longer exist and that person has no other reason to fear being 'persecuted' within the meaning of Article 2(c) of the Directive; – for the purposes of assessing a change of circumstances, the competent authorities of the Member State must verify, having regard to the refugee's individual situation, that the actor or actors of protection referred to in Article 7(1) of the Directive have taken reasonable steps to prevent the persecution, that they therefore operate, inter alia, an effective legal system for the detection, prosecution and punishment of acts constituting persecution and that the national concerned will have access to such protection if he ceases to have refugee status; – the actors of protection referred to in Article 7(1)(b) of the Directive may comprise international organisations controlling the State or a substantial part of the territory of the State, including by means of the presence of a multinational force in that territory.	

Court	Case name/ reference/date	Relevance/key words/main points	Cases cited
		The second question ‘77. Having regard to the answer given to the first question and the information provided in paragraphs 74 and 75 of this judgment, there is no need to answer the second question. ‘78. Nevertheless, as regards Question 2(b), it is important to point out, in any event, that, in connection with the concept of “international protection”, the Directive governs two distinct systems of protection, that is to say, firstly, refugee status and, secondly, subsidiary protection status, in view of the fact that Article 2(e) of the Directive states that a person eligible for subsidiary protection is one “who does not qualify as a refugee”. ‘79. Therefore, as there would otherwise be a failure to have regard for the respective domains of the two systems of protection, the cessation of refugee status cannot be made conditional on a finding that a person does not qualify for subsidiary protection status. ‘80. Within the system of the Directive, the possible cessation of refugee status occurs without prejudice to the right of the person concerned to request the granting of subsidiary protection status in the case where all the factors, referred to in Article 4 of the Directive, which are necessary to establish that he qualifies for such protection under Article 15 of the Directive are present. *The third question* Preliminary observations ‘81. The third question relates to the situation in which it is assumed that a finding has already been made that the circumstances on the basis of which refugee status was granted have ceased to exist. ‘82. It concerns the conditions under which the competent authorities then verify, if necessary, before finding that that status has ceased to exist, whether there are other circumstances which may give rise to a well-founded fear of persecution on the part of the person concerned. ‘83. That verification therefore implies an assessment analogous to that carried out during the examination of an initial application for the granting of refugee status.’	

Court	Case name/ reference/date	Relevance/key words/main points	Cases cited
		Paras. 88-91: **'**88. By contrast, the standard which must then guide the assessment of the elements present does not vary, either at the stage of the examination of an application for refugee status or at the stage of the examination of the question of whether that status should be maintained, when, after the circumstances which led to the granting of that status have ceased to exist, other circumstances which may have given rise to a well-founded fear of acts of persecution are assessed. '89. At both of those stages of the examination, the assessment relates to the same question of whether or not the established circumstances constitute such a threat that the person concerned may reasonably fear, in the light of his individual situation, that he will in fact be subjected to acts of persecution. '90. That assessment of the extent of the risk must, in all cases, be carried out with vigilance and care, since what are at issue are issues relating to the integrity of the person and to individual liberties, issues which relate to the fundamental values of the Union. '91. The answer to Question 3(a) is therefore that, when the circumstances which resulted in the granting of refugee status have ceased to exist and the competent authorities of the Member State verify that there are no other circumstances which could justify a fear of persecution on the part of the person concerned either for the same reason as that initially at issue or for one of the other reasons set out in Article 2(c) of the Directive, the standard of probability used to assess the risk stemming from those other circumstances is the same as that applied when refugee status was granted.' **Paras. 96-98:** **'**96. Consequently, in that situation, Article 4(4) of the Directive may be applicable where there are earlier acts or threats of persecution which are connected with the reason for persecution being examined at that stage. '97. That may be the case, in particular, where the refugee relies on a reason for persecution other than that accepted at the time when refugee status was granted and: – prior to his initial application for international protection, he suffered acts or threats of persecution on account of that other reason, but did not then rely on them; – he suffered acts or threats of persecution for that reason after he left his country of origin and those acts or threats originate in that country.	

Court	Case name/ reference/date	Relevance/key words/main points	Cases cited
		'98. By contrast, where the refugee, relying on the same reason for persecution as that accepted at the time when refugee status was granted, submits to the competent authorities that the cessation of the facts which gave rise to the granting of that status was followed by the occurrence of other facts which gave rise to a fear of persecution for that same reason, the assessment to be carried out will normally be covered, not by Article 4(4) of the Directive, but by Article 11(2) thereof.' **Para. 100:** 'The answer to Question 3(b) is therefore that: – in so far as it provides indications as to the scope of the evidential value to be attached to previous acts or threats of persecution, Article 4(4) of the Directive may apply when the competent authorities plan to withdraw refugee status under Article 11(1)(e) of the Directive and the person concerned, in order to demonstrate that there is still a well-founded fear of persecution, relies on circumstances other than those as a result of which he was recognised as being a refugee; – however, that may normally be the case only when the reason for persecution is different from that accepted at the time when refugee status was granted and only when there are earlier acts or threats of persecution which are connected with the reason for persecution being examined at that stage." **Ruling:** '1. Article 11(1)(e) of Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted must be interpreted as meaning that: – refugee status ceases to exist when, having regard to a change of circumstances of a significant and non-temporary nature in the third country concerned, the circumstances which justified the person's fear of persecution for one of the reasons referred to in Article 2(c) of Directive 2004/83, on the basis of which refugee status was granted, no longer exist and that person has no other reason to fear being "persecuted" within the meaning of Article 2(c) of Directive 2004/83;	

Court	Case name/ reference/date	Relevance/key words/main points	Cases cited
		– for the purposes of assessing a change of circumstances, the competent authorities of the Member State must verify, having regard to the refugee's individual situation, that the actor or actors of protection referred to in Article 7(1) of Directive 2004/83 have taken reasonable steps to prevent the persecution, that they therefore operate, inter alia, an effective legal system for the detection, prosecution and punishment of acts constituting persecution and that the national concerned will have access to such protection if he ceases to have refugee status; – the actors of protection referred to in Article 7(1)(b) of Directive 2004/83 may comprise international organisations controlling the State or a substantial part of the territory of the State, including by means of the presence of a multinational force in that territory. '2. When the circumstances which resulted in the granting of refugee status have ceased to exist and the competent authorities of the Member State verify that there are no other circumstances which could justify a fear of persecution on the part of the person concerned either for the same reason as that initially at issue or for one of the other reasons set out in Article 2(c) of Directive 2004/83, the standard of probability used to assess the risk stemming from those other circumstances is the same as that applied when refugee status was granted. '3. In so far as it provides indications as to the scope of the evidential value to be attached to previous acts or threats of persecution, Article 4(4) of Directive 2004/83 may apply when the competent authorities plan to withdraw refugee status under Article 11(1)(e) of that directive and the person concerned, in order to demonstrate that there is still a well-founded fear of persecution, relies on circumstances other than those as a result of which he was recognised as being a refugee. However, that may normally be the case only when the reason for persecution is different from that accepted at the time when refugee status was granted and only when there are earlier acts or threats of persecution which are connected with the reason for persecution being examined at that stage.'	

Court	Case name/ reference/date	Relevance/key words/main points	Cases cited
CJEU	*Bundesrepublik Deutschland* v *B and D* C-57/09 and C-101/09 9 November 2010 EU:C:2010:661	Key words: Exclusion from refugee status – Notion of 'serious non-political crime' – Notion of 'acts contrary to the purposes and principles of the United Nations' – Membership of an organisation involved in terrorist acts – Individual responsibility for part of the acts committed by that organisation – Right of asylum by virtue of national constitutional law Judgment after a preliminary ruling concerning (i) the interpretation of Article 12(2)(b) and (c) QD and (ii) the interpretation of Article 3 of that directive. **Para. 91:** 'In that regard, it is important to note that the circumstances in which the two organisations to which the respondents before the Bundesverwaltungsgericht respectively belonged were placed on that list cannot be assimilated to the individual assessment of the specific facts which must be undertaken before any decision is taken to exclude a person from refugee status pursuant to Article 12(2)(b) or (c) of Directive 2004/83.' **Para. 98:** 'Any authority which finds, in the course of that assessment, that the person concerned has – like D – occupied a prominent position within an organisation which uses terrorist methods is entitled to presume that that person has individual responsibility for acts committed by that organisation during the relevant period, but it nevertheless remains necessary to examine all the relevant circumstances before a decision excluding that person from refugee status pursuant to Article 12(2)(b) or (c) of Directive 2004/83 can be adopted.'	CJEU: *Salahadin Abdulla and Others*, joined cases C-175/08, C-176/08, C-178/08 and C179/08, 2 March 2010 *Bolbol*, C-31/09, 17 June 2010

Court	Case name/ reference/date	Relevance/key words/main points	Cases cited
CJEU	*MM* v *Minster for Justice, Equality and Law Reform* C-277/11 22 November 2012 EU:C:2012:744	Key words: Cooperation of the Member State with the applicant to assess the relevant elements of the application – Scope – Lawfulness of the national procedure for processing an application for subsidiary protection following rejection of an application for refugee status – Observance of fundamental rights – Right to be heard Judgment after a preliminary ruling concerns the interpretation of Article 4(1) QD **Para. 65:** 'Under Article 4(1) of Directive 2004/83, although it is generally for the applicant to submit all elements needed to substantiate the application, the fact remains that it is the duty of the Member State to cooperate with the applicant at the stage of determining the relevant elements of that application.'	CJEU: *NV Nederlandsche Banden Industrie Michelin* v *Commission of the European Communities*, C-322/81, 19 November 1983 *Orkem* v *Commission of the European Communities*, C-374/87, 18 October 1989 *Technische Universität München*, C-269/90, 21 November 1991 *Dieter Krombach* v *André Bamberski*, C-7/98, 28 March 2000 *Kingdom of Spain* v *Commission of the European Communities*, C-287/02, 9 June 2005 *Sopropé*, C-349/07, 18 December 2008 *Foshan Shunde Yongjian Housewares and Hardware Co. Ltd* v *Council of the European Union*, C-141/08 P, 1 October 2009

Court	Case name/ reference/date	Relevance/key words/main points	Cases cited
			French Republic v *People's Mojahedin Organization of Iran*, C-27/09 P, 21 December 2011 *NS* v *Secretary of State for the Home Department and ME and Others* v *Refugee Applications Commissioner and Minister for Justice, Equality and Law Reform*, joined cases C-411/10 and C-493/10, 21 December 2011
CJEU	*Mostafa Abed El Karem El Kott and Others* v *Bevándorlási és Állampolgársági Hivatal* C-364/11 19 December 2012 EU:C:2012:826	Key words: Stateless persons of Palestinian origin who have in fact availed themselves of assistance from the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) – The right of those stateless persons to recognition as refugees on the basis of the second sentence of Article 12(1)(a) of Directive 2004/83 – Conditions under which applicable – Cessation of UNRWA assistance 'for any reason' – Evidence – Consequences for the persons concerned seeking refugee status – Persons 'ipso facto … entitled to the benefits of [the] Directive' – Automatic recognition as a 'refugee' within the meaning of Article 2(c) QD in accordance with Article 13 thereof Judgment after a preliminary ruling concerns the interpretation of Article 12(1)(a) QD **Para. 70:** 'It should be noted in that regard, first, that the second sentence of Article 12(1)(a) of Directive 2004/83 provides that, if the requirements laid down in that provision are satisfied, the persons concerned "shall *ipso facto* be entitled to the benefits of [the] Directive" and, second, that the second subparagraph of Article 1D of the Geneva Convention provides that, in such a situation, the persons concerned "shall *ipso facto* be entitled to the benefits of this Convention" and, in the other authentic language version of the convention, "bénéficieront de plein droit du régime de cette convention" (shall benefit as of right from the regime of this Convention).'	CJEU: *Salahadin Abdulla and Others*, joined cases C-175/08, C176/08, C178/08 and C179/08, 2 March 2010 *Bolbol*, C31/09, 17 June 2010 *Bundesrepublik Deutschland* v *Y and Z*, C-71/11 and C-99/11, 5 September 2012

Court	Case name/ reference/date	Relevance/key words/main points	Cases cited
CJEU	*Mohamed M'Bodj* v *État belge* C-542/13 18 December 2014 EU:C:2019:448	Key words: Person eligible for subsidiary protection — Torture or inhuman or degrading treatment or punishment of an applicant in the country of origin — More favourable standards — Applicant suffering from a serious illness — No appropriate treatment available in the country of origin — Social protection — Health care Judgment after a preliminary ruling concerns the interpretation of Articles 2(e) and (f), 15, 18, 20(3), 28 and 29 QD **Para. 44:** 'In the light of the considerations set out at paragraphs 35 to 37 above, it would be contrary to the general scheme and objectives of Directive 2004/83 to grant refugee status and subsidiary protection status to third country nationals in situations which have no connection with the rationale of international protection.'	CJEU: *Elgafaji,* C-465/07, 17 February 2009 *B and D*, C-57/09 and C-101/09, 9 November 2010 *Maatschap LA en DAB Langestraat en P Langestraat-Troost*, C-11/12, 13 December 2012 *Diakité,* C-285/12, 30 January 2014 ECtHR: *N* v *United Kingdom* [GC], no 26565/05, 27 May 2008

Court	Case name/ reference/date	Relevance/key words/main points	Cases cited
CJEU	*H.T.* v *Baden Württemberg* C-373/13 24 June 2015 EU:C:2015:413	Key words: Area of freedom, security and justice — Borders, asylum and immigration — refugee or subsidiary protection status — Revocation of residence permit — Conditions — Concept of 'compelling reasons of national security or public order' — Participation of a person with refugee status in the activities of an organisation entered in the list of terrorist organisations drawn up by the European Union Judgment after a preliminary ruling concerns the interpretation of Article 21(2) and (3) and Article 24(1) and (2) QD **Para. 71:** 'The refoulement of a refugee, while in principle authorised by the derogating provision Article 21(2) of Directive 2004/83, is only the last resort a Member State may use where no other measure is possible or is sufficient for dealing with the threat that that refugee poses to the security or to the public of that Member State. In the event that a Member State, pursuant to Article 14(4) of that directive, revokes, ends or refuses to renew the refugee status granted to a person, that person is entitled, in accordance with Article 14(6) of that directive, to rights set out inter alia in Articles 32 and 33 of the Geneva Convention.'	CJEU: *B and D*, C-57/09 and C-101/09, 9 November 2010 *Tsakouridis*, C-145/09, 23 November 2010 *P.I.*, C-348/09, 22 May 2012 *Byankov*, C-249/11, 4 October 2012 *Pringle*, C-370/12, 27 November 2012 *Lundberg*, C-317/12, 3 October 2013 *M. and Others*, C-627/13 and C-2/14, 5 February 2015 *Bouman*, C-114/13, 12 February 2015

Court	Case name/ reference/date	Relevance/key words/main points	Cases cited
CJEU	*M* v *Minister for Justice and Equality, Ireland, Attorney General* C560/14 9 February 2017 EU:C:2017:101	Key words: Application for subsidiary protection — Lawfulness of the national procedure for examining an application for subsidiary protection made after the rejection of an application for refugee status — Right to be heard — Scope — Right to an interview — Right to call and cross-examine witnesses Judgment after a preliminary ruling concerns the interpretation of the right to be heard in the context of the procedure for grant of subsidiary protection status under the QD **Para. 40:** 'Provided that a procedural mechanism of that kind is sufficiently flexible to let the applicant express his views and that he can, if need be, receive appropriate assistance, it is such as to allow him to comment in detail on the elements that must be taken into account by the competent authority and to set out, if he thinks it appropriate, information or assessments different from those already submitted to the competent authority when his asylum application was examined.'	CJEU: *Aalborg Portland and Others* v *Commission*, C-204/00 P, C-205/00 P, C-211/00 P, C-213/00 P, C-217/00 P and C-219/00 P, 7 January 2004 *M*, C-277/11, 22 November 2012 *G and R*, C-83/13, 10 September 2013 *Mukarubega*, C166/13, 5 November 2014 *Boudjlida*, C-249/13, 11 December 2014 *Bensada Benallal*, C-161/15, 17 March 2016 *Danqua*, C-429/15, 20 October 2016 *Lesoochranárske zoskupenie VLK*, C-243/15, 8 November 2016

Court	Case name/ reference/date	Relevance/key words/main points	Cases cited
CJEU (GC)	*MP* v *Secretary of State for the Home Department* C-353/16 24 April 2018 EU:C:2018:276	Key words: Eligibility for subsidiary protection — Risk of serious harm to the psychological health of the applicant if returned to the country of origin — Person who has been tortured in the country of origin Judgment after a preliminary ruling concerns the interpretation of Articles 2(e) and 15(b) QD **Para. 30:** 'In that context, it must first be pointed out that the fact that the person concerned has in the past been tortured by the authorities of his country of origin is not in itself sufficient justification for him to be eligible for subsidiary protection when there is no longer a real risk that such torture will be repeated if he is returned to that country.' **Para. 34:** 'Furthermore, in accordance with Article 16 of that directive, subsidiary protection ceases when the circumstances which led to the grant of subsidiary protection status have ceased to exist or have changed to such a degree that protection is no longer required.' **Paras. 57-58:** '57. It is therefore for the national court to ascertain, in the light of all current and relevant information, in particular reports by international organisations and non-governmental human rights organisations, whether, in the present case, MP is likely, if returned to his country of origin, to face a risk of being intentionally deprived of appropriate care for the physical and mental after-effects resulting from the torture he was subjected to by the authorities of that country. That will be the case, inter alia, if, in circumstances where, as in the main proceedings, a third country national is at risk of committing suicide because of the trauma resulting from the torture he was subjected to by the authorities of his country of origin, it is clear that those authorities, notwithstanding their obligation under Article 14 of the Convention against Torture, are not prepared to provide for his rehabilitation. There will also be such a risk if it is apparent that the authorities of that country have adopted a discriminatory policy as regards access to health care, thus making it more difficult for certain ethnic groups or certain groups of individuals, of which MP forms part, to obtain access to appropriate care for the physical and mental after-effects of the torture perpetrated by those authorities.	CJEU: *Mohamed M'Bodj* v *État belge*, C-542/13, 18 December 2014 *Abdida,* C-562/13, 18 December 2014 *Aranyosi and Căldăraru*, C-404/15 and C-659/15 PPU, 5 April 2016 *CK and Others* v *Republika Slovenija*, C-578/16 PPU, 16 February 2017 ECtHR: *SHH* v *United Kingdom,* no 60367/10, 29 January 2013 *Paposhvili* v *Belgium,* no 41738/10, 13 December 2016

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		'58. It follows from the foregoing that Articles 2(e) and 15(b) of Directive 2004/83, read in the light of Article 4 of the Charter, must be interpreted as meaning that a third country national who in the past has been tortured by the authorities of his country of origin and no longer faces a risk of being tortured if returned to that country, but whose physical and psychological health could, if so returned, seriously deteriorate, leading to a serious risk of him committing suicide on account of trauma resulting from the torture he was subjected to, is eligible for subsidiary protection if there is a real risk of him being intentionally deprived, in his country of origin, of appropriate care for the physical and mental after-effects of that torture, that being a matter for the national court to determine.'	
CJEU	*Shajin Ahmed* v *Bevándorlási és Menekültügyi Hivatal* C-369/17 13 September 2018 EU:C:2018:713	Key words: Area of freedom, security and justice — Borders, asylum and immigration — Exclusion from subsidiary protection status — Conviction for a serious crime — Determination of seriousness on the basis of the penalty provided for under national law — Need for an individual assessment Judgment after a preliminary ruling concerns the interpretation of Article 17(1)(b) QD (recast) **Paras. 33-34:** '33. In that regard, it should be noted that the concept of "serious crime" in Article 17(1)(b) of Directive 2011/95 is not defined in that directive, nor does that directive contain any express reference to national law for the purpose of determining the meaning and scope of that concept. '34. The same is true with regard to the concept of "particularly serious crime" referred to in Article 14(4)(b) of Directive 2011/95, relating to the revocation of refugee status, and the concept of "serious nonpolitical crime", referred to in Article 12(2)(b) of that directive, relating to exclusion from refugee status.' **Para. 37:** 'It is apparent from recital 12 of Directive 2011/95 that one of its main objectives is to ensure that all Member States apply common criteria for the identification of persons genuinely in need of international protection. It also follows from Article 78(1) TFEU that the common policy which the European Union is to develop on asylum, subsidiary protection and temporary protection with a view to offering appropriate status to any third-country national requiring international protection and ensuring compliance with the principle of *non-refoulement* must be in accordance with the Geneva Convention.'	CJEU: *B and D*, C-57/09 and C-101/09, 9 November 2010 *N*, C-604/12, 8 May 2014 *Alo and Osso*, C-443/14 and C-444/14, 1 March 2016 *JZ*, C-294/16 PPU, 28 July 2016 *Lounani*, C-573/14, 31 January 2017 *Ouhrami*, C-225/16, 26 July 2017 *A and S*, C-550/16, 12 April 2018

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		Paras. 46-47: '46. Nevertheless, while those grounds for exclusion are structured around the concept of "serious crime", the scope of the ground for exclusion laid down by Article 17(1)(b) of Directive 2011/95 is broader than that of the ground for exclusion from refugee status laid down by Article 1(F)(b) of the Geneva Convention and Article 12(2)(b) of Directive 2011/95. '47. While the ground for exclusion from refugee status laid down by that provision refers to a serious non-political crime committed outside the country of refuge prior to admission of the person concerned as a refugee, the ground for exclusion from subsidiary protection laid down by Article 17(1)(b) of Directive 2011/95 refers more generally to a serious crime and is therefore limited neither territorially nor temporally, or as to the nature of the crimes at issue.' **Para. 49:** 'It follows that any decision to exclude a person from refugee status must be preceded by a full investigation into all the circumstances of his individual case and cannot be taken automatically (see, to that effect, judgment of 9 November 2010, *B and D*, C57/09 and C101/09, EU:C:2010:661, paragraphs 91 and 93).' **Para. 52:** 'It must be noted that Article 17(1)(b) of Directive 2011/95 permits a person's exclusion from subsidiary protection status only where there are "serious reasons" for taking the view that he has committed a serious crime. That provision sets out a ground for exclusion which constitutes an exception to the general rule stipulated by Article 18 of Directive 2011/95 and therefore calls for strict interpretation.' **Para. 56:** 'That interpretation is supported by the report of the European Asylum Support Office (EASO) for the month of January 2016, entitled "Exclusion: Articles 12 and 17 of the Qualification Directive (2011/95/EU)", which recommends, in paragraph 3.2.2 on Article 17(1)(b) of Directive 2011/95, that the seriousness of the crime that could result in a person being excluded from subsidiary protection be assessed in the light of a number of criteria such as, inter alia, the nature of the act at issue, the consequences of that act, the form of procedure used to prosecute the crime, the nature of the penalty provided and the taking into account of whether most jurisdictions also classify the act at issue as a serious crime. The EASO refers, in that regard, to a number of decisions taken by the highest courts of the Member States.'	

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		Para. 58: 'In the light of the foregoing considerations, the answer to the question referred is that Article 17(1)(b) of Directive 2011/95 must be interpreted as precluding legislation of a Member State pursuant to which the applicant for subsidiary protection is deemed to have "committed a serious crime" within the meaning of that provision, which may exclude him from that protection, on the basis of the sole criterion of the penalty provided for a specific crime under the law of that Member State. It is for the authority or competent national court ruling on the application for subsidiary protection to assess the seriousness of the crime at issue, by carrying out a full investigation into all the circumstances of the individual case concerned.'	
CJEU (GC)	*M* v *Ministerstvo vnitra and X, X* v *Commissaire général aux réfugiés et aux apatrides* Joined cases C-391/16, C-77/17 and C-78/17 14 May 2019 EU:C:2019:403	Key words: Area of freedom, security and justice — Refusal to grant or revocation of refugee status in the event of danger to the security or the community of the host Member State — Validity — Article 18 of the Charter of Fundamental Rights of the European Union — Article 78(1) TFEU — Article 6(3) TEU — Geneva Convention Judgment after a preliminary ruling concerns the interpretation and validity of Article 14(4) to (6) QD (recast) **Paras. 74-75:** '74. Thus, although the European Union is not a contracting party to the Geneva Convention, Article 78(1) TFEU and Article 18 of the Charter nonetheless require it to observe the rules of that convention. Directive 2011/95 must therefore, pursuant to those provisions of primary law, observe those rules (see, to that effect, judgments of 1 March 2016, *Alo and Osso*, C443/14 and C444/14, EU:C:2016:127, paragraph 29 and the case-law cited, and of 19 June 2018, *Gnandi*, C181/16, EU:C:2018:465, paragraph 53 and the case-law cited). '75. Consequently, the Court has jurisdiction to examine the validity of Article 14(4) to (6) of Directive 2011/95 in the light of Article 78(1) TFEU and Article 18 of the Charter and, in the context of that examination, to verify whether those provisions of that directive can be interpreted in a way which is in line with the level of protection guaranteed by the rules of the Geneva Convention.' **Para. 83:** 'Thus, although Directive 2011/95 establishes a system of rules including concepts and criteria common to the Member States and thus peculiar to the European Union, it is nonetheless based on the Geneva Convention and its purpose is, inter alia, to ensure that Article 1 of that convention is complied with in full.'	CJEU: *Ordre des barreaux francophones et germanophone and Others*, C-305/05, 26 June 2007 *NS* v *Secretary of State for the Home Department and ME and Others* v *Refugee Applications Commissioner and Minister for Justice, Equality and Law Reform*, joined cases C-411/10 and C-493/10, 21 December 2011 *Qurbani*, C-481/13, 17 July 2014 *HT*, C-373/13, 24 June 2015

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		Para. 90: 'The fact that being a "refugee" for the purposes of Article 2(d) of Directive 2011/95 and Article 1(A) of the Geneva Convention is not dependent on formal recognition thereof through the granting of "refugee status" as defined in Article 2(e) of that directive is, moreover, borne out by the wording of Article 21(2) of that directive, which states that a "refugee" may, in accordance with the condition laid down in that provision, be refouled "whether formally recognised or not".' **Para. 93:** 'Regarding the circumstances, referred to in Article 14(4) and (5) of Directive 2011/95, in which Member States may revoke or refuse to grant refugee status, those circumstances correspond, in essence, as the Advocate General noted in point 56 of his Opinion, to those in which Member States may refoule a refugee under Article 21(2) of that directive and Article 33(2) of the Geneva Convention.' **Para. 95:** 'Thus, where the refoulement of a refugee covered by one of the scenarios referred to in Article 14(4) and (5) and Article 21(2) of Directive 2011/95 would expose that refugee to the risk of his fundamental rights, as enshrined in Article 4 and Article 19(2) of the Charter, being infringed, the Member State concerned may not derogate from the principle of non-refoulement under Article 33(2) of the Geneva Convention.' **Para. 98:** 'Indeed, besides what has been stated in paragraph 92 above, the fact that the person concerned is covered by one of the scenarios referred to in Article 14(4) and (5) of Directive 2011/95 in no way means that he or she ceases to satisfy the material conditions, relating to a well-founded fear of persecution in his or her country of origin, on which his or her being a refugee depends.' **Para. 100:** 'It follows that the provisions of Article 14(4) to (6) of Directive 2011/95 cannot be interpreted as meaning that the effect of the revocation of refugee status or the refusal to grant that status is that the third-country national or the stateless person concerned who satisfies the material conditions of Article 2(d) of that directive, read in conjunction with the provisions of Chapter III thereof, is not a refugee for the purposes of Article 1A of the Geneva Convention and is thus excluded from the international protection which, under Article 18 of the Charter, he must be guaranteed in compliance with that convention.'	*Alo and Osso,* C-443/14 and C-444/14, 1 March 2016 *Aranyosi and Căldăraru*, C-404/15 and C-659/15, 5 April 2016 *Lounani,* C-573/14, 31 January 2017 *Western Sahara Campaign UK*, C-266/16, 27 Febryary 2018 *A and S,* C-550/16, 12 April 2018 *MP (Subsidiary protection of a person previously a victim of torture),* C-353/16, 24 April 2018 *Ahmed,* C-369/17, 13 September 2018 *Balandin and Others,* C-477/17, 24 January 2019

Court	Case name/ reference/date	Relevance/key words/main points	Cases cited
		Para. 107: 'Thus, Article 14(6) of Directive 2011/95 must, in accordance with Article 78(1) TFEU and Article 18 of the Charter, be interpreted as meaning that a Member State which uses the powers provided for in Article 14(4) and (5) of that directive must grant a refugee covered by one of the scenarios referred to in those provisions and present in the territory of that Member State, as a minimum, the rights enshrined in the Geneva Convention expressly referred to in Article 14(6) of that directive and the rights provided for by that convention which do not require a lawful stay, without prejudice to any reservations which may be made by that Member State under Article 42(1) of that convention.' **Paras. 109-112:** '109. In any event, it should be stated that, as the Advocate General noted in points 133 and 134 of his Opinion, and as is confirmed by recitals 16 and 17 of Directive 2011/95, the application of Article 14(4) to (6) of that directive is without prejudice to the obligation of the Member State concerned to comply with the relevant provisions of the Charter, such as those set out in Article 7 thereof, relating to respect for private and family life, Article 15 thereof, relating to the freedom to choose an occupation and the right to engage in work, Article 34 thereof, relating to social security and social assistance, and Article 35 thereof, relating to health protection. '110. It is apparent from all of the foregoing that, while, under the Geneva Convention, the persons covered by one of the scenarios described in Article 14(4) and (5) of Directive 2011/95 are liable, under Article 33(2) of that convention, to a measure whereby they are refouled or expelled to their country of origin, even though their life or freedom would be threatened in that country, such persons may not, by contrast, under Article 21(2) of that directive, be refouled if this would expose them to the risk of their fundamental rights, as enshrined in Article 4 and Article 19(2) of the Charter, being infringed. It is true that those persons may, in the Member State concerned, be the subject of a decision revoking their refugee status as defined in Article 2(e) of Directive 2011/95, or a decision refusing to grant that status, but the adoption of such decisions cannot alter the fact of their being refugees where they satisfy the material conditions necessary to be regarded as being refugees for the purposes of Article 2(d) of that directive, read in conjunction with the provisions of Chapter III thereof and, accordingly, Article 1(A) of the Geneva Convention. '111. In those circumstances, the interpretation of Article 14(4) to (6) of Directive 2011/95 thus applied ensures that the minimum level of protection laid down by the Geneva Convention is observed, as required by Article 78(1) TFEU and Article 18 of the Charter. '112. Therefore, the answer to the questions referred is that consideration of Article 14(4) to (6) of Directive 2011/95 has disclosed no factor of such a kind as to affect the validity of those provisions in the light of Article 78(1) TFEU and Article 18 of the Charter.'	

Court	Case name/ reference/date	Relevance/key words/main points	Cases cited
CJEU	*Mohammed Bilali* v *Bundesamt für Fremdenwesen und Asyl* C-720/17 23 May 2019 EU:C:2018:276	Key words: Area of freedom, security and justice — Revocation of subsidiary protection status — Error on the part of the administrative authorities with respect to the facts Judgment after a preliminary ruling concerns the interpretation of Article 19 QD (recast) **Para. 9:** 'Chapter V of Directive 2011/95, entitled "Qualification for subsidiary protection", includes Article 15, entitled "Serious harm", which provides: "Serious harm consists of: (a) the death penalty or execution; or (b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or (c) serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict."' **Paras. 30-31:** '30. In those circumstances, the Verwaltungsgerichtshof (Supreme Administrative Court, Austria) decided to stay the proceedings and to refer the following question to the Court of justice for a preliminary ruling: "Do the provisions of EU law, in particular Article 19(3) of Directive 2011/95 …, preclude a national provision of a Member State concerning the possibility of revocation of subsidiary protection status pursuant to which subsidiary protection status may be revoked without a change in the factual circumstances themselves which are relevant for the purpose of granting that status, but rather only where the state of knowledge of the authority in this regard has undergone a change, and, in that context, without either a misrepresentation or an omission of facts on the part of the third-country national or stateless person having been a determinant factor in the granting of the subsidiary protection status?"' **Consideration of the question referred** '31. By its question, the referring court asks, in essence, whether Article 19 of Directive 2011/95 must be interpreted as precluding a Member State from revoking subsidiary protection status if it granted that status when the conditions for granting it were not met, in reliance on facts which have subsequently been revealed to be incorrect, and notwithstanding the fact that the person concerned cannot be accused of having misled the Member State on that occasion.'	CJEU: *Salahadin Abdulla and Others*, joined cases C-175/08, C176/08, C178/08 and C-179/08, 2 March 2010 *B and D,* C-57/09 and C-101/09, 9 November 2010 *Halaf,* C-528/11, 30 May 2013 *Mohamed M'Bodj* v *État belge,* C-542/13, 18 December 2014 *HT,* C-373/13, 24 June 2015 *Alo and Osso,* C-443/14 and C-444/14, 1 March 2016 *Ahmed,* C-369/17, 13 September 2018 *Ahmedbekova,* C-652/16, 4 October 2018 *Idi,* C-101/18, 28 March 2019 *M, X and X,* C-391/16, C-77/17, and C-78/17, 14 May 2019

Court	Case name/ reference/date	Relevance/key words/main points	Cases cited
		Paras. 41-42: '41. In that context it must be noted, in the second place, as the referring court indicates, that Article 19(3)(b) of that directive provides for the loss of subsidiary protection status only where there has been a misrepresentation or omission by the person concerned that was decisive for the granting of that status. Furthermore, no other provision of that directive expressly states that that status must or may be withdrawn if, as in the case at issue in the main proceedings, the decision granting that status was taken on the basis of incorrect information, without any misrepresentation or omission by the person concerned. '42. Nor, however, it must be noted in the third place, does Article 19 of Directive 2011/95 expressly preclude subsidiary protection status being lost where the host Member State realises that it has granted that status on the basis of incorrect information that is not attributable to the person concerned.' **Paras. 44-45:** '44. In that regard, it should be noted, first, that the Court has already held that it would be contrary to the general scheme and objectives of Directive 2011/95 to grant refugee status and subsidiary protection status to third-country nationals in situations which have no connection with the rationale of international protection (see, to that effect, judgment of 18 December 2014, *M'Bodj*, C542/13, EU:C:2014:2452, paragraph 44). The situation of an individual who has obtained subsidiary protection status on the basis of incorrect information without ever having met the conditions for obtaining that status has no connection with the rationale of international protection. '45. The loss of subsidiary protection status in such circumstances is, therefore, consistent with the purpose and general scheme of Directive 2011/95, and in particular with Article 18 thereof, which provides for subsidiary protection status to be granted only to persons who meet those conditions. If the Member State concerned was not entitled legally to grant that status, it must, *a fortiori*, be obliged to withdraw it when its mistake is discovered (see, by analogy, judgment of 24 June 2015, *H. T.*, C373/13, EU:C:2015:413, paragraph 49).' **Paras. 47-51:** '47. Under Article 16(1) of Directive 2011/95, a third-country national or a stateless person is to cease, in principle, to be eligible for subsidiary protection when the circumstances which led to the granting of subsidiary protection status have ceased to exist or have changed to such a degree that protection is no longer required. That change in circumstances must, according to paragraph 2 of that article, be of such a significant and definitive nature that the person concerned no longer faces a real risk of serious harm, within the meaning of Article 15 of that directive.	

Court	Case name/ reference/date	Relevance/key words/main points	Cases cited
		'48. It follows, therefore, from the actual wording of Article 19(1) of Directive 2011/95 that there is a causal connection between the change in circumstances referred to in Article 16 of that directive, and the impossibility for the person concerned of retaining his status as beneficiary of subsidiary protection, in that his original fear of serious harm, within the meaning of Article 15 of that directive, no longer appears to be well founded (see, by analogy, judgment of 2 March 2010, *Salahadin Abdulla and Others*, C175/08, C176/08, C178/08 and C179/08, EU:C:2010:105, paragraph 66). '49. While that adjustment generally arises from a change in the factual circumstances in the third country, that change having remedied the reasons which led to subsidiary protection status being granted, the fact remains that Article 16 of Directive 2011/95 does not expressly provide for its scope of application to be limited to such a situation and, moreover, a change in the host Member State's state of knowledge of the personal situation of the individual concerned can, in the same way, result in that person's original fear of serious harm, within the meaning of Article 15 of that directive, no longer appearing to be well founded, in the light of the new information in that Member State's possession. '50. That is true, however, only in so far as the new information at the host Member State's disposal entails a sufficiently significant and definitive change in the state of its knowledge as to whether the person concerned qualifies for the granting of subsidiary protection status. '51. Consequently, it follows from a combined reading of Articles 16 and 19(1) of Directive 2011/95, in the light of the general scheme and purpose of that directive, that, where the host Member State has new information which establishes that, contrary to its initial assessment of the situation of a third-country national or of a stateless person to whom it granted subsidiary protection, based on incorrect information, that person never faced a risk of serious harm, within the meaning of Article 15 of that directive, that Member State must conclude from this that the circumstances underlying the granting of subsidiary protection status have changed in such a way that retention of that status is no longer justified.' **Para. 54:** 'In that regard, it is apparent from Article 78(1) TFEU that the common policy which the European Union is to develop on asylum, subsidiary protection and temporary protection must be in accordance with the Geneva Convention (judgment of 13 September 2018, *Ahmed*, C369/17, EU:C:2018:713, paragraph 37). In addition, it follows from recital 3 of Directive 2011/95 that, drawing on the Conclusions of the Tampere European Council, the EU legislature intended to ensure that the European asylum system, to whose definition that directive contributes, is based on the full and inclusive application of the Geneva Convention (judgment of 1 March 2016, *Alo and Osso*, C-443/14 and C-444/14, EU:C:2016:127, paragraph 30).'	

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		Para. 56: 'Furthermore, it must be noted that the EU legislature drew on the rules applicable to refugees in order to define the causes of loss of subsidiary protection status. The wording and the structure of Article 19 of Directive 2011/95, concerning the loss of subsidiary protection status, have similarities with Article 14 of that directive, relating to the loss of refugee status, which in turn draws on Article 1(C) of the Geneva Convention.' **Paras. 58-59:** '58. Although there is nothing in that convention that expressly provides for loss of refugee status if it subsequently emerges that that status should never have been conferred, the UNHCR nevertheless considers that, in such a situation, the decision granting refugee status must, in principle, be annulled (Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, 1992, paragraph 117). '59. It must be added, in the fifth place, that the loss of subsidiary protection status, pursuant to Article 19(1) of Directive 2011/95, does not imply the adoption of a position on the separate question as to whether the person concerned loses any right of residence in the Member State concerned and can be deported to his country of origin (see, by analogy, judgment of 9 November 2010, *B and D*, C-57/09 and C-101/09, EU:C:2010:661, paragraph 110).' **Para. 61:** 'Second, it is clear from the closing words of Article 2(h) of Directive 2011/95 that the directive does not preclude a person from applying for 'another kind of protection' outside the scope of Directive 2011/95. That directive does allow, therefore, for host Member States to be able to grant, in accordance with their national law, national protection which includes rights enabling individuals who do not enjoy subsidiary protection status to remain in the territory of the Member State concerned. The grant by a Member State of such national protection status does not, however, fall within the scope of that directive (see, to that effect, judgment of 9 November 2010, *B and D*, C-57/09 and C-101/09, EU:C:2010:661, paragraphs 116 to 118).'	

Court	Case name/ reference/date	Relevance/key words/main points	Cases cited
CJEU	*Commission* v *Poland, Hungary and Czech Republic* Joined cases C715/17, C-718/17 and C-719/17 2 April 2020 EU:C:2020:257	Key words: Failure of a Member State to fulfil obligations — Decisions (EU) 2015/1523 and (EU) 2015/1601 — Provisional measures in the area of international protection for the benefit of Italy and of Greece — Emergency situation characterised by a sudden influx of third-country nationals into certain Member States — Relocation of those nationals to other Member States — Relocation procedure — Obligation on the Member States to indicate at regular intervals, and at least every three months, the number of applicants for international protection who can be relocated swiftly to their territory — Consequent obligations leading to actual relocation — Interests of the Member States linked to national security and public order — Possibility for a Member State to rely on Article 72 TFEU in order not to apply EU legal acts of a binding nature By its application, the European Commission sought declarations from the Court that, by failing to indicate at regular intervals, and at least every three months, an appropriate number of applicants for international protection who could be relocated swiftly to its territory, failed to fulfil its obligations under Article 5(2) of Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection. **Para. 146:** 'The scope of the requirements relating to the maintenance of law and order or national security cannot therefore be determined unilaterally by each Member State, without any control by the institutions of the European Union (see, to that effect, judgments of 11 June 2015, *Zh. and O.*, C554/13, EU:C:2015:377, paragraph 48, and of 2 May 2018, *K. and H.F. (Right of residence and alleged war crimes)*, C-331/16 and C-366/16, EU:C:2018:296, paragraph 40 and the case-law cited).' **Paras. 154-157:** '154. In that regard, with regard to the "serious reasons" for applying the "exclusion" provisions set out in Articles 12 and 17 of Directive 2011/95, reasons which in accordance with Article 5(7) of each of Decisions 2015/1523 and 2015/1601 allowed a Member State to refuse to relocate an applicant for international protection, it follows from the case-law of the Court that the competent authority of the Member State concerned cannot rely on the exclusion clause provided for in Article 12(2)(b) of Directive 2011/95 and Article 17(1)(b) of that directive, which concern the commission by the applicant for international protection of a "serious crime", until it has undertaken, for each individual case, an assessment of the specific facts within its knowledge. That is done with a view to determining whether there are serious reasons for taking the view that the acts committed by the person in question, who otherwise satisfies the qualifying conditions for the status applied for, come within the scope of that particular ground for exclusion, the assessment of the seriousness of the crime in question requiring a full investigation into all the circumstances of the individual case concerned (judgment of 13 September 2018, *Ahmed*, C369/17, EU:C:2018:713, points 48, 55 and 58).	CJEU: *Commission* v *France*, 26/69, 9 July 1970 *Commission* v *Italy*, 39/72, 7 February 1973 *Commission* v *Italy*, C-35/96, 18 June 1998 *Commission* v *France*, C-1/00, 13 December 2001 *Commission* v *Belgium*, C-132/09, 30 September 2010 *Commission* v *Portugal*, C-458/08, 18 November 2010 *Commission* v *Portugal*, C20/09, 7 April 2011 *Commission* v *Slovakia*, C433/13, 16 September 2015 *Commission* v *Malta*, C12/14, 3 March 2016 *Commission* v *Netherlands*, C-233/14, 2 June 2016

Court	Case name/ reference/date	Relevance/key words/main points	Cases cited
		'155. In addition, the Court stated that, while the grounds for exclusion in Articles 12 and 17 of Directive 2011/95 are structured around the concept of "serious crime", the scope of the ground for exclusion from subsidiary protection laid down by Article 17(1)(b) of Directive 2011/95 is broader than that of the ground for exclusion from refugee status laid down by Article 1(F)(b) of the Geneva Convention and Article 12(2)(b) of Directive 2011/95. While the ground for exclusion from refugee status laid down by that provision refers to a serious non-political crime committed outside the country of refuge prior to admission of the person concerned as a refugee, the ground for exclusion from subsidiary protection laid down by Article 17(1)(b) of Directive 2011/95 refers more generally to a serious crime and is therefore limited neither territorially nor temporally, or as to the nature of the crimes at issue (judgment of 13 September 2018, *Ahmed*, C369/17, EU:C:2018:713, points 46 and 47). '156. As to the so-called "reasonable" grounds for regarding the applicant for international protection as a "danger to national security or public order" in the territory of the Member State of relocation in question, which allow the latter under Article 5(4) of each of Decisions 2015/1523 and 2015/1601 not to approve the relocation of an applicant for international protection identified by the Hellenic Republic or the Italian Republic and, under Article 5(7) of each of those decisions, to refuse to relocate an applicant for international protection, those grounds, since they must be "reasonable" and not "serious" and do not necessarily relate to a serious crime already committed or a serious non-political crime committed outside the country of refuge before the person concerned was admitted as a refugee but only require evidence of a "danger to national security or public order", clearly leave a wider margin of discretion to the Member States of relocation than the serious reasons for applying the exclusion provisions contained in Articles 12 and 17 of Directive 2011/95. '157. Furthermore, it should be noted that the wording of Article 5(4) and (7) of each of Decisions 2015/1523 and 2015/1601 differs, in particular, from that of Article 27(2) of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ 2004 L 158, p. 77, and corrigenda OJ 2004 L 229, p. 35, and OJ 2005 L 197, p. 34), which requires that the personal conduct of the individual concerned must represent a 'genuine, present and sufficiently serious threat affecting one of the fundamental interests of society' of the Member State concerned. Consequently, the concept of 'danger to … national security or public order' within the meaning of the abovementioned provisions of Decisions 2015/1523 and 2015/1601 must be interpreted more broadly than it is in the case-law in relation to persons enjoying the right of free of movement. That concept may cover inter alia potential threats to national security or public order (see, by analogy, judgments of 4 April 2017, *Fahimian*, C544/15, EU:C:2017:255, paragraph 40, and of 12 December 2019, *E.P. (Threat to public policy)*, C380/18, EU:C:2019:1071, paragraphs 29 and 32).'	*Slovakia and Hungary* v *Council,* C643/15 and C647/15, 6 September 2017 *Commission* v *Ireland (Registration tax),* C-552/15, 9 September 2017 *Commission* v *Germany,* C620/16, 27 March 2019 *Commission* v *Netherlands*, C-395/17, 31 October 2019

Court	Case name/ reference/date	Relevance/key words/main points	Cases cited
		Para. 159: 'That said, as with the serious reasons for applying the provisions on exclusion in Articles 12 and 17 of Directive 2011/95, the reasonable grounds for regarding an applicant for international protection as a danger to national security or public order can be invoked by the authorities of the Member State of relocation only if there is consistent, objective and specific evidence that provides grounds for suspecting that the applicant in question actually or potentially represents such a danger (see, by analogy, judgment of 12 December 2019, *E.P. (Threat to public policy)*, C380/18, EU:C:2019:1071, paragraph 49), and not until those authorities, in respect of each applicant whose relocation is proposed, have made an assessment of the facts within their knowledge with a view to determining whether, in the light of an overall examination of all the circumstances of the individual case concerned, such reasonable grounds exist.'	
CJEU	*JP* v *Commissaire général aux réfugiés et aux apatrides* C-651/19 9 September 2020 EU:C:2020:681	Key words: Common procedures for granting and withdrawing international protection – Directive 2013/32/EU – Right to an effective remedy – Action brought against a subsequent application for international protection as being inadmissible – Time limit for bringing proceedings – Rules governing notification Judgment after a preliminary ruling concerns the interpretation of Article 46 of Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection, and of Article 47 of the Charter of Fundamental Rights of the European Union (APD (recast)). **Para. 27:** 'The characteristics of the remedy provided for in Article 46 of Directive 2013/32 must be determined in a manner consistent with Article 47 of the Charter, which states that any person whose rights and freedoms guaranteed by EU law are violated should have the right to an effective remedy before a tribunal in compliance with the conditions laid down in that article (judgment of 18 October 2018, *E.G.*, C662/17, EU:C:2018:847, paragraph 47 and the case-law cited).'	CJEU: *Samba Diouf,* C-69/10, 28 July 2011 *Texdata Software,* C-418/11, 26 September 2013 *X and Y* v *Staatssecretaris van Veiligheid en justitie (Suspensory effect of the appeal),* C-180/17, 26 September 2018 *E.G.*, C-662/17, 18 October 2018 *XC and Others*, C-234/17, 24 October 2018

Court	Case name/ reference/date	Relevance/key words/main points	Cases cited
CJEU	*Secretary of State for the Home Department* v *O A* C-255/19 20 January 2021 EU:C:2021:36	Keywords: Refugee status – Article 2(c) – Cessation of refugee status – Article 11 – Change in circumstances – Article 11(1)(e) – Possibility of availing oneself of the protection of the country of origin – Criteria for assessment – Article 7(2) – Financial and social support – Irrelevant Judgment after a preliminary ruling concerns the interpretation of Article 2(c), Article 7 and Article 11(1)(e) QD (recast) **Para. 35:** **'**Article 11(1)(e) of that directive, in the same way as Article 1(C)(5) of the Geneva Convention, provides that a person is to cease to be classified as a refugee when the circumstances as a result of which he or she was recognised as such have ceased to exist, that is to say, in other words, when the conditions for the grant of refugee status are no longer met. In so far as Article 11(1)(e) of Directive 2004/83 provides that the third country national can 'no longer continue to refuse' to avail himself or herself of the protection of the country of his or her nationality, that article implies that the 'protection' in question is the same as that which was up to that point lacking, namely protection from acts of persecution for at least one of the five reasons specified in Article 2(c) of that directive (see, to that effect, judgment of 2 March 2010, *Salahadin Abdulla and Others*, C175/08, C176/08, C178/08 and C179/08, EU:C:2010:105, paragraphs 65 and 67).' **Paras. 37-39:** '37. Given the parallelism established by Directive 2004/83 between the granting and the cessation of refugee status, the requirements to be met by the protection which may preclude that status, in the context of Article 2(c) of that directive, or bring about its cessation, pursuant to Article 11(1)(e) thereof, must be the same as those which arise from, in particular, Article 7(1) and (2) of that directive. '38. In order to arrive at the conclusion that the fear of persecution of the refugee concerned is no longer well founded, the competent authorities, in the light of Article 7(2) of Directive 2004/83, must verify, having regard to that refugee's individual situation, that the actor or actors in question who are providing protection, within the meaning of Article 7(1), have taken reasonable steps to prevent the persecution, that they therefore operate, inter alia, an effective legal system for the detection, prosecution and punishment of acts constituting persecution and that the third country national concerned will, if he or she ceases to have refugee status, have access to that protection (see, to that effect, judgment of 2 March 2010, *Salahadin Abdulla and Others*, C175/08, C176/08, C178/08 and C179/08, EU:C:2010:105, paragraphs 70 and 74).	CJEU: *Salahadin Abdulla and Others*, joined cases C-175/08, C-176/08, C-178/08 and C179/08, 2 March 2010 National: Upper Tribunal (UK), *MOJ and Others (return to Mogadishu) Somalia CG* [2014] UKUT 00442 (IAC), 3 October 2014

Court	Case name/ reference/date	Relevance/key words/main points	Cases cited
		'39. In the light of the foregoing, the answer to the fourth question is that Article 11(1)(e) of Directive 2004/83 must be interpreted as meaning that the requirements to be met by the 'protection' to which that provision refers in relation to the cessation of refugee status must be the same as those which arise, in relation to the granting of that status, from Article 2(c) of that directive, read together with Article 7(1) and (2) thereof.' **Para. 44:** 'In the light of that wording, the protection required by Article 11(1)(e) of Directive 2004/83, read together with Article 7(2) of that directive, refers to the ability of the third country of which the person concerned is a national to prevent or to punish acts of persecution within the meaning of that directive (see, to that effect, judgment of 2 March 2010, *Salahadin Abdulla and Others*, C175/08, C176/08, C178/08 and C179/08, EU:C:2010:105, paragraphs 59, 67 and 68). Further, Article 7(2) refers to steps taken to prevent acts of persecution and the existence of an effective legal system for the detection, prosecution and punishment of such acts.' **Para. 46:** 'Mere social and financial support, such as that mentioned in the request for a preliminary ruling, which is made available to the third country national concerned, is inherently incapable of either preventing acts of persecution or of detecting, prosecuting and punishing such acts and, therefore, cannot be regarded as providing the protection required by Article 11(1)(e) of Directive 2004/83, read together with Article 7(2) of that directive. That is particularly the case given that, in this instance, the objective of that social and financial support seems to be not to protect OA from such acts, but rather to ensure his reintegration in Mogadishu.' **Para. 48:** **'**Second, it follows that such social and financial support is of no relevance to the assessment of the effectiveness or the availability of the protection provided by the State within the meaning of Article 7(1)(a) of Directive 2004/83.' **Paras. 60-61:** '60. However, the existence of protection from acts of persecution in a third country can permit the inference that there is no well-founded fear of persecution within the meaning of that provision only if that protection satisfies the requirements arising, in particular, from Article 7(2) of that directive. '61. Since the conditions specified in Article 2(c) of that directive dealing with fear of persecution and protection from acts of persecution are, as is stated in paragraph 56 of the present judgment, intrinsically linked, their examination cannot be subject to a separate criterion of protection; their assessment must be made in the light of the requirements laid down in, inter alia, Article 7(2) of that directive.'	

Advocate General (AG) Opinion

CJEU (Opinion of Advocate General Mazák)	*Aydin Salahadin Abdulla and Others* v *Bundesrepublik Deutschland* Joined cases C-175/08, C-176/08, C-178/08, C-179/08 15 September 2009 EU: C:2010:105	Key words: Common policy on asylum – Cessation – Circumstances in connection with which person has been recognised as a refugee have ceased to exist – Protection of the country of nationality – Significant and non-temporary nature of change of circumstances – Actors of protection – Subsidiary protection – Real risk of suffering serious harm – Manner of assessment Opinion after a reference for a preliminary ruling from the Bundesverwaltungsgericht (Federal Administrative Court), Germany, concerning the interpretation of certain provisions of the QD. The references concern the conditions in accordance with which refugee status ceases pursuant to Article 11(1)(e) of Directive 2004/83. **Para. 45:** 'Despite the fact that a refugee has had a well-founded fear of being persecuted in his country of nationality, it is evident from Article 11 of Directive 2004/83 that refugee status is not, in principle, a permanent status and that a third country national may cease to be a refugee in certain circumstances. In addition, both Article 11(1)(e) and Article 11(1)(f) of Directive 2004/83 permit the cessation of refugee status irrespective of the volition of the refugee in question. Given however that the cessation of refugee status pursuant to Article 11(1)(e) of Directive 2004/83 may, in certain circumstances, require a person who has feared or indeed actually suffered persecution in his country of nationality to return there against his will, the terms of that provision must be interpreted in a cautious manner, fully respecting human dignity.'	CJEU: *Poseidon Chartering BV* v *Marianne Zeeschip VOF and Others*, C-3/04, 16 March 2006

European Court of Human Rights

Cases are listed in date order from the oldest to the most recent.

Court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
ECtHR	*AA* v *Switzerland* No 58802/12 7 January 2014	Key words: Article 3 ECHR – expulsion to Sudan - inhuman and degrading treatment - on account of his political activities in Switzerland **Para. 61:** 'As previously held by the Court, the best way for an asylum seeker to prove his identity is by submitting an original passport. If this is not possible on account of the circumstances in which he finds himself, other documents might be used to prove his identity. A birth certificate could have value as evidence if other identity papers are missing (see *F.N. and Others* v *Sweden*, no 28774/09, § 72, 18 December 2012). In the present case, the applicant submitted a birth certificate in the second asylum proceedings to prove that he originated from Darfur. The domestic authorities however questioned its authenticity. The Court observes in this regard that the certificate was issued on 26 July 1987. In the first asylum proceedings however, he had alleged that he had lost all his personal documents in the fire started at his home in Darfur and claimed never to have possessed a document showing his date of birth. Furthermore, the applicant has not provided an explanation as to where or how he obtained his birth certificate for the second asylum proceedings. The Court therefore agrees with the Government's findings that those circumstances raise serious doubts about the authenticity of the applicant's birth certificate and, more generally, about his being able to provide identity papers to the national authorities. In addition, the Court agrees with the Government that as long as the applicant's identity had not been fully verified, the birth certificate could also belong to someone else since it contains no distinctly identifying elements. In those circumstances, the Court is of the view that the domestic authorities rightly assumed that the birth certificate was not capable of proving the applicant's origins. Hence, they have not failed in their duty to dispel any doubts about its authenticity for the purposes of Article 13 in combination with Article 3 of the Convention.'	ECtHR: *Chamaïev/Shamayev and Others* v *Georgia and Russia*, No 36378/02, 12 April 2005 *N* v *Finland*, No 38885/02, 26 July 2005 *Üner* v *the Netherlands* [GC], No 46410/99, 18 October 2006 *Collins and Akasiebie* v *Sweden* (dec.), No 23944/05, 8 March 2007 *Saadi* v *Italy* [GC], No 37201/06, 28 February 2008 *NA* v *United Kingdom*, No 25904/07, 17 July 2008

Court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
			Matsiukhina and Matsiukhin v *Sweden* (dec.), No 31260/04, 9 March 2010 *RC* v *Sweden*, No 41827/07, 9 March 2010 *Kolesnik* v *Russia*, No 26876/08, 17 June 2010 *N.* v *Sweden*, No 23505/09, 20 July 2010 *MSS* v *Belgium and Greece*, [GC] No 30696/09, 21 January 2011 *S.F. and Others* v *Sweden*, No 52077/10, 15 May 2012 *Singh and Others* v *Belgium*, No 33210/11, 2 October 2012 *Mohammed* v *Austria*, No 2283/12, 6 June 2013

Court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
ECtHR	*Krasniqi* v *Austria* No 41697/12 25 April 2017	Key words: Article 8 ECHR – right to respect for private and family life - withdrawal of subsidiary protection status and subsequent expulsion to Kosovo **Para. 56:** 'In the light of the above considerations – in particular, the repeated, partly violent and hence serious nature of the applicant's criminal offences and the resulting threat to public order and security, the fact that he came to Austria as an adult and still has cultural and linguistic ties with his home country, the possibility of his family staying in contact with him, and the fact that he is able to apply for leave to return to Austria less than five years after his expulsion – the Court concludes that the authorities have not overstepped the margin of appreciation accorded to them in immigration matters by expelling the applicant.'	ECtHR: *Boultif* v *Switzerland*, No 54273/00, 2 August 2001 *Slivenko* v *Latvia [GC]*, No 48321/99, 9 October 2003 *Üner* v *the Netherlands* [GC], No 46410/99, 18 October 2006 *Maslov* v *Austria* [GC], No 1638/03, 23 June 2008 *Joseph Grant* v *United Kingdom*, No 10606/07, 8 January 2009 *Miah* v *United Kingdom* (dec.), No 53080/07, 27 April 2010 *A.H. Khan* v *United Kingdom*, No 6222/10, 20 December 2011 *Balogun* v *United Kingdom*, No 60286/09, 10 April 2012 *Bajsultanov* v *Austria*, No 54131/10, 12 June 2012

Court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
			Samsonnikov v *Estonia*, No 52178/10, 3 July 2012 *Palanci* v *Switzerland*, No 2607/08, 25 March 2014 *Jeunesse* v *The Netherlands* [GC], No 12738/10, 3 October 2014 *Sarközi and Mahran v Austria*, No 27945/10, 2 April 2015 *Salem* v *Denmark*, No 77036/11, 1 December 2016

Court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
ECtHR	*K.I c France* No 5560/19 15 April 2021	Key words: Violation of Article 3 ECHR – freedom from torture inhuman or degrading treatment or punishment – expulsion – danger to security of Member State – withdrawal of refugee status on basis of Article 14(4) and 14(6) QD (recast) – retention of certain rights under Geneva Convention **Para. 76**: 'In its Grand Chamber judgment in *M v Ministerstvo vnitra and X and X v Commissaire général aux réfugiés et aux apatrides* (14 May 2019, C-391/16, C-77/17 et C-78/17, EU: C:2019:403), the CJEU ruled at paragraph 92 that the fact of being a 'refugee' is not dependent on the formal recognition of that fact through the granting of 'refugee status'. Moreover, the CJEU affirmed at paragraph 94 that Member States may not remove, expel or extradite a foreign national who has lost his refugee status on the grounds of Article 14(4) of Directive 2011/95, where there are serious and substantial grounds for believing that he will face a genuine risk, in the country of destination, of being subjected to treatment prohibited by Articles 4 and 19 of the Charter. In such circumstances, the Member State concerned may not derogate from the principle of *non-refoulement* (paragraph 95). Finally, the CJEU ruled at paragraph 99 that when paragraph 4 of Article 14 of Directive 2011/95 applies, a third-country national may be deprived of refugee status and, thus, of all the rights and benefits set out in Chapter VII of this directive, in so far as these are associated with that status. However, as long as the conditions for asylum are fulfilled, the person concerned remains a refugee and benefits from the rights guaranteed by the Geneva Convention, as explicitly provided for in Article 14, paragraph 6, of the said directive.' **Para. 119:** 'It is nevertheless necessary to recall that the protection provided by Article 3 of the Convention is absolute in character. For a planned forcible expulsion to be in breach of the Convention, it is necessary – and sufficient – for substantial grounds to have been shown for believing that there is a real risk that the person concerned will be subjected in the receiving country to treatment prohibited by Article 3, even when the person is considered to represent a threat to the national security of the contracting state (*Saadi*, already cited, §§ 140141, *Auad*, already cited, § 100 and, *O.D. v. Bulgaria*, already cited, § 46. In other words, it is not necessary for the Court to examine the assertions that an appellant was involved in terrorist activities, because this aspect of the matter is not relevant within the framework of the analysis of Article 3 in the country of destination, in the light of current jurisprudence (*Ismoilov and Others v Russia*, No 2947/06, § 126, 24 April 2008, *Auad*, already cited, § 101 et, *O.D. v. Bulgaria,* already cited, § 46). Indeed, Article 3 sets no restrictions and, as such, it contrasts with the majority of the normative clauses of the Convention and of Protocols Nos 1 and 4, and according to Article 15(2), it cannot be derogated from even in cases a public emergency threatening the life of the nation (*Selmouni v. France* [GC], No 25803/94, § 95, ECtHR 1999V and, *J.K. and Others v. Sweden* [GC], No 59166/12, § 77, 23 August 2016). This is also so, including in the hypothesis where, as in the present case, the appellant has had links with a terrorist organisation (see *A.M. v. France*, already cited).'	CJEU: *NS and Others,* joined cases C-411/10 and C-493/10, 21 December 2011 *Alo and Osso,* C-443/14 and C-444/14, 1 March 2016 *Ahmed,* C-369/17, 13 September 2018 *M, X and X,* C-391/16, C-77/17, and C-78/17, 14 May 2019 ECtHR: *Chahal* (GC), No 22414/93, 15 November 1996 *Selmouni* (GC), No 25803/94, 28 July 1999 *Mamatkulov* (GC), Nos 46827/99 and 46951/99, 4 February 2005 *Saadi* (GC), No 37201/06, 28 February 2008 *Ismoilov and Others v Russia*, No 2947/06, 24 April 2008

Court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
		Para. 146: 'In conclusion, and taking account of the preceding considerations, the Court is of the opinion that there would be a violation of Article 3 of the Convention, under its procedural aspect, if the applicant were deported to Russia without an *ex nunc* assessment by the French authorities of the risk that he alleges he would face if the deportation order were to be enforced.' (Unofficial translation).	*Paladi* v *Moldova* (GC), No 39806/05, 10 March 2009 *Abdolkhani and Karimnia* v *Turkey*, No 30471/08, 22 September 2009 *Daoudi* c *France*, No 19576/08, 3 December 2009 *RC* v *Sweden*, No 41827/07, 9 March 2010 *A* v *Netherlands*, No 4900/06, 20 July 2010 *Boutagni* c *France*, No 42360/08, 18 November 2010 *MSS* v *Belgium and Greece* (GC), No 30696/09, 21 January 2011 *K.Y.* c *France*, No 14875/09, 3 May 2011 (decision) *Auad* v *Bulgaria*, No 46390/10, 11 October 2011

Court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
			Savriddin Dzhurayev v *Russia*, No 71386/10, 25 April 2013 *I* v *Sweden*, No 61204/09, 5 September 2013 *M.G.* c *Bulgarie*, No 59297/12, 25 March 2014 *M.E.* v *Sweden* (GC), No 71398/12, 26 June 2014 *M.V. et M.T.* c *France*, No 17897/09, 4 September 2014 *F.G.* v *Sweden* (GC), No 43611/11, 23 March 2016 *R.K. et autres* c *France*, No 68264/14, 12 July 2016 *R.M. et autres* c *France*, No 33201/11, 12 July 2016 *JK and Others* v *Sweden*, No 59166/12, 23 August 2016

Court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
			I.S. c *France*, No 54612/16, 12 December 2017 (decision) *X.* v *Sweden*, No 36417/16, 9 January 2018 *M.A.* c *France*, No 9373/15, 1 February 2018 *Radomilja and Others* v *Croatia* (GC), Nos 37685/10 and 22768/12, 20 March 2018 *X.* v *Netherlands*, No 14319/17, 10 July 2018 *M.I.* v *Bosnia and Herzegovina*, No 47679/17, 29 January 2019 *A.M.* c *France*, No 12148/18, 29 April 2019 *O.D.* c *Bulgarie*, No 34016/18, 10 October 2019

Court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
			Ilias and Ahmed v *Hungary* (GC), No 47287/15, 21 November 2019 *D and Others* c *Roumanie*, No 75953/16, 14 January 2020 *N.H. et autres* c *France*, Nos 28820/13 and 2 others, 2 July 2020 *Shiksaitov* v *Slovakia*, Nos 56751/16 and 33762/17, 10 December 2020 *Bivolaru et Moldovan* c *France*, Nos 40324/16 and 12623/17, 25 March 2021 (not definitive)

National courts and tribunals of EU Member States

EU national court and tribunal judgments are listed alphabetically by country, with the judgments of the highest court or tribunal first followed by lower courts or tribunals, again with judgments listed from the oldest to the most recent within those categories.

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Austria Supreme Administrative Court (Verwaltungs-gerichtshof)	Ra 2018/18/0295 6 November 2018 (English translation)	Key words: Subsidiary protection – exclusion – serious crime Summary: Exclusion (Article 17(1)(b) QD): Each case must be examined in detail by the asylum authority to determine whether a 'serious crime' within the meaning of Article 17(1)(b) QD as interpreted by the CJEU in the *Ahmed* case, C-369/17, exists. In doing so, the severity of the offence in question must be assessed and a complete examination of all the special circumstances of the respective individual case must be made. Relevant paras. 19 – 25	CJEU: *Ahmed,* C-369/17, 13 September 2018 Austria: Constitutional Court (VfGH), G440 / 2015-14, 8 March 2016 Supreme Administrative Court (Verwaltungs-gerichtshof, VwGH): Ra 2015/01/0144 (English translation); Ra 2015/20/0047 (English translation), 24 May 2016; Ra 2017/18/0155 (English translation), 30 August 2017; Ra 2017/18/0246, 23 January 2018.

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Austria Supreme Administrative Court	Ro 2018/01/0014 4 April 2019	Key words: Refugee status – revocation - danger to security – assessment Summary: Ending asylum status because of danger to security: Whether a refugee constitutes a danger to security requires an assessment of their overall behaviour and does not presuppose that they have already been criminally convicted for it. For this reason, the asylum authority must assess on its own initiative whether a member of a radical Islamist association that runs a mosque in which, according to police reports, young people are radicalised for armed jihad constitutes a danger to security for the host country. Relevant paras. 16, 19-20	ECtHR: *Garayev* v *Azerbaijan*, no 53688/08, 10 June 2010; *Maaouia* v *France*, no 39652/98 (GC), 5 October 2000; Austria: Constitutional Court (Verfassungsgerichtshof, VfGH) U 466/11, 14 March 2012; G 4/12, 14 June 2012. Supreme Administrative Court (Verwaltungs-gerichtshof, VwGH), 93/01/0900, 15 December 1993; VwGH, Ra 2016/21/0349, 23 March 2017 (English translation); Ra 2016/03/0121, 31 March 2017; Ra 2017/18/0155, 30 August 2017 (English translation);

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
			Ra 2017/01/0258, 19 September 2017 (English translation); Ra 2017/18/0246, 23 January 2018; Ra 2018/01/0428, 28 January 2019.
Austria Supreme Administrative Court	Ra 2019/14/0153 27 May 2019 (English translation)	Key words: Subsidiary protection – revocation – change of circumstances – significant change Summary: Change of circumstances (Article 19 QD): Not every change in the facts justifies the revocation of subsidiary protection status. A significant change is only present if the circumstances have changed so substantially, and not only temporarily, that an entitlement to subsidiary protection no longer exists. Protection might no longer be required as a result of different developments or events which may concern both the person of the foreigner and in the situation in their home country. A change in circumstances may also be due to the fact that the person concerned now has internal protection at their disposal which did not exist before. Relevant paras. 101, 107 - 114	CJEU: *Mohamed M'Bodj* v *État belge*, C-542/13, 18 December 2014; *Ahmedbekova*, C-652/16, 4 October 2018; *Mohammed Bilali* v *Bundesamt für Fremdenwesen und Asyl*, C-720/17, 23 May 2019. ECtHR: *JK and Others* v *Sweden*, No 59166/12, 23 August 2016 Austria: Supreme Administrative Court (Verwaltungs-gerichtshof, VwGH): Ra 2017/18/0155, 30 August 2017 (English translation);

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
			Ra 2018/18/0001, 23 January 2018; Ra 2018/01/0106, 6 November 2018 (English translation); Ra 2018/20/0284, 12 June 2018; Ra 2018/03/0021, 19 June 2018; Ra 2018/20/0314, 10 August 2018; Ra 2018/18/0533, 13 December 2018; Ra 2018/14/0404, 31 January 2019; Ra 2019/14/0049, 28 February 2019; Ra 2019/18/0079, 14 March 2019; Ra 2018/19/0684, 26 March 2019; Ra 2019/19/0043, 26 March 2019; Ra 2019/18/0032, 3 April 2019; Ra 2019/20/0153, 10 April 2019;

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
			Ra 2019/18/0133, 12 April 2019 (English translation); Ra 2019/19/0133, 25 April 2019 (English translation); Ra 2019/01/0142, 29 April 2019; Ra 2019/20/0154, 29 April 2019 (English translation); Ra 2019/20/0175, 29 April 2019 (English translation); Ra 2018/14/0356, 30 April 2019 (English translation); Ra 2019/14/0192, 6 May 2019; Ra 2019/20/0144, 7 May 2019; Ro 2019/19/0006, 21 May 2019.

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Austria Supreme Administrative Court	Ra 2016/20/0038 14 August 2019 (English translation)	Key words: Subsidiary protection – revocation – change of circumstances Summary: Change of circumstances (Article 19 QD): In response to the reference for a preliminary ruling made by the Austrian Supreme Administrative Court the CJEU, by judgment of 23 May 2019, *Bilali,* C-720/17, decided that Article 19(1) of Directive 2011/95/EU read in conjunction with Article **16 thereof, requires the Member State to revoke subsidiary protection status if it granted that status when the conditions for granting it were not met, in reliance on facts which have subsequently been revealed to be incorrect, and notwithstanding the fact that the person concerned cannot be accused of having misled the Member State on that occasion. On this basis, the Supreme Administrative Court of Austria ruled that in the case in question it was lawful to revoke subsidiary protection status if the asylum authority, after granting protection, became aware that the applicant** did not come from the country of origin originally assumed and did not need subsidiary protection with regard to their real country of origin. Relevant paras. 35-37	None.

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Austria Supreme Administrative Court	Ra 2018/19/0522 29 August 2019 (English translation)	Key words: Refugee status – revocation - particularly serious crime/danger to the community Summary: Ending refugee protection due to conviction for a particularly serious crime/danger to the community (Article 14(4)(b) QD): Four cumulative conditions must be met. Firstly, the refugee must have committed a particular serious crime; secondly, they must have been convicted of it by a final decision of a criminal court; thirdly, they must be a danger to the community; and fourthly, the danger to the host country must outweigh the interest of the refugee in being protected by the host country. Only offences which objectively violate particularly important legal interests can be considered particularly serious. These include, for example, murder, rape, child abuse, drug trafficking, armed robbery and the like. Nevertheless, it is necessary to assess whether, in the individual case, the criminal act can be considered as objectively and subjectively particularly serious. Relevant paras. 11, 16-19	Austria: Supreme Administrative Court (Verwaltungs-gerichtshof, VwGH): Ra 99/01/0288, 6 October 1999; Ra 99/01/0449, 12 March 2002 (English translation); Ra 2006/01/0626, 23 September 2009; Ra 2016/01/0166, 5 December 2017; Ra 2017/18/0419, 14 February 2018; Ra 2017/19/0531, 5 April 2018 (English translation); Ra 2018/18/0203, 30 May 2018 (English translation); Ra 2017/19/0109, 18 October 2018 (English translation); Ra 2018/20/0360, 25 October 2018 (English translation); Ra 2018/19/0459, 25 June 2019.

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Belgium Council for Aliens Law Litigation	No 203.723 9 May 2018	Key words: refugee status – well-founded fear – compelling reasons – internal protection alternative Summary: The return to Kabul of an Afghan refugee shows that he is no longer in need of international protection. His reasons for returning relating to the medical condition of his brother were not considered credible. The mere fact that the appellant sought permission to travel to Kabul through the Pakistani authorities, or through the Afghan embassy, be it with or without the assistance of friends, does not detract in any way from the foregoing.	None.
Belgium Council for Aliens Law Litigation	No 205.570 20 June 2018	Key words: Subsidiary protection status – real risk – region of origin – change in security situation – removal measure not compatible Summary: The appellant, a Syrian who had been granted subsidiary protection, was convicted of several shoplifting crimes: theft of a handbag, a scarf, two bottles of whisky, bananas and various personal care products such as razors, shampoo, deodorant, toothpaste and soap. Although the appellant's actions could be described as reprehensible and despicable, the court, in this case, taking into account all the circumstances, including the appellant's problems and his medical consultation on a weekly basis, decided that the acts alleged by the appellant could not be classified as a serious crime and thus could not be the basis for ending his status under Article 14(4)(b) QD (recast).	Council for Aliens Law Litigation (RVV/CCE): No 146.650, 28 May 2015

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Belgium Council for Aliens Law Litigation	No 218.531 20 March 2019	Key words: Subsidiary protection status – withdrawal on the basis of misrepresented, withheld and false statements Summary: The Council reiterates that when a person has more than one nationality, the provision 'the country of which he or she is a national' may refer to any of the countries of which he or she is a national. There is no lack of protection if, without good reasons based on a well-founded fear, he or she has not availed him/herself to the protection of one of the countries of nationality.	CJEU: *M.M.* v *Minister for Justice Equality and Law Reform,* C-277/11, 22 November 2012 Belguim: Council for Aliens Law Litigation (RVV/CCE): No 133.153, 25 Juni 2004; No 149.149, 21 September 2005; No 149.148, 21 September 2005; No 163.358, 10 Oktober 2006; No 163.357, 10 Oktober 2006; No 164.298, 31 Oktober 2006; No 167.477, 5 February 2007; No 169.217, 21 March 2007.

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Belgium Council for Aliens Law Litigation	No 232.289 6 February 2020	Key words: Refugee status – withdrawn on the basis that he voluntary claimed protection of country of origin – return to country of origin – no remaining fear of persecution or risk – internal protection alternative Summary: The appellant, a Kurdish Muslim from Mosul in central Iraq, returned twice to northern Iraq, using an Iraqi passport issued by the Iraqi embassy in France. The fact that the appellant had been found in possession of an Iraqi passport indicates that he no longer currently harbours any fear of persecution in relation to authorities. In addition, the reasons given by the appellant for his return to Iraq are not such as to affect the 'voluntary' character of his return, nor the decision that the appellant had placed himself under the protection of the country of his nationality again. An internal protection alternative applies in northern Iraq.	None.
Belgium Council for Aliens Law Litigation	No 245.502 7 December 2020	Key words: Subsidiary protection status – withdrawn on the basis of misrepresented, withheld and false statements or documents Summary: Withdrawal after new information revealed that the appellant had used a false identity and ethnic origin which he supported with false documents when he applied for international protection. The subject-matter of the case is the question whether the conditions for withdrawal of subsidiary protection status have been met. The fact that the appellant's centre of interests is in Belgium does not in any way prevent the withdrawal of subsidiary protection status.	None.

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Belgium Council for Aliens Law Litigation	No 190.672 17 August 2017 (English Summary)	Keywords: Previous persecution - Extreme physical and psychological violence - compelling reasons - vulnerability - lack of protection - change in the country of origin Summary: An asylum applicant who in the past, over a very long period, was a victim of extreme violence in her country of origin can be granted international protection by analogy with Article 1(C)(5) of the Geneva Convention which allows a person to continue to hold refugee status despite changed circumstances in the country of origin or despite the events occurring long ago. The psychological vulnerability of the appellant makes a return to the country of origin unthinkable. Relevant paras. 5.6.2, 5.6.3 and 5.7.	Belgium: Permanent Refugee Appeals Commission (Commission permanente de recours des réfugiés, CPRR): 91-490/F161, 7 January 1993 96-1850/F517, 8 September 1997 05-06161/F2563 14 February 2007 Council for Aliens Law Litigation (RVV/CCE): No 29.223, 29 June 2009 No 55.770, 9 February 2011
Bulgaria Supreme Administrative Court	No 9661 19 July 2017	Key words: Ending international protection – return to host state for funeral not valid reason Summary: The Supreme Administrative Court of Bulgaria states that the return of an Iraqi national to Iraq for the funeral of their father cannot be considered a reason for ending international protection under Article 11(1)(a) or (d) QD (recast).	CJEU (GC): *M, X and X*, C-391/16, C-77/17, and C-78/17, 14 May 2019

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Czech Republic Supreme Administrative Court (Nejvyšší správní soud),	No 5 Azs 189/2015-127, *M.* v *Ministry of Interior* 23 April 2020	Key words: Refugee status – revocation – security of the state – danger to the community of the state – particularly serious crime Summary: This case dealt with the issues of security of the state and 'particularly serious crime'. Regarding the former, Article 14(4)(b) QD (recast) concerns a refugee who having been convicted by a final judgment of a particularly serious crime 'constitutes a danger to the community of that Member State'. The 'danger to the community' part of the provision has incorrectly been transposed into Czech law as 'danger to security of the state'. Since Article 14(4) QD (recast) is an optional clause, it is possible to maintain the Czech provision which is more favourable than the EU provision (under which the cessation clause applies also to those 'merely' constituting danger to the community of a state). The court reflected its own case-law on subsidiary protection which interprets the term 'security of the state' as 'national security'. With reference to recital 36 QD (recast) and to UNHCR commentary on Article 33 Geneva Convention, the court found that the security of the state may be endangered only by very serious conduct which directly or indirectly threatens the independence, integrity or constitutional order of the state, for example espionage, military sabotage or terrorist activities. It is also necessary to evaluate whether the appellant constitutes a current danger to the Czech Republic. The crime committed by the claimant, in this case robbery, is qualified as a particularly serious crime in national criminal law. The terms 'serious crime' (Article 17(1)(b) QD (recast)) and 'particularly serious crime' (Article 14(4)(b) QD (recast)) are autonomous notions of EU and international refugee law. Until this judgment, the Czech case-law only concerned the term 'serious crime' with respect to exclusion from subsidiary protection, but the court found that the conclusions of this judgment may also be applied to the latter term ('particularly serious crime') in Article 14(4) QD (recast). The court noted that this provision has its origins in Article 33(2) of the Geneva Convention and must be interpreted with due regard to that Convention. The court recalled that in *Ahmed* (para. 56), which concerned the term 'serious crime' in Article 17(1)(b) QD (recast), the CJEU stated that the possible factors to consider include the nature of the act at issue, the consequences of that act, the form of procedure used to prosecute the crime, the nature of the penalty provided and the taking into account of whether most jurisdictions also classify the act at issue as a 'serious crime'. Article 33(2) Geneva Convention also indicates that only crimes of particular gravity fall under this provision.	CJEU: *Ahmed,* C-369/17, 13 September 2018 *M, X and X,* C-391/16, C-77/17, and C-78/17, 14 May 2019

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
		Coming back to 'particularly serious crimes' in Article 14(4)(b) QD (recast), the Supreme Administrative Court concluded that, while the qualification of a crime in national criminal law may be one of the factors to be taken into account, circumstances also to be taken into account include the nature and seriousness of the act committed, the sentence imposed and the harm inflicted. In response to CJEU judgment (*M, X and X*, C-391/16, C-77/17, and C-78/17, 14 May 2019) the Supreme Administrative Court held that a person who could face death penalty, torture or inhuman or degrading treatment or punishment cannot be returned to their country of origin after international protection was withdrawn if they are a refugee under Article 2(d) QD. Such a person must be guaranteed rights mentioned in Article 14(6) QD and those rights guaranteed by the Geneva Convention that do not require lawful stay (also referred to as 'light-refugee' status). The Supreme Administrative Court made a thorough analysis of whether Czech law guarantees the following rights to foreigners in the position of the appellant, as required by the Geneva Convention in its Articles 3 (non-discrimination), 4 (freedom of religion), 13 (movable and immovable property rights), 16 (access to courts), 20 (rationing system), 22 (access to public education), 25 (administrative assistance), 27 (identity papers), 29 (fiscal charges) and 31-33 (no penalties for irregular entry, rules on expulsion, *non-refoulement*) of the Geneva Convention. Relevant paras. 38-42 ('light-refugee status') 44-52 (serious crime), 53-63 (security of the state)	
Finland Supreme Administrative Court (Korkein hallinto-oikeus)	KHO:2020:129 25 November 2020 (English summary) FI:KHO:2020:129	Key words: Cessation of protection – change in personal circumstances Summary: The Supreme Administrative Court upheld the cessation of subsidiary protection of an Iraqi who had returned to Erbil and remained there for four consecutive years without experiencing experiencing security problems or persecution. The appellant claimed he could not be returned to his home country due to his mental illness. The court stated that his experience of rejection due to his mental illness was not alone sufficient to establish a need for international protection. The evidence showed that he had received medical assistance during his previous stay and he had relatives there. The court found that his personal circumstances had changed in a significant and permanent way such that protection was no longer required.	None.

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Finland Supreme Administrative Court (Korkein hallinto-oikeus)	KHO:2020:130 25 November 2020 (English summary) FI:KHO:2020:130	Key words: Cessation of protection – country of origin information – refugee protection – assessment of application Summary: The Supreme Administrative Court, in Finland, in assessing whether there was a change of circumstances in the Democratic Republic of Congo (DRC), found that the requirement for significant and lasting change had not been fulfilled, as it had not been established that the circumstances in which the appellant became a refugee had ceased to exist. It determined that the immigration service's decision had not stated that the ethnic grounds that had led to the grant of refugee status had ceased to exist and that his coming of age and good health, as referred to in the decision, were irrelevant in assessing cessation of refugee status. It therefore concluded that it must be considered as established that there had been no significant and permanent change in the security situation in the appellant's home territory.	CJEU: *Abdulla and Others*, joined cases C-175/08, C-176/08, C-178/08 and C-179/08, 2 March 2010 Finland: Supreme Administrative Court: KHO:2015:18 , 6 February 2015
France Council of State (Conseil d'état)	78055 13 January 1989 FR:CESSR:1989: 78055.19890113	Key words: Cessation – re-availing of the protection of the authorities of the country of nationality – renewal of passport – requirement to consider parricular circumstances of the case Summary: Where a refugee applies to the embassy or consulate of their country of orgin for a passport or its renewal, it can generally be assumed that this constitutes re-availment of the protection of the country of origin. Such a presumption is, however, rebuttable. The Council of State found that by refusing to consider the particular circumstances of the case, the appeal body had committed an error of law, its decision was annulled and the case was returned to the appeal body for reconsideration. Relevant para. 3	None.

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
France Council of State	*Association d'accueil aux médecins et personnels de santé réfugiés en France* No 277258 8 February 2006 FR:CESSR:2006: 277258.20060208	Key words: Refugee status – cessation – procedures refugee was required by authorities of country of asylum to undertake – act of allegiance Summary: The procedure in the country of origin which the French authorities asked the refugee to undertake is not an act of allegiance. The fact that a refugee undertakes a procedure before university authorities in their country of origin when this procedure is required by French regulation in order to obtain a necessary certificate to exercise their profession in France cannot be considered as an act of allegiance. Relevant para. 3	None.
France Council of State	*OFPRA* c *M. G.*, No 288747 15 May 2009 FR:CESSR:2009: 288747.20090515	Key words: Refugee status – cessation – absolute necessity – refugee obtaining passports for minor children Summary: Obtaining passports for minor children through the consular authorities of a refugee's country of origin in France is justified by absolute necessity. The fact that a Turkish refugee obtains passports for his minor children through the Turkish consular authorities in France in order to send them to Turkey to live with their mother should be considered as an absolute necessity and cannot be interpreted as intent to re-avail himself of the protection of the country of nationality. Relevant para. 2	None.
France Council of State	*M. C.B.* No 389733 28 November 2016 FR:CECHR:2016: 389733.20161128.	Key words: Refugee status – cessation – fraudulent declarations – ability to put forward credible elements relating to background and threats on return Summary: The Council of State in France, in respect of fraud, held that if the application on the basis of which refugee status was conferred was tainted with fraud, it must then be assessed whether the person who had been recognised as a refugee on the basis of fraudulent declarations can nevertheless put forward sufficiently credible elements relating to their personal background and the threats likely to affect them in the event of their return to their country, so as to be able to maintain their refugee status. Relevant para. 3	None.

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
France Council of State	*OFPRA* c *M. G.*, No 416013 A, 30 January 2019 FR:CECHR:2019: 416013.20190130	Key words: Refugee status – revocation – Article 14(4)(a) QD (recast) – persons wanted in order to prevent serious threats to public security Summary: The Council of State held that whereas inscription in the 'S' record (of persons wanted in order to prevent serious threats to public security) does not suffice, by itself, to establish that the conditions required by the equivalent of Article 14(4)(a) QD (recast) in national law are fulfilled, it is incumbent upon the National Court of Asylum Law (Cour nationale du droit d'asile, CNDA) to make its determination taking account of all submissions of the parties on this specific issue. The court cannot therefore deny such inscription in the 'S' record any probative value without making use of its inquisitorial powers in order to collect any relevant information, in particular that in possession of the Minister of the Interior, that it may be able to obtain to adduce any element relevant to the circumstances and motives of the said inscription. Relevant para. 3	None.
France Council of State	*M. K.* No 421523 29 November 2019 FR:CECHR:2019: 421523.20191129	Key words: Cessation – divorce – change of circumstances Summary: When someone who obtained refugee status on the grounds of a family unity gets divorced this constitutes a change of the circumstances that justified the grant of international protection. In such situations, the court, considering this change and all circumstances of the case, must determine whether the person is still in need of international protection. Relevant para. 4	None.

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
France Council of State	No 425231 19 June 2020 FR:CECHR:2020: 425231.20200619	Key words: Revocation of refugee status – Article 14(4), (5) and (6) QD (recast) – threat to national security Summary: Referring to Article 14(4), (5) and (6) QD (recast) and the CJEU judgment in *M, X and X* (C-391/16, C77/17 and C-78/17), the Council of State ruled that the revocation of refugee status under the equivalent of Article 14(4) or (5) QD (recast) in national legislation does not affect their entitlement 'to rights set out in or similar to those set out in Articles 3, 4, 16, 22, 31, 32 and 33 of the Geneva Convention in so far as they are present in the Member State'. The Council of State determined that the National Court of Asylum Law (CNDA) was right to consider that the person constituted a danger to the security of the state. He was found to be a member of the leadership of a Bangladeshi mosque near Paris, showed approval of Islamic radicalism, and hid his real convictions and activities. The related CNDA judgment of 28 September 2018, *M. K.*, No 17021629 C+ is sumarised below. Relevant para. 6	CJEU: *M, X and X*, C-391/16, C-77/17, and C-78/17, 14 May 2019
France Council of State	Nos 416032 and 416121 A 19 June 2020 FR:CECHR:2020: 416032.20200619	Key words: Revocation of refugee status - Article 14 (4), (5) and (6) QD (recast) Summary: Referring to Article 14 (4), (5) and (6) QD and the CJEU judgment in *M, X and X* (C-391/16, C77/17 and C-78/17), the Council of State ruled that the revocation of refugee status under the equivalent of Article 14(4) or (5) QD (recast) in national legislation does not affect their entitlement 'to rights set out in or similar to those set out in Articles 3, 4, 16, 22, 31, 32 and 33 of the Geneva Convention in so far as they are present in the Member State'. The Council of State ruled that the CNDA could not appraise of its own motion the qualification for refugee status and exclude the person under the Refugee Convention as it had done. The case was sent back to the CNDA. Relevant paras. 7 and 8	CJEU: *M, X and X*, C-391/16, C-77/17, and C-78/17, 14 May 2019

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
France Council of State	No 422740 19 June 2020 FR:CECHR:2020: 422740.20200619	Key words: Revocation of refugee status - Article 14 (4), (5) and (6) QD (recast) – serious threat to sociey Summary: Referring to Article 14(4), (5) and (6) QD and the CJEU judgment in *M, X and X* (C-391/16, C77/17 and C-78/17), the Council of State ruled that loss of refugee status under the equivalent of Article 14(4) or (5) QD (recast) in national legislation does not have an impact on refugee status, which the person concerned is deemed to have retained in the event that the OFPRA and, where appropriate, the asylum judge, apply the provision within the limits laid down in Article 33(1) of the Geneva Convention and Article 14(6) QD (recast). Considering the 10-year prison sentence imposed on the appellant for the attempted assassination of his brother-in-law, his subsequent good behaviour in prison, for which he obtained several reductions in his prison sentence, the court ruled that the CNDA had not wrongly assessed the circumstances in concluding that he no longer constituted a serious threat to society. Relevant paras. 5 and 8	CJEU: *M, X and X*, C-391/16, C-77/17, and C-78/17, 14 May 2019
France Council of State	No 428140 B 19 June 2020 FR:CECHR:2020: 428140.20200619	Key words: End of protection - serious and repeated crimes – serious threat to society Summary: The Council of State ruled that the CNDA had inaccurately qualified the facts of the case when it had quashed a decision by the French Office for the Protection of Refugees and Stateless Persons (Office français de protection des réfugiés et apatrides, OFPRA) to end the refugee status of someone who had committed serious and repeated crimes, including rape and attempted rape, also taking into account his consciousness of his acts and his efforts to integrate into French society. However, the Council of State took into account the time that had elapsed, the person's behaviour and the expertise produced before the judge, and concluded that at the current time he no longer constituted a serious threat to society and therefore that the decision ending his refugee status must be quashed. Relevant paras. 3 and 6	None.

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
France Council of State	*OFPRA* v *M. A.* No 423272 A 1 July 2020 FR:CECHR:2020: 423272.20200701	Key words: Refugee status – cessation – naturalisation in France or in another state – ending international protection – status of spouse of a naturalised refugee – procedural consequences Summary: The case concerned a Rom from Serbia, who had been granted refugee status on the basis of the principle of family unity, given the persecution to which his wife had been subjected. OFPRA had ended his refugee status on the grounds that circumstances in Serbia and the situation of the Roma there had changed such that he could no longer refuse to avail himself of the protection of his country of nationality. The CNDA had, however, upheld his continuing refugee status on the grounds that his wife's acquisition of French nationality had not resulted in a change in his personal circumstances and that his refugee status should be maintained on the basis of the principle of family unity. In its judgment, the Council of State made the distinction in terms of procedures required between naturalisation by a third country and naturalisation by France. The court stated that if the country of naturalisation, where the person has international protection, is a country other than France, the French authorities were required to initiate the procedure to terminate that person's refugee status. However, if the refugee has become a French citizen, enjoying all the rights attached to this status, including the protection of France, this naturalisation terminates their refugee status automatically, without any need for the French authorities to make a decision. It noted that in this case, the spouse of the person now naturalised is likely to qualify for a residence permit. The Council of State therefore annulled the CNDA's decision on the grounds that it had committed an error of law. Relevant paras. 6, 7 and 8	None.

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
France National Court of Asylum Law (Cour nationale du droit d'asile)	*OFPRA* c *M. G.* No 633282/08013386 *(See CNDA, Contentieux des réfugiés: Jurisprudence du Conseil d'État et de la Cour nationale du droit d'asile, 2009, pp. 20-21)* 24 September 2009	Key words: Refugee status – revocation – deception as regards country of residence and ethnicity Summary: OFPRA appealed to the CNDA on the basis of information provided by a prefecture which attested that the individual concerned had submitted two other applications for international protection using a Georgian identity and nationality, before the contested judicial decision that had granted him refugee status on the basis that the applicant's country of residence was Azerbaijan and that he was of Armenian origin. The court held that it was his assertions that led to the granting of the status and that he had voluntarily deceived the court about his real situation. The court went on to examine his fear of persecution regarding the litigated decision. Relevant paras. 2, 3 and 5	None.
France National Court of Asylum Law	*M. T.* No 701681/09007100 8 October 2009	Key words: Refugee status – revocation – misleading use of facts and documents decisive to grant of refugee status Summary: OFPRA appealed to the CNDA against a judicial decision that had granted refugee status to a Russian citizen on the basis of his assertion that he had been living in Chechnya in 2006 and 2007 and had faced persecution there on account of his Russian ethnic origin and Christian confession. OFPRA submitted information provided by the French consulate in Moscow, which attested that he had been living in Stavropol from 2005 until his departure from Russia. The court, after having established the reality of his residence in Stavropol at the time of the alleged facts, ruled that the allegations that led to the granting of refugee status were misleading, and that these assertions were decisive for the decision to grant status. The court dismissed the refugee's attempt to explain why he had forged documents and ruled that he had voluntarily deceived the court about his real situation, before going on to overturn its former decision. Then, the court examined the asylum application: it refuted his presence in Chechnya at the relevant time on the basis of the information provided by the consulate. It held that the misleading allegations concerning his location questioned the veracity of all his allegations. The documents that he had submitted in order to prove his presence in Chechnya at the relevant time were thus considered forged. Relevant paras. 2 and 3	None.

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
France National Court of Asylum Law	*OFPRA* v *Mlle S.* No 10004319 1 March 2011	Key words: Refugee status – revocation – alleged fraud decisive to recognition of refugee status Summary: On the basis of information communicated by the court to OFPRA in another case, the administration argued that the appellant was the partner of a woman who had herself benefited from refugee status on the basis that he, her partner, had been assassinated. The court ruled, however, that OFPRA was not able to demonstrate fraud in spite of troubling elements of fact. Relevant paras. 5 and 6	None.
France National Court of Asylum Law	*M. K.* No 10010000 R 20 October 2011	Key words: Refugee status – cessation – acquisition of the nationality of a third country Summary: In the context of the acquisition of the nationality of a third country, the court upheld a decision of the asylum authority to cease the refugee status of a Yugoslav refugee who had been born in the autonomus region of Kosovo of the former Federal People's Republic of Yugoslavia and who had returned to Kosovo after it had declared its independence and had obtained a passport and identity card from the Kosovo authorities. Relevant paras. 4 and 5	None.

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
France National Court of Asylum Law	*OFPRA* v *M. A.* No 12021083 7 May 2013	Key words: Refugee status – revocation – fraud and use of misleading information – multiple applications for international protection Summary: OFPRA argued that there had been fraud and abuse of asylum procedures based on a EURODAC report that brought to light that the refugee's digital fingerprints had been recorded in three different European countries and three times in France over a period of seven years. The court considered that the submission of multiple asylum applications under various identities, the last one after the grant of international protection, contravened the duty of cooperation and obligation of loyalty on the applicant pursuant to the Code de l'entrée et du séjour des étrangers et du droit d'asile (CESEDA), the QD and the the Asylum Procedure Directive 2005/85/EC. Assuming that the misleading information identified would only concern a part of the itinerary or a part of the facts that led to a grant of international protection, Article 14 QD does not create an obligation for the Member State to demonstrate that the complete itinerary or the complete alleged facts are fraudulent. Multiple asylum applications, including even after the grant of international protection, called into question the applicant's sincerity and the truthfulness of the alleged facts, since he used misleading information several times to obtain international protection. The court found that this was enough to be characterised as fraud. Relevant paras. 7, 9 and 10	None.
France National Court of Asylum Law	*Mlle L.M. (in CNDA, Contentieux des réfugiés, Jurisprudence du Conseil d'État et de la Cour nationale du droit d'asile, Recueil 2013, pp. 121-122)* No 12002308 C+ 24 July 2013	Key words: Refugee status – revocation – extension of passport for the continuation of medical treatment considered an absolute necessity – no ending of refugee status Summary: The extension of the validity of a refugee's passport as requested by the French authorities in order to continue receiving indispensable medical treatment was found to be an absolute necessity. A refugee from the Democratic Republic of Congo had the validity of her passport extended by the diplomatic authorities of her country, as a result of an explicit request made by the police prefecture in Paris. The court found that there was an absolute necessity for her to extend the validity of her passport so that she could continue receiving the indispensable medical treatment she needed to keep her alive. Relevant para. 4	None.

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
France National Court of Asylum Law	*M. Z.* No 14033523 C+ 5 October 2015	Key words: Refugee status – cessation – issue of passport – subsidiary protection Summary: When the cessation of refugee status is upheld, subsidiary protection may be granted if elements of the case so justify. M. Z. was an Afghan citizen who had been granted refugee status by an OFPRA decision on 25 June 2010 on the grounds of a well-founded fear of persecution by the Taliban. When OFPRA found out that he had obtained an Afghan passport issued by the Afghan consular authorities in Paris and had travelled back to Afghanistan in December 2012, it decided on 23 October 2014 to cease his refugee status. M. Z. argued before the court that his journey had been motivated by his wife's poor health and should be regarded as an absolute necessity, that his fear of persecution by the Taliban was ongoing, and that he should be granted, at a minimum, subsidiary protection pursuant to Article l 712-1 (c) of the Code on the Entry and Stay of Foreigns and Asylum Law (Code de l'entrée et du séjour des étrangers et du droit d'asile, CESEDA), reflecting Article 15(c) QD, on account of the high intensity of indiscriminate violence still prevailing in Afghanistan. The court, after finding that OFPRA had been correct to cease to recognise him as a refugee, examined the situation in regard to his claim for subsidiary protection and considered, after reviewing available public documentation, that the situation in the province of Logar and more specifically in the district of Pol-e-Alam, where the applicant was originally from, had to be qualified as one of indiscriminate violence resulting from an internal armed conflict and that he should therefore be granted subsidiary protection status. Relevant paras. 4, 5 and 9	None.
France National Court of Asylum Law	*M. S.* No 15031759 8 April 2016	Key words: Refugee status – revocation – fear of persecution – misrepresentation based on misleading evidence regarding nationality Summary: The court found that there was misrepresentation based on the provision of misleading evidence of Bhutanese nationality in circumstances where the decision granting refugee status had been based on a fear of persecution faced in Bhutan. It was OFPRA that had provided elements that revealed that the applicant had Nepalese identity and nationality. Relevant paras. 3, 4 and 6	None.

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
France National Court of Asylum Law	*M. Q.* No 16032301 R 6 July 2017	Key words: Cessation of refugee status – voluntary re-availment of the protection of the country of nationality Summary: The court determined that OFPRA, subject to review by CNDA, can end refugee status if it establishes that the person, by his voluntary behaviour, has re-availed himself of the protection of his country of nationality and consequently that his fear of persecution has been deemed to have ceased. If the conditions of cessation are fulfilled, OFPRA and CNDA must, before ending refugee status, verify, considering the person's declarations and the situation in his country of origin, if it is necessary to maintain international protection under other grounds that those for which it was granted. The CNDA upheld the decision of OFPRA to cease refugee status in this case, which concerned a Vietnamese national, who had been one of the 'boat people' and had been granted refugee protection in 1984. He later visited his parents (his elderly father) with authorisation of the Vietnamese authorities, while knowing that he was not complying with the conditions of the protection that had been granted. Relevant para. 5	None.
France National Court of Asylum Law	*M. A.L.* No 17047809 C+ 25 May 2018 *(in CNDA, Contentieux des réfugiés, Jurisprudence du Conseil d'État et de la Cour nationale du droit d'asile, Recueil 2018, pp. 206-210).*	Key words: Refugee status – cessation – fear of persecution – change of circumstances – significant and non-temporary Summary: The case examines the question as to whether a change of circumstances, in the case of a Sri Lankan national of Tamil origin, was significant and non-temporary. The court found that, while the situation in Sri Lanka had improved, as documented in the country-of-origin information, the changes could not yet be qualified as significant and non-temporary. It was found that serious violations of human rights amounting to persecution, particularly against the Tamil community, continued there. The court also found that appropriate measures, such as an effective judicial and policing system to permanently eliminate the factors which led to the individual's fear of persecution had not been put in place and thus that his refugee status should not cease. Relevant paras. 7–11	None.

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
France National Court of Asylum Law	*M. H.* No 16029914 14 September 2018	Key words: Refugee – cessation of refugee status– voluntary re-availment of protection of the country of nationality – requirement by French authorities to show driving license for employment Summary: In the context of voluntary re-availment of national protection, the court found that a Bangladeshi refugee had not re-availed himself of the protection of his country of nationality, when he had obtained a Bangladeshi driving license. The court found that a driving license was a regular requirement for employment in France and the refugee had only communicated with the authorities by phone, while he was in France, in order to find out how a third person could obtain that document on his behalf. Moreover, the fact that his wife had had to bribe the Bangladeshi authorities for the document, further persuaded the court that the refugee had not actually demonstrated an intention to re-avail himself of the protection of his country of nationality. Relevant paras. 5, 6 and 7	None.
France National Court of Asylum Law	*M. K.S.* No 18001386 C+ 17 October 2018	Key words: Refugee status – cessation – change of circumstances – significant and non-temporary Summary: The court found that, although there had been a change of circumstances in the the refugee's country of origin, Democratic Republic of Congo, political opponents were still active in the country and, given how national institutions functioned, the mode of government, and the level of respect for human rights, the change was not 'significant and non-temporary' in the context of Article 11 QD (recast). Relevant paras. 2, 3, 5, 6 and 7	None.

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
France National Court of Asylum Law	*M. K.* No 17021629 C+ 28 September 2018	Key words: Refugee status – revocation – serious danger to the security of the state Summary: A fundamentalist preacher of Bangladeshi nationality was deprived of his refugee status pursuant to Article 14(4)(a) QD (recast) on the ground that his presence in France constituted a serious danger to the security of the state. The appellant did not bring before the court any consideration likely to refute the elements contained in four notes from French counter-terrorism and intelligence services establishing the radical character of his speeches and his connections with jihadism-funding activities. This judgment was confirmed by the Council of State in its judgment of 19 June 2020, No 425231, FR:CECHR:2020:425231.20200619, as referred to above. Relevant paras. 16-25	None.
France National Court of Asylum Law	*Mssrs A et Mmes A.,* Nos 17010844, 17010847, 17010845, 17010848, 18044574, 18044573, 18044575, 18044576C. 21 December 2018	Key words: Subsidiary protection – cessation – change of circumstances – level of intensity of indiscriminate violence Summary: A change in the level of intensity of indiscriminate violence in situations of armed conflict under the equivalent of Article 15(c) QD (recast) in national legislation cannot be considered as a significant and non-temporary change of circumstances pursuant to Article 7 QD, leading to the ending of international protection. The court determined, in this case involving an Iraqi family, that the security situation in the province of Al Anbar, was of an intensity comparable to that existing at the time of the granting of subsidiary protection and would not make it possible to characterise a change of circumstances likely to lead to the ending of subsidiary protection status. Relevant paras. 8, 9 and 10	None.

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
France National Court of Asylum Law	*M. O.* No 17013391 R 31 December 2018	Key words: Refugee status – revocation – danger to the security of the state – involvement in terorist activities Summary: The fact that a refugee, who was deprived of his refugee status pursuant to Article 14(4)(a) QD (recast), had been expelled and was currently outside French territory did not preclude his being regarded as a danger to the security of the state, given his links with a terrorist organisation (ISIS) which operates on French territory. Relevant para. 17	None.
France National Court of Asylum Law	*M. Z.* No 18014132 C+ 31 January 2019	Key words: Refugee status – revocation – persecution in country of origin – misrepresentation – evidence of fraudulent intention Summary: In the context of misrepresentation under Article 14(3)(b) (QD (recast), a national of Kosovo who had alleged persecution in his country of origin at a time when he was, in fact, resident in Switzerland and who received refugee status as a result, was found to have shown evidence of a fraudulent intention. Relevant paras. 5, 6, 7 and 8	None.
France National Court of Asylum Law	*Mme B.* No 17028590 C+ 12 March 2019	Key words: Refugee status – well-founded fear of persecution – exclusion – serious threat to society Summary: The applicant, who had been born intersex albeit assigned to the feminine gender, was found eligible for refugee status on the ground of a well-founded fear of persecution connected with their membership of the particular social group of lesbian, gay, bisexual, transgender and intersex persons in Morocco. The appellant faced explusion after several serious criminal convictions relating to crimes that were committed after their arrival in France. These included a 12-year prison sentence for torturing a vulnerable person. They were regarded as so dangerous that their presence in France represented a serious threat to society. They were consequently refused refugee status on the combined grounds of Articles 14(4)(b) and 14(5) QD (recast). Relevant paras. 16, 18, 20 and 21	None.

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
France National Court of Asylum Law	*M. A.* No 16037707 C 11 April 2019	Key words: Exclusion from subsidiary protection – well-founded fear of persecution – indiscriminate violence - serious threat to the state – involvement in terorist activities Summary: The appellant, an Afghan national, was found eligible, in the absence of well-founded fear of persecution under the Refugee Convention, to benefit from subsidiary protection under Article 15(c) QD (recast), in light of the level of indiscriminate violence prevailing in Kabul at the time of the hearing. However, his inscription in the 'S' record of persons wanted in order to prevent serious threats to public security, based on information communicated by the Italian authorities about his involvement in jihadist/terrorist activities, had sufficient weight, in the absence of any submission likely to contradict this statement, so as to give serious reasons for believing that his activity on French territory constituted a serious threat to the community and to the security of the state, pursuant to Article 17(1) (d) QD (recast). He was consequently excluded from the benefit of subsidiary protection. Relevant paras. 4, 7 and 9	None.
France National Court of Asylum Law	*M. T. alias S. et Mme K. épouse T.* Nos 18024910-18024911 C 28 June 2019	Key words: Refugee status – revocation – false status and/or identity – involvement in terorist activities Summary: The court found that the submission of an asylum application using a false civil status/identity and the concealment of important circumstances, such as the appellants' affiliation to an Islamic radical group and the husband's participation in funding terrorist activities, had a decisive influence on the decision granting him international protection. The court therefore declared its earlier judgment granting refugee status to a Chechen couple to be null and void and upheld a subsequent decision by OFPRA to revoke the couple's refugee status. Relevant paras. 7 and 8	None.

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
France National Court of Asylum Law	*M. T.* No 17053942 C+ 26 July 2019	Key words: Refugee status – revocation – conviction by a final decision of a crime punished by 10 years' imprisonment – continued benefit of certain rights under Refugee Convention Summary: The court addressed the question of revoking the refugee status of a Chechen refugee who had been sentenced to 10 years' imprisonment for threatening a civil servant. The refugee had also shown public support for terrorism and had subsequently been convicted of the illegal possession of firearms. Citing the CJEU judgment in *M and X X* of 14 May 2019, the court upheld the decision to end his refugee status but found that ending refugee status pursuant to Article 14(4) QD (recast) does not imply that the individual ceases to be a refugee, since refugee status is declaratory as indicated, inter alia, in recital 21 and Article 14(6) QD (recast), and the person continues to benefit from certain rights provided by the Refugee Convention, interpreted and applied in light of the EU Charter. Relevant paras. 8 and 12	CJEU: *M, X and X*, C-391/16, C-77/17, and C-78/17, 14 May 2019
France National Court of Asylum Law	*M. A* No 18052314 C+ 30 August 2019	Key words: Refugee status – revocation on the basis of international sex trafficking activities – acts contrary to the purposes and principles of the United Nations Summary: The court ruled that a Nigerian refugee, who had been involved at a high level in an international sex trafficking network and was currently in prison in France, was deemed to have committed acts contrary to the purposes and principles of the United Nations, after his recognition as a refugee. The court thus upheld the first instance decision terminating his refugee status as a result. Relevant paras. 9 and 10	None.

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
France National Court of Asylum Law	*M.S.* c *OFPRA* No 20012065 C + 28 December 2020 (English summary)	Key words: Cessation of refugee status – re-availment of the protection of the authorities of the country of nationality – issuance of passport by authorities of country of nationality – serious threat to national security Summary: The appellant, a Russian national from Grozny, appealed against a decision by OFPRA ending his refugee status on the basis of Article 14(4) QD (serious threat to national security). Referring to the CJEU judgment in *M, X and X* of 14 May 2019, the court noted that ending refugee status pursuant to Article 14(4) QD (recast) does not imply that the individual ceases to be a refugee, since refugee status is declaratory. As refugee quality pre-exists the grant of refugee status, the CNDA examined whether cessation was justified. It concluded that M.S. had voluntarily been issued a passport by the authorities of the Russian Federation, without it being proven that it had been obtained by corruption or that compelling reasons or any coercion justified this approach, and that he had therefore again placed himself under the protection of the Russian authorities. Consequently, it determined that the cessation clause was applicable in this case and in the absence of any other reasons to maintain the refugee status, the applicant's refugee status must cease accordingly. The court did not therefore pronounce on whether the appellant constituted a serious threat to national security. Relevant paras. 8-15	CJEU: *M, X and X*, C-391/16, C-77/17, and C-78/17, 14 May 2019
France Refugee Appeals Commission (Commission des recours des réfugiés)	Molina No 336763 18 October 1999	Key words: Refugee status status – cessation – very severe persecution – compelling reasons Summary: The decision considered the application of compelling reasons in a case involving a Chilean refugee who had suffered very severe persecution and whose brother had died as a result of torture by the armed forces. The case predated the introduction of the QD (recast), but the provisions are the same. Relevant para. 1	None.

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
France Refugee Appeals Commission	*M. O.* No 02008530/406325 R 17 February 2006	Key words: Refugee status – cessation – voluntary re-establishment in country of origin Summary: The fact that a refugee returned in 1994 to the autonomous Kurdish region in Iraq must be considered as voluntary re-establishment in the country of origin, even if this region had been placed under international protection after 1991 and benefitted from a certain autonomy the existence of which is now recognised in and ensured by Article 113 of the Iraqi Constitution. The applicant was not present at the hearing, but had expressed no fear of persecution in case of a return in Iraq, a country where he had led a normal life, got married, had children and had a professional activity. Relevant para. 4	None.
Germany Federal Administrative Court (Bundesverwal-tungsgericht)	BVerwG 1 C 21.04 1 November 2005 DE:BVerwG:2005: 011105U1C21.04.0 (English translation)	Key words: Refugee status – revocation – change of circumstances – compelling reasons Summary: 1. According to Section 73, Paragraph 1, Clause 1 of the Asylum Procedure Act (Asylverfahrensgesetz, AsylVfG), the recognition of asylum and refugee status is to be revoked, in particular, if the circumstances relevant at the time of recognition have subsequently changed significantly and not only temporarily in such a way that, when the foreigner returns to their country of origin, any repetition of the persecution that led to flight is ruled out with sufficient certainty for the foreseeable future and there is no threat of persecution for other reasons. This provision corresponds to its content according to Article 1(C)(5), sentence 1 of the Refugee Convention. 2. Section 73 (1) sentence 3 of the Asylum Procedure Act contains an exception, in the individual case, to the termination of refugee status, which applies regardless of whether the requirements of sentence 1 of the provision are met. 3. Whether a return is unreasonable for the foreigner due to general dangers in the country of origin is not to be checked when revoking the asylum and recognition of refugee status according to Section 73, Paragraph 1 of the Asylum Procedure Act. Rather, it must be taken into account within the framework of the general provisions of the Residence Act under the law on foreigners. 4. Section 73(2) of the Asylum Procedure Act does not apply to revocation decisions made before 1 January 2005. Relevant paras. 22-24, 37 and 38	Germany: Federal Administrative Court (Bundesverwal-tungsgericht, BVerwG): 9 C 3.92, 24 November 1992; 9 C 15.96, 15 April 1997; 9 C 31.98, 30 March 1999 (English translation); 9 C 12.00,19 September 2000 (English translation); 9 C 6.00, 16 November 2000 (English translation); 9 C 20.00, 20 February 2001 (English translation); 1C 13.02, 20 February 2003 (English translation);

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
			1 B 428.02, 6 February 2003 (English translation); 1 C 15.02, 8 May 2003 (English translation); 1 C 1.03, 17 March 2004 (English translation); 1 C 29.03, 8 February 2005 (English translation); 1 B 58.05, 4 November 2005 (English translation); 1 B 71.05, 12 October 2005 (English translation); 1 C 4.05, 2 February 2006 (English translation).

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Germany Federal Administrative Court	BVerwG 10 C 50.07 26 February 2009 BVerwG:2009: 260209U10C50.07.0 (English translation)	Key words: Refugee definition – serious violation of basic human rights (Article 9(1) QD) – deprivation of citizenship – interpretation of habitual residence of stateless persons eligible for refugee or subsidiary protection status under Article 2(c) and (e) QD Summary: 1.Deprivation of nationality may be a serious violation of basic human rights within the meaning of Article 9 (1)(a) QD. 2. In assessing the severity of the violation of rights caused by a deprivation of citizenship, under Article 4(3)(c) QD, the individual position and personal circumstances of the person concerned must also be taken into account. 3. A person is stateless within the meaning of Section 3(1) of the Asylum Procedure Act if no state views them as a national under its own law, i.e., a *de jure* stateless person. For *de facto* stateless persons, therefore, a threat of persecution must be examined with reference to the state of their *de jure* nationality. 4. The habitual residence of a stateless person under Section 3(1) of the Asylum Procedure Act need not be lawful. It is sufficient if the stateless person focused their life in the country, and therefore did not merely spend time there transiently, and the competent authorities did not initiate measures to terminate their residence. Relevant paras. 31-34	Germany: Federal Administrative Court (Bundesverwal-tungsgericht, BVerwG): 1 C 45.90, 23 February 1993; 9 C 3.95, 24 October 1995; 2 C 45.09, 28 July 2011 (English translation). Canada: Federal Court, *Maarouf* v *Canada;* [1994] 1 FC 723, 13 December 1993. UK: Court of Appeal (England and Wales) *EB (Ethiopia)* v *Secretary of State for the Home Department* [2007] EWCA Civ 809, 31 July 2007

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Germany Federal Administrative Court	BVerwG 10 C 3.10 24 February 2011 DE:BVerwG:2011: 240211U10C3.10.0 (English translation)	Key words: Refugee status – revocation – discretionary power - cessation – significant and non-temporary – persecution – well-founded fear – political opinion – protection of country of origin – family refugee status – subsidiary protection Summary: Application of the CJEU's ruling of 2 March 2010, *Abdulla and Others*, C-175/08 and others, following the request for a preliminary ruling by the Federal Administrative Court. The High Administrative Court was correct in holding that the circumstances upon which the recognition of refugee status were based have ceased to exist. However, it did not examine sufficiently whether a well-founded fear of persecution persisted for other reasons. 1. According to section 73(1) sentence 1 und 2 of the Asylum Procedure Act in conjunction with Article 11(1)(e) QD, the recognition of refugee status is to be revoked if, in consideration of a significant and non-temporary change of circumstances in the country of origin, the circumstances in connection with which the person concerned had a well-founded fear of persecution for one of the reasons indicated in Article 2(c) QD and was recognised as a refugee have ceased to exist, and if the person also has no fear of 'persecution' within the meaning of Article 2(c) QD for other reasons. 2. According to Article 11(2) QD, the change in circumstances on which recognition as a refugee was based is significant and non-temporary, if it is established that the basis for the refugee's well-founded fear of persecution that resulted in the recognition of their refugee status has ceased to exist, and this cessation can be regarded as permanent. As a rule, the change is permanent only if, in the country of origin, a state or other actor of protection under Article 7 QD is present and has taken suitable steps to prevent the persecution on which the recognition of refugee status was founded. 3. If the refugee, citing the same reason for persecution in the revocation proceedings as was found for their recognition as a refugee, claims that after the cessation of the facts in connection with which they were recognised as a refugee, other facts have arisen that give rise to a fear of persecution for the same reason of persecution, this is normally covered by Article 11(2) QD. Relevant paras. 16 and 20	CJEU: *Salahadin Abdulla and Others*, joined cases C-175/08, C-176/08, C-178/08 and C-179/08, 2 March 2010 Germany: Federal Administrative Court (Bundesverwal-tungsgericht, BVerwG): 1 C 15.05, 18 July 2006 (English translation); 10 C 24.07, 12 June 2007 (English translation); 10 C 8.07, 11 September 2007 (English translation); 10 C 33.07, 7 February 2008 (English translation); 10 C 32.07, 26 August 2008 (English translation); 10 C 53.07 25 November 2008 (English translation).

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Germany Federal Administrative Court	BVerwG 10 C 2.10 31 March 2011 DE:BVerwG:2011: 310311U10C2.10 (English translation)	Key words: Refugee status – revocation – crimes against humanity – terrorism – reason for exclusion – purposes and principles of the United Nations – standard of proof – stay of proceedings Summary: 1. According to section 73(1) of the Asylum Procedure Act, recognition of refugee status and of the entitlement to asylum must be revoked if the individual concerned brings about reasons for exclusion under section 3(2) sentence 1 no 1 or no 3 of the Asylum Procedure Act after that recognition. 2. Not only those who continue or initiate terrorist activities or their support from the Federal Republic of Germany (the 'terrorism reservation'), but also those who commit or support war crimes or crimes against humanity from Germany, are excluded from the fundamental right to asylum. 3. Because the legal status of a person entitled to asylum under Article 16a of the Basic Law and a refugee within the meaning of Directive 2004/83/EC may be confused with one another, the requirements of EU law under Article 3 QD forbid the recognition of an entitlement to asylum or the maintaining of that recognition for a person who is excluded from being a refugee under Article 12(2) QD. Relevant para. 26:	CJEU: *Bundesrepublik Deutschland* v *B and D,* C57/09 and C101/09, 9 November 2010 *Kadi and Al Barakaat*, C-402/05 P and C-415/05 P, 3 September 2008 Germany: Federal Constitutional Court (Bundesverfas-sungsgericht, BVerfG): 2 BvR 958/86, 20 December 1989; 2 BvR 1280/99, 26 October 2000 (English translation); 1 BvF 1/05, 13 March 2007; 2 BvE 2/08 et al., 30 June 2009 (English translation). Federal Administrative Court (Bundesverwal-tungsgericht, BVerwG): 8 C 84.70, 17 February 1972;

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
			1 C 44.68, 1 July 1975; 1 B 133.82, 5 April 1983; 9 C 276.94, 10 January 1995; 8 B 255.97, 22 December 1997 (English translation); 9 C 23.98, 30 March 1999 (English translation); 10 B 61.07, 13 June 2007; 10 C 48.07, 14 October 2008 (English translation); 10 C 24.08, 24 November 2009 (English translation). UK: Immigration Appeal Tribunal *KK (Article 1Fc Turkey)* [2004] UKIAT 00101, 7 May 2004 Canada: Supreme Court: *Pushpanathan* v *Canada* [1999] INLR 36

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Germany Federal Administrative Court	BVerwG 10 C 25.10 1 June 2011 DE:BVerwG:2011: 010611U10C25.10.0	Key words: Refugee status – *res judicata* – prohibition of double jeopardy – revocation – discretionary powers - cessation – protection of the country of origin – persecution – well-founded fear – substantial change – significant and non-temporary Summary: Following the CJEU's decision in *Abdulla and Others* (C-175/08), revocation of refugee status presupposes that a significant and non-temporary change of circumstances has taken place. This is the case if the factors which formed the basis of the recognition of refugee status may be regarded as having been permanently eradicated. The relevant standard of probability for the determination of the likelihood of future persecution is the same both for the recognition and the revocation of refugee status, i.e., a change of circumstances has to be assessed on the basis of whether there is still a 'considerable' probability of persecution (change from former case-law). 1. The prohibition of double jeopardy only covers administrative acts with the same content, i.e., the regulation of the same facts by ordering the same legal consequence (here negated in relation to the withdrawal and revocation of refugee recognition). 2. The revocation of refugee status in accordance with Section 73, Paragraph 1, Clauses 1 and 2 of the Asylum Procedure Act in conjunction with Article 11(1)(e) QD presupposes that a significant and non-temporary change in circumstances in the country of origin means that the circumstances which caused the person concerned to have a well-founded fear of persecution and resulted in their recognition as a refugee have ceased to exist. 3. There is a significant change in the circumstances giving rise to persecution if the actual conditions in the country of origin have changed significantly. New facts must result in a significantly changed basis for the assessment of the risk of persecution, so that there is no longer any significant probability of persecution. 4. A change is permanent if an assessment shows that the change in circumstances will prove to be stable, i.e., the elimination of the factors justifying persecution will continue for the foreseeable future. Relevant paras. 18 and 24	CJEU: *Salahadin Abdulla and Others*, joined cases C-175/08, C176/08, C178/08 and C179/08, 2 March 2010 ECtHR: *Saadi v Italy* [GC], No 37201/06, 28 February 2008 Germany: Federal Administrative Court (Bundesverwal-tungsgericht, BVerwG): 1 C 161.58, 30 August 1962; 7 C 183.65, 15 March 1968; 9 C 118.90, 5 November 1991 (English summary); 1 C 12.92, 8 December 1992; 9 C 77.95, 18 April 1996; 9 C 53.97, 24 November 1998;

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
			9 C 12.00, 19 September 2000 (English translation); 1 C 7.01, 18 September 2001 (English translation); 1 C 21.04, November 2005 (English translation); 1 C 15.05, 18 July 2006 (English translation); 10 C 24.07, 12 June 2007 (English translation); 10 C 33.07 7 February 2008 (English translation); 10 C 53.07, 25 November 2008 (English translation); 4 C 6.08, 28 January 2010; 10 C 5.09, 27 April 2010 (English translation); 10 C 11.09, 7 September 2010; 10 C 3.10, 24 February 24, 2011 (English translation).

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Germany Federal Administrative Court	BVerwG 10 C 29.10 22 November 2011 DE:BverwG:2011: 221111U10C29.10.0 (English translation)	Key words: Refugee status – cessation – *res judicata* – material change of circumstances – standard of proof Summary: The principle of *res judicata* does not preclude the ending of international protection where, after the point in time which was relevant for the original court's decision granting international protection, there has been a material change of circumstances. Standard of probability where applicant relies solely on post-flight reasons for persecution. Article 4(4) QD does not apply to post-flight reasons for persecution. 1. The legal force of an administrative court judgment requiring recognition of refugee status does not preclude revocation of that status if the factual or legal situation applying at the time of the judgment has subsequently changed significantly. What is decisive for the assessment of whether there is a significant change is the comparison of the factual situation on which the original judgment was based, even if it subsequently proves to be incorrect, with that at the time of the latest factual assessment. 2. If the recognition of refuges status is based solely on post-flight reasons for persecution, the standard of considerable probability applies to the revocation decision, on the same basis as for recognition. 3. The facilitation of evidence according to Article 4(4) QD is not applicable in cases involving post-flight reasons for persecution. Relevant para. 20	Germany: Federal Administrative Court (Bundesverwal-tungsgericht, BVerwG): 9 C 3.92, 24 November 1992; 9 C 12.00, 19 September 2000 (English translation); 1 C 7.01, 18 September 2001 (English translation); 1 B 338.02, 10 July 2003; 10 C 3.10, 24 February 2011 (English translation); 10 C 25.10, 1 June 2011 (English translation).

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Germany Federal Administrative Court	BVerwG 1 C 8.11 22 May 2012 BVerwG:2012: 220512U1C8.11.0	Key words: Residence permit – reason for expulsion – standard of proof – refugee – threat to security – conviction principle – reason for refusal – clarification of the facts Summary: 1. The reason for refusal of Section 5(4) in conjunction with Section 54 No 5 of the Residence Act also applies to the issue of a humanitarian residence permit in accordance with Section 25(2) of the Residence Act. The priority of application of Union law, however, requires a restriction to cases in which the recognised refugee is to be regarded as a threat to the security of the Federal Republic of Germany for serious reasons. 2. Whether a foreigner fulfils the requirements of Section 5(4) in conjunction with Section 54, No 5 of the Residence Act can only be decided after a comprehensive and specific examination of the activities of the association and the activities of the foreigner on the basis of an overall judicial assessment (following the judgment of March 15, 2005 - BVerwG 1 C 26.03 - BVerwGE 123, 114). 3.Section 54 No. 5 AufenthG requires full judicial certainty of conviction with regard to the connecting factors that serve as evidence for the judicial conclusion of membership of an organization or its individual support (following the judgment of 25 October 2011 - BVerwG 1 C 13.10). Relevant para. 27:	Germany: Federal Constitutional Court (Bundesverfas-sungsgericht, BVerfGE): 2 BvR 215/81, 26 May 1981; 2 BvR 547/08, 8 October 2009. Federal Administrative Court (Bundesverwal-tungsgericht, BVerwG): 9 C 31.98, 30 March 1999 (English translation); 1 C 26.03, 15 March 2005; 1 C 1.10, 11 January 2011 (English translation); 1 C 13.10, 25 October 2011; Administrative Court (Verwaltungsgericht): VG Hamburg 10 K 2710/05, 31 January 2006

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Germany Federal Administrative Court	BVerwG 10 C 27.12 19 November 2013 DE:BVerwG:2013: 191113U10C27.12.0 (English translation)	Key words: Refugee status – revocation – fraudulent misrepresentation – *res judicata* Summary: The principle of *res judicata* does not preclude ending international protection where the status was originally granted by a decision of a court that was based on fraudulent misrepresentation. Deception as to nationality. Whether revocation because of misrepresentation is mandatory under EU law even though Article 14(3)(b) QD does not mention judicial decisions. Possible drafting error in that provision. 1. The legal force of a judgment that is binding for refugee recognition does not prevent that recognition being withdrawn if the judgment is factually incorrect, the persons making use of the judgment know this and special circumstances arise that make the use of the judgment appear immoral. 2. There is immoral abuse of refugee recognition based on a judgment, if the court was deliberately deceived about the core of the claim of persecution, in particular about the identity and nationality of the applicant(s) as well as the alleged actors of persecution. 3. The one-year exclusion period of Section 48(4) sentence 1 of the Asylum Procedure Act does not apply to withdrawals according to Section 73(2) of the act (following judgment of 5 June 2012 - BVerwG 10 C 4.11 - for revocation). Relevant paras. 19-21	Germany: Federal Administrative Court (Bundesverwal-tungsgericht, BVerwG): 2 C 98.60, 28 March 1963; 1 C 7.01, 18 September 2001 (English translation); 10 C 33.07, 7 February 2008 (English translation); 1 C 15.08, 22 October 2009 (English translation); 1 C 26.08, 22 October 2009 (English translation); 10 C 29.10, 22 November 2011 (English translation); 10 C 4.11, 5 June 2012 (English translation).

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Germany Federal Administrative Court	BVerwG 1 C 28.16 27 July 2017 DE:BVerwG:2017: 270717U1C28.16.0. (English translation)	Key words: Refugee status – cessation – voluntary re-availment – acceptance or renewal of passport Summary: Trips by a person entitled to asylum or by a refugee to their home country do not necessarily lead to the assumption that the foreigner wishes to voluntarily re-avail themself of the the protection of the country of nationality. The acceptance or extension of a national passport does not necessarily mean that refugee status is automatically terminated. This is only the case if one of these acts is to be interpreted in a way that the person concerned has re-availed themself of the protection of the country of nationality from an objective point of view. The issuing or renewal of a passport is merely an indication that the person concerned wishes to place themself under the protection of their country of nationality. However, the course of events may conflict with this indicative effect. The circumstances of the individual case must be considered. If the refugee's conduct indicates that the passport was not issued for the purpose of regaining full diplomatic protection, this further subjective prerequisite for the expiry of the legal status is missing. For example, the mere use of a service provided by the diplomatic mission of the home country to overcome bureaucratic obstacles to official acts by authorities of the Federal Republic of Germany may not be sufficient to cause the loss of rights. Relevant para. 35	CJEU: *H.T.* v *Baden Württemberg,* C-373/13, 24 June 2015 Germany: Federal Administrative Court (Bundesverwal-tungsgericht, BVerwG): 9 C 126.90, 2 December 1991; 1 C 26.03, 15 March 2005; 1 C 13.10, 25 October 2011; 1 C 9.12, 30 July 2013; 1 C 3.16, 22 February 2017; 1 VR 3.17, 1 July 2017. Administrative Court Munich (VGH München): 23 B 06.31053, 8 February 2007

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Germany Higher Administrative Court Baden-Wuerttemberg (Verwaltungs-gerichtshof Baden-Württemberg)	A 6 S 1097/05 5 November 2007 (English translation)	Key words: Refugee status – cessation – compelling reasons – rape and ostracism by community if returned Summary: This case referred to 'compelling reasons' and the court stated that factors to consider may be the probable attitude of the local population towards the returnee. Thus, for example, where a woman was raped by members of an occupying force for reasons constituting persecution and she will now be ostracised because of this by members of the population group to which she belongs, this may be a compelling reason not to require her to return. Relevant paras. 20, 24, 25 and 30	Germany: Federal Constitutional court (Bundesverfas-sungsgericht, BVerfG): *2 BvR 2368/04* 19 September 2006 (English translation). Federal Administrative Court (Bundesverwal-tungsgericht, BVerwG): 9 C 3.92, 24 November 1992; 1 C 21.04, 1 November 2005 (English translation); 1 C 15.05, 18 July 2006 (English translation); Higher Administrative Court Baden-Wuerttemberg (Verwaltungs-gerichtshof Baden-Württemberg): A 6 S 1027/05, 21 March 2006.

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Germany Higher Administrative Court of Bavaria (Verwaltungs-gerichtshof Bayern)	11 B 09.30050 18 October 2010 (English translation)	Key words: Refugee status – revocation – relevance of intention to misrepresent facts – statelessness Summary: The case concerned a Kurd, who had stated that he was Turkish when he applied for asylum and had been recognised as a refugee on that basis. It later became apparent that he had been deprived of his Turkish nationality under Turkish law and the Federal Office revoked his refugee status. This revocation was subsequently overturned by the administrative court, and that judgment what was upheld by the Higher Administrative Court. In relation to misrepresentation, the Higher Administrative Court found that it is immaterial whether the incorrectness of the original statement was known to the applicant or whether, in omitting a circumstance, they were subjectively at fault. Relevant para. 45	Germany: Federal Administrative Court (Bundesverwal-tungsgericht, BVerwG): 9 C 3/95, 24 October 1995; 9 C 75/95, 24 October 1995; 9 B 372.99, 23 September 1999 (English translation); 1 C 33.00, 23 April 2001 (English translation); 9 C 12.00, 19 September 2000 (English translation).

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Greece Independent Appeals Committee 3rd IAC	No 7591/20 26 November 2020	Key words: Subsidiary protection status – imprisonment – revocation of status – risk to national security Summary: The IAC took into consideration that the situation of a beneficiary of subsidiary protection whose status had been withdrawn on the grounds that he had been convicted of an infringement of the Law 4193/2013 'on addictive substances …' to a five-month prison sentence with a three-year suspended sentence. However, the IAC noted that, according to Article 17 of N. 4636/2019 on subsidiary protection, a person may be excluded only if he has committed a serious crime, namely a felony or a misdemeanor punishable by imprisonment of at least three (3) years. Moreover, the IAC noted that the violation of Law 4193/2013 is not among the restrictive crimes that are classified, according to national law, as 'serious crimes' regardless of the penalty imposed. In view of this and, given that the appellant had been convicted of 'supplying and possessing drugs for his own exclusive use' and not of trafficking or trafficking in drugs, the IAC decided that it cannot be accepted that the appellant constitutes a risk to national security, given that the offence is in no way linked, in view of its nature and seriousness, to national security issues.	CJEU: *Land Baden-Württemberg v Panagiotis Tsakouridis* C-145/09, 23 November 2010 *Byankov*, C-249/11, 4 October 2012
Greece Independent Appeals Committee 19th IAC	No 212103/2021 23 February 2021	Key words: revocation of refugee status – misrepresentation Summary: The case concerned an applicant, who was granted refugee status on the grounds that he was Iraqi, but who subsequently filed a petition requesting to correct his age and his nationality to Egyptian. The Independent Appeals Committee found that he had misrepresented the facts and that this misrepresentation was decisive for the granting of refugee status, since his nationality and age were crucial factors when assessing his fear.	

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Ireland High Court	*Gashi* v *Minister for Justice, Equality, and Law Reform* 1 December 2010 [2010] IEHC 436	Key words: Refugee status – revocation – misrepresentation – decisiveness for recognition of refugee status – credibility Summary: This case concerns a revocation decision, which turned on the meaning of Article 14(3)(b) QD (in particular the word 'decisive' in that Article) in circumstances where the appellant had concealed relevant information. The court considered that the misleading information went directly to the issue of credibility and held that the declaration of refugee status for the applicant was tainted by misrepresentation, and the original revocation decision was upheld. The applicant had argued that his concealment of the prior application for international protection in the UK (amongst other things) was not decisive to his successful asylum claim in Ireland. The court relied on an analysis of the French and Italian translations of Article 14(3), which the court felt were not worded as precisely as the English text. The court held that the key question is whether the application for asylum would have been determined differently had the information in question not been concealed. In this case, the court considered that the misleading information went directly to the issue of credibility. However, the court did not make a finding that the appellant was never a refugee to begin with. It stated that 'the revocation of an existing declaration on this ground is not a finding that the applicant is not now and never could be a refugee'. Relevant para. 32	None.

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Ireland High Court	*Morris Ali* v *Minster for Justice, Equality and Law Reform* 1 March 2012 [2012] IEHC 149	Key words: Refugee status - revocation – Article 14(1) QD – threat to national security – requirement for fair and accurate asssessment Summary: Refugee status had been revoked as the appellant was considered a person whose presence in the state posed a threat to national security or public policy. The appellant had received a conviction for the possession of drugs for sale and supply. The High Court found, however, that the decision to revoke could not stand as it was not based on a fair and accurate assessment of the admitted facts. Relevant paras. 11, 23-25 and 28	Ireland: High Court: *Murray* v *Trustees and Administrators of the Irish Airlines (General Employees) (Superannuation Scheme)* [2007] IEHC 27, 25 January 2007; *Lukoki* v *Minister for Justice, Equality and Law Reform*, 6 March 2008 (unreported); *Gashi* v *Minister for Justice, Equality, and Law Reform* [2010] IEHC 436, 1 December 2010

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Ireland High Court	*Adegbuyi* v *Minister for Justice and Law Reform* 1 November 2012 [2012] IEHC 484	Key words: Refugee status – revocation based on beneficiary's use of false information Summary: The court held that the minister had satisfied the court that the applicant had provided the asylum authorities with information, which was false or misleading in a material particular, that there was a link between the falsity of the information and the grant of refugee status, and that false information had been furnished with the intention of misleading the authorities. The court held that the evidence rendered the core of the applicant's claim for refugee status unsustainable. The appeal judge undertook to reassess all of the information before her and decided, upon the facts, that the initial refugee declaration was void *ab initio* therefore the individual was never entitled to protection. Consequently, the court did not proceed to explore the option of cessation further. Relevant paras. 41 and 51	Ireland: Supreme Court: *Dodd* v *Minister for Fisheries* [1934] I.R. 291 *Dunne and Others* v *Minister for Fisheries and Forestry* [1984] I.R. 230 High Court: *Balkan Tours Ltd* v *Minister for Communications* [1988] I.L.R.M. 101, 18 March 1987; *Orange Communications Ltd* v *Director of Telecommunications Regulation and Another (No 1)* [2000] 4 IR 136, 18 March 199 and (No 2), [2000] 4 IR 159, 18 May 2000; *Glancre Teo* v *Cafferkey*, [2004] 3 IR 401, 24 June 2004;

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
			Ulster Bank Investment Funds-Limited v *Financial Services Ombudsman* [2006] IEHC 323, 1 November 2006; *Murray* v *Trustees and Administrators of the Irish Airlines (General employees) (Superannuation Scheme)*, [2007] IEHC 27, 25 January 2007; *Lukoki* v *Minister for Justice, Equality and Law Reform*, 6 March 2008 (unreported); *Gashi* v *Minister for Justice, Equality, and Law Reform* [2010] IEHC 436, 1 December 2010; *Abramov* v *Minister*, [2010] IEHC 458, 17 December 2010; *Morris Ali* v *Minster for Justice, Equality and Law Reform* [2012] IEHC 149, 1 March 2012

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Ireland High Court	*Nz N.* v *Minister for Justice and Equality* 27 January 2014 [2014] IEHC 31	Key words: Refugee status – revocation based on use of a false information and documentation Summary: The case dealt with the issue of false and misleading information in the context of revocation of refugee status. There was strong evidence of studied deception at every stage of the appellant's stay in the host country. The evidence of a false and fraudulent claim was deemed to be strong. The appellant was found to be an unimpressive witness who became irretrievably tangled in a web of deception and lies. The appellant submitted false documentation, inter alia. Relevant para. 42	Ireland: High Court: *Lukoki* v *Minister for Justice, Equality and Law Reform*, 6 March 2008 (unreported); *Gashi* v *Minister for Justice, Equality, and Law Reform* [2010] IEHC 436, 1 December 2010; *Abramov* v *Minister*, [2010] IEHC 458, 17 December 2010; *Morris Ali* v *Minster for Justice, Equality and Law Reform* [2012] IEHC 149, 1 March 2012; *Adegbuyi* v *Minister for Justice and Law Reform* [2012] IEHC 484, 1 November 2012

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Ireland High Court	*Hussein* v *Minister for Justice and Law Reform* 18 March 2014 [2014] IEHC 130	Key words: Refugee status – revocation based on use of a false identity – decisiveness of this misrepresentation in original recognition of refugee status Summary: This case concerns an appellant who was granted refugee status on the basis of a false identity and therefore it was considered possible to conclude that he was granted refugee status on the basis of information which was false or misleading. This false or misleading information was found to be decisive in the sense that, had it been known at the time, the application for international protection would have been decided differently. The court's view was that it would have been refused. If the Irish authorities had discovered that he was using a false identity to apply for asylum, his application would have been refused. Such a conclusion would also have been merited by other facts, had they been known. For instance, contrary to his assertions, he had a Sudanese passport and he had obtained a honeymoon visa to enter the UK immediately before seeking asylum in Ireland. The court was satisfied that the minister's decision to revoke the appellant's refugee status was correct. Relevant para. 48	CJEU: *Simmenthal,* C-106/77, [1978] ECR 629, 9 March 1978 *Von Colson* v *Land Nordrhein-Westfalen* C-14/83, [1984] ECR 1891, 10 April 1984 Ireland: High Court: *Gashi* v *Minister for Justice, Equality, and Law Reform* [2010] IEHC 436, 1 December 2010; *Morris Ali* v *Minster for Justice, Equality and Law Reform* [2012] IEHC 149, 1 March 2012; *Adegbuyi* v *Minister for Justice and Law Reform* [2012] IEHC 484, 1 November 2012; *Nz N.* v *Minister for Justice and Equality* [2014] IEHC 31, 27 January 2014

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Ireland High Court	*T.F. (Nigeria)* v *Minister for Justice and Equality and Another* 29 July 2016 [2016] IEHC 551	Key words: Refugee status – revocation on grounds of false information Summary: The appellant, a Nigerian national, had three children. Her father remained in Nigeria and her mother was deceased. The appellant was married in Nigeria but upon discovery of her first pregnancy, she fled Nigeria due to a fear of cultural practices performed on the faces of children, which would be carried out by her husband and his family. All of her children were subsequently born in Ireland and she was granted refugee status. It later transpired that her husband had travelled to Ireland and they had continued with their relationship. As a result, her refugee status was revoked on the grounds that she was a person to whom a declaration had been given on the basis of information which was false or misleading. The court was not satisfied that the stated fear of persecution was in any way grounded in reality, or that the appellant had discharged the burden of proof placed upon her in the appeal. Relevant paras. 78-79 and 87	Ireland: High Court: *Re Worldport (Ireland) Limited (in liquidation)* [2005] IEHC 189, 16 June 2005; *Gashi* v *Minister for Justice, Equality, and Law Reform* [2010] IEHC 436, 1 December 2010; *Adegbuyi* v *Minister for Justice and Law Reform* [2012] IEHC 484, 1 November 2012; *Hussein* v *Minister for Justice and Law Reform* [2014] IEHC 130, 18 March 2014

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Ireland High Court	*S.A.S and Another* v *Minister for Justice and Equality and Another* 20 January 2017 [2017] IEHC 163	Key words: Refugee status – revocation – false information – burden of proof Summary: The case concerned the question of whether or not the asylum application would have been decided differently, if the information before the minister had been before the tribunal member when the Refugee Appeals Tribunal decided to give the benefit of the doubt to the appellants in respect of the asylum authority's refusal of their application for refugee status. The court was satisfied that the content of the new information and, in particular, the appellants' failure to disclose information during the asylum process (related to their Tanzanian passports) would have been central to their application for refugee status. If the appellants were not Somali nationals, their claims during the asylum process of persecution based on that nationality were simply untrue. In the court's view, the appellants had not met the burden of proof needed to warrant interference with the minister's decision to revoke the appellants' refugee status. Relevant paras. 32, 34 and 35	Ireland: High Court: *M.M.A.* v *Minister for Justice Equality and Law Reform and Another.* [2009] IEHC 217, 12 May 2009; *Gashi* v *Minister for Justice, Equality, and Law Reform* [2010] IEHC 436, 1 December 2010; *Saleem* v *Minister for Justice Equality and Law Reform* [2011] IEHC 55, 2 April 2011; *Adegbuyi* v *Minister for Justice and Law Reform* [2012] IEHC 484, 1 November 2012; *A.A.* v *Minister for Justice and Equality* [2013] IEHC 355, 18 July 2013; *Nz N.* v *Minister for Justice and Equality* [2014] IEHC 31, 27 January 2014;

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
			Hussein v *Minister for Justice and Law Reform* [2014] IEHC 130, 18 March 2014; *T.F. (Nigeria)* v *Minister for Justice and Equality and Another*[2016] IEHC 551, 29 July 2016 UK: Immigration and Asylum Tribunal, *K.S. (minority clans - Bajuni - ability to speak Kibajuni)* v *Secretary of State for the Home Department* [2004] UKIAT 00271, 24 September 2004

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Ireland High Court	*P.A.F. (Nigeria)* v *International Protection Appeals Tribunal and Minister for Justice and Equality* 15 March 2019 [2019] IEHC 204	Key words: Refugee status – past persecution – compelling reasons – threshold of atrocity test Summary: This case considered whether or not there were 'compelling reasons' arising out of past persecution alone which would warrant a determination that the applicant was eligible for protection as a refugee. It was contended that the first respondent erroneously applied a 'very high threshold of atrocity' test rather than an 'atrocity test'. The court stated that consideration under the compelling reasons clause needs to be given to 'the extent of travail of the inner soul to which the [refugee] would be subjugated'. The court concluded that: 'the tribunal asked the incorrect question under this heading. The correct question is whether past persecution was atrocious to the extent that compelling reasons to afford the applicant refugee status exist because the applicant could not reasonably be expected to return notwithstanding regime change or an internal relocation option. I should emphasise that that is not to equate atrocious persecution and compelling reasons on the one hand with the concept of it being unreasonable to expect an applicant to return on the other. There may be situations where an applicant might contend it is unreasonable to return, but that in itself is insufficient. The applicant must also show past atrocious persecution and compelling reasons arising from that. Nonetheless, this question was not properly posed by the tribunal in the present case.' Relevant para. 21	Ireland: High Court: *M.S.T.* v *Minister for Justice and Equality*, [2009] IEHC 529, 4 December 2009; *N.N. (Cameroon)* v *Minister for Justice and Equality*, [2012] IEHC 499 [2014] 3 I.R. 396, 28 November 2012; *H.A.A. (Nigeria)* v *Minister for Justice and Equality*, [2018] IEHC 34 [2018] 1 JIC 2303, 23 January 2018; *S.I.* v *Minister for Justice and Equality and Others*, [2016] IEHC 112 [2016] 2 JIC 1517, 15 February 2016; *B.A.* v *International Protection Appeals Tribunal*, [2017] IEHC 36, 27 January, 2017; *A.A. (Pakistan)* v *International Protection Appeals Tribunal*, [2018] IEHC 497 [2018] 7 JIC 3138, 31 July 2018

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
			Canada: Federal Court, *Suleiman* v *Canada (Minister of Citizenship and Immigration)*, 2004 FC 1125 [2005] 2 F.C.R. 26, 12 August 2004 UK: House of Lords, *R (Hoxha)* v *Special Adjudicator* [2005] 1 WLR 1063, 10 March 2005 United States: Court of Appeals for the Ninth Circuit, *Lal* v *Immigration and Naturalization Service*, (2001) 255 F. 3d 998, 3 July 2001

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Netherlands Council of State (Raad van State)	201508135/1/V3 15 June 2016 NL:RVS:2016:1773 (English summary)	Key words: Cessation of protection status – temporary humanitarian grounds Summary: According to the Council of State, the first cessation clause of the Qualification Directive consists of three requirements: the refugee has to have acted voluntarily, this action has to show the intention to obtain protection and the country of origin has to have actually provided the protection. In the case at hand, the appellant contests the second and third requirement. Whether or not these requirements have been fulfilled depends on the facts and circumstances of the case. The Council of State considered the fact that the appellant travelled to Azerbaijan three times, making use of her refugee passport and the visas she acquired from the embassy of Azerbaijan. Obtaining these visas can be considered as 'obtaining an entry permit' in the sense of paragraph 122 of the UNHCR 'Handbook on Procedures and Criteria for Determining Refugee Status' (1979). On all three occasions, the applicant legally passed the border control at the international airport of Baku. Furthermore, the length of the visits did not relate to the reasons for the visits as stated by the appellant. Due to lacking explanation, the length and frequency of the visits are thus considered to constitute 'regular visits to that country spent on holidays as explained in para. 125 of the Handbook. During her visits, she was constantly traceable for the authorities in Azerbaijan, which lead the State Secretary to conclude that she had voluntarily sought the protection of the Azerbaijani authorities, and that she received this protection. The court of first instance was right to follow this conclusion. Relevant para: 7	CJEU: *Alo and Osso*, joined cases C-443/14 and C-444/14, 1 March 2016 *Cilfit,* C-283/81, 6 October 1982 Netherlands: Council of State: 200203579/1, 4 September 2002 201012481/1/V15, 5 August 2011 201100449/1/V1, 23 August 2012
Poland Regional Administrative Court Warsaw	*IV SA/Wa 2684/12* 16 May 2013 (English summary)	Key words: Subsidiary protection status – cessation – return to and lengthy stay in country of origin – obtaining a passport for appellant and children Summary: The Polish Regional Administrative Court found that there were ceased circumstances in the case of a woman who had travelled to her country of origin and gave birth to a fourth child there. After remaining there for three years and obtaining passports for herself and her children, it was found that there was no longer an armed conflict in the country and that there had been a change in the circumstances which had led to the granting of subsidiary protection.	Poland: Regional Administrative Court: V SA/Wa 1026/09, 14 January 2010

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Sweden Migration Court of Appeal	UM 5495-10, MIG 2011:13 13 June 2011 (English summary)	Key words: Refugee status – revocation – voluntary acquisition of a passport issued by country of orgin Summary: Refugee status was revoked when an individual applied for and received a new passport issued by his country of origin (Iraq). He claimed he had applied for the passport before leaving Iraq and that his father had picked it up and sent it to Sweden. The individual claimed he needed the passport in order to travel to the neighbouring countries of his country of origin to prepare for his wedding. He said that the travel documents issued by the Swedish authoirities were not accepted by those countries. Evidence to support this claim was not presented in the case. The court considered that the application for, and use of, the Iraqi passport was based on an act of free will and was not a consequence of requirements imposed by the Swedish authorities. The passport had a period of validity for several years. The individual could have handed in the passport to the Migration Board as soon as the trip to prepare the wedding was completed, but he did not. According to the court this indicates that he wished to continue his relationship with his country of origin. Acquiring the passport was not considered by the court as a single, isolated contact with Iraqi authorities. The fact that the appellant himself had not been directly in contact with the Iraqi authorities was found to be of little importance. His actions indicated an intent to re-avail himself of the protection of his country of origin and therefore he was no longer considered a refugee.	None.

National courts and tribunals of other states

Non-EU national court and tribunal judgments are listed alphabetically by country, with the judgments of the highest court or tribunal first followed by lower courts or tribunals, again with judgments listed from the oldest to the most recent within those categories.

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
Norway Supreme Court	*Immigration Appeals Board* v *ABC* HR-2018-572-A (Case no 2017/1659) 23 March 2018	Key words: Residence permit –refugee status – revocation – validity – change of circumstances Summary: In a case regarding the validity of revocation of residence permit for a mother and daughter from Afghanistan, see the Immigration Act section 37 subsection 1 e, the Supreme Court found, similar to lower instances, that the Immigration Appeal Board's decision was invalid. When the application was granted, it was assumed that the conditions in their home country were unstable and that the woman and her daughter risked being subjected to inhuman treatment. The revocation was justified by the fact that the woman had been reunited with her partner, who came to Norway the year after. The Immigration Appeals Board found that the family could be returned to their home country, but did not consider whether the safety situation in the district had changed significantly and non-temporarily during the period from the asylum application was granted, which was an error in law. It was also held that section 37 subsection 1 e did not contain a proportionality requirement. The state's appeal against the Court of Appeal's judgment was dismissed. Relevant paras. 39-50	*Salahadin Abdulla and Others*, joined cases C-175/08, C176/08, C178/08 and C179/08, 2 March 2010

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
United Kingdom Supreme Court	*Al- Sirri* v *Secretary of State for the Home Department* 21 November 2012 [2012] UKSC 54	Key words: Refugees – terrorism – United Nations – Article 1F(C) – alleged guilt of acts contrary to purposes of the United Nations – definitions and burden of proof Summary: It was clear that the phrase 'acts contrary to the purposes and principles of the UN' had to have an autonomous meaning. There was no internationally agreed definition of terrorism. The United Nations High Commissioner for Refugees (UNHCR) Guidelines stated that Article 1F(c) was only triggered by attacking the very basis of the international community's coexistence; such activity had to have an international dimension; crimes capable of affecting relations between states and serious and sustained violations of human rights also fell under that category. It was very likely that inducing terror in the civilian population or putting such extreme pressures upon a government would also have the international repercussions referred to by UNHCR. Whether a person plotting in one country to destabilise conditions in another was enough to meet the test depended on the circumstances of the case. It would clearly be enough if the government of one state offered a safe haven to terrorists to plot their terrorist operations against another state, as that would have clear implications for inter-state relations. The test was whether the resulting acts had the requisite serious effect upon international security and peaceful relations between states. An attack on the International Security Assistance Force (ISAF) was, in principle, capable of being an act contrary to the purposes and principles of the UN. The fundamental aims and objectives of the ISAF accorded with Article 1 of the UN Charter. Article 1F(c) required 'serious reasons' for considering that a person was guilty of the relevant acts. The exclusion clauses in the Refugee Convention had to be restrictively interpreted and cautiously applied. The court drew the conclusions that 'serious reasons' were stronger than 'reasonable grounds'; the evidence from which those reasons were derived had to be clear and credible or strong; 'considering' was stronger than suspecting or believing; it required the considered judgment of the decision-maker; the decision-maker need not be satisfied beyond reasonable doubt or to the standard required in criminal law; and, it was unnecessary to import UK domestic standards of proof into the question. However, if the decision-maker was satisfied that it was more likely than not that the applicant had not committed the acts in question, it was difficult to see how there could be serious reasons for considering that he had done so. In reality, there were unlikely to be sufficiently serious reasons for considering the applicant to be guilty unless the decision-maker could be satisfied of his guilt on the balance of probabilities. Relevant para. 75:	CJEU: *B and D*, C-57/09 and C-101/09, 9 November 2010 National: High Court (Ireland), *A.B.* v *Refugee Appeals Tribunal* [2011] IEHC 198, 5 May 2011 UK: Supreme Court: *JS (Sri Lanka)* v *Secretary of State for the Home Department*, [2010] UKSC 15, 17 March 2010 House of Lords: *R* v *Asfaw* [2008] 1 AC 1061, 21 May 2008 Court of Appeal (England and Wales) *Secretary of State for The Home Department, Ex Parte Adan R v. Secretary of State for The Home Department Ex Parte Aitseguer, R v.* [2000] UKHL 67, 19 January 2000

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
			High Court (England and Wales), *Adimi, R (on the application of) v Uxbridge Magistrates Court & Anor* [1999] EWHC Admin 765, 29 July 1999 Australia: Federal Court of Australia: *Arquita v Minister for Immigration and Multi-cultural Affairs* [2000] FCA 1889, 22 December 2000. Administrative Appeals Tribunal of Australia: *W97/164 v Minister for Immigration and Multicultural Affairs* [1998] AATA 618, 10 June 1998; Canada: Supreme Court: *Pushpanathan v Canada (Minister of Citizenship and Immigration)* [1998] 1 S.C.R. 982.

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
United Kingdom House of Lords	*R (Hoxha)* v *Special Adjudicator* 10 March 2005 [2005] 1 WLR 1063	Key words: Asylum seekers – persecution – refugees – well-founded fear of persecution – applying for international protection based on fear of past persecution – Kosovo Albanians – loss of refugee status – recognition as refugee – cessation clauses – international protection forces – change of circumstances – compelling reasons Summary: Persecution suffered in the past was relevant to whether a person had a current well-founded fear of persecution, but an understandable unwillingness to return based upon the continuing effects of past persecution was not enough. Refugee status required there to be a current fear of persecution for a Convention reason upon return. The fact that the nature of the ill-treatment (such as rape) might lead to ostracism on return could amount to persecution for a Convention reason. The contrast was logically and intentionally struck in Article 1C(5) between, on the one hand, refugees under Article 1A(1) Refugee Convention, who had already been 'considered' refugees (and thus recognised as such) and who, although potentially amenable to the loss of that status under Article 1C(5), would not in fact lose it if they could show 'compelling reasons', and, on the other hand, Article 1A(2) refugees who had to demonstrate a current well-founded fear of persecution not only when first seeking recognition of their status but also thereafter in order not to lose it. The cessation provision in Article 1C(5) naturally took effect when the refugee ceased to have a current well-founded fear. That was in symmetry with the refugee definition in Article 1A(2). The whole scheme of the Convention pointed irresistibly towards a two-stage rather than composite approach to Article 1A(2) and Article 1C(5). Stage one, the formal determination of an asylum-seeker's refugee status, dictated whether an Article 1A(2) applicant was to be recognised as a refugee. Article 1C(5), a cessation clause, had no application at that stage, indeed no application at any stage, unless and until it was invoked by the state against the refugee in order to deprive them of the refugee status previously accorded to them. Therefore, the appellants could not rely on Article 1C(5) even if the proviso applied to Article1A(2) refugees, which it does not. As a matter of construction of the Convention, the proviso applied only to Article 1A(1) refugees. There was no subsequent state practice which could properly give rise to a different and apparently contradictory interpretation. The appellants were not entitled to refugee status. Relevant para. 65	UK: House of Lords: *R* v *Immigration Appeal Tribunal and another, Ex p Shah* [1999] 2 AC 629, 25 March 1999; *Horvath* v *Secretary of State for the Home Department* [2000] UKHL 37, [2001] 1 Appeal Cases 489, 6 July 2000; *R (Adan and others)* v *Secretary of State for the Home Department* [2001] 2 AC 477, 19 December 2000; *Sepet* v *Secretary of State for the Home Department* [2003] 1 WLR 856, [2003] UKHL 15, 20 March 2003; *R (European Roma Rights Centre and Others)* v *Immigration Officer at Prague Airport and Another* [2005] 2 AC 1, 9 December 2004

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
			Judicial Committee of the Privy Council, *Brown* v *Stott* [2003] 1 AC 681, 5 December 2000 Court of Appeal (England and Wales): *S* v *Secretary of State for the Home Department* [2002] INLR 416, 24 April 2002; *Mohammed Arif* v *Secretary of State for the Home Department* [1999] Imm AR 327

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
United Kingdom Court of Appeal (England and Wales)	*DL (DRC)* v *Entry Clearance Officer; ZN (Afghanistan)* v *Entry Clearance Officer* 18 December 2008 [2008] EWCA Civ 1420	Key words: Entry clearance – leave to enter – refugees – right to respect for private and family life – family members seeking leave to enter UK to join sponsors – application of appropriate immigration rules – cessation of refugee status on acquisition of UK citizenship – Article 8 ECHR Summary: The Entry Clearance Officer (ECO) contended, that paragraphs 352A and 352D of the Immigration Rules had no application to a person who was previously recognised as a refugee but had since acquired British citizenship, because in their natural and ordinary meaning they contemplated that the UK sponsor should be a refugee, within the meaning of the Refugee Convention, at the time when their spouse or child sought to join them here pursuant to either of those paragraphs. The ECO also argued that a person who was granted refugee status in the UK, but later acquired British citizenship, thereby lost that status automatically under the Refugee Convention, that the applicants had no claim to enter pursuant to paragraphs 352A and 352D but were confined to the ordinary family member rules and were therefore subject to those rules' requirements concerning maintenance and accommodation. The court found that whilst the words of the two paragraphs had a different formulation, the language of the paragraphs was entirely clear: those paragraphs only applied in cases where the sponsor was currently a recognised refugee. A recognised refugee who thereafter obtained the citizenship of their host country, whose protection they then enjoyed, lost their refugee status. That conclusion was in line with the scope and purpose of the law's protection of refugees. It was open to the states party to the Refugee Convention to prescribe the procedures under which cessation of refugee status under Article 1C(3) would have effect within their individual jurisdictions, but if a state had not established any such procedures, cessation of refugee status would take place automatically. Relevant para. 29	UK: House of Lords: *Razgar*, [2004] 2 AC 368, 17 June 2004; *Beoku-Betts,* [2008] UKHL 39, 25 June 2008. Court of Appeal (England and Wales): *MB (Somalia)* [2008] EWCA Civ 102, 22 February 2008 Immigration and Asylum Tribunal, *H (Somalia)* v *ECO (Addis Ababa)* [2004] UKIAT 00027, 17 February 2004 *Abdikarim* v *Entry Clearance Officer (Nairobi),* OA/32386/2005, 20 May 2005

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
United Kingdom Court of Appeal (England and Wales)	*EN (Serbia)* v *Secretary of State for the Home Department* 26 June 2009 [2009] EWCA Civ 630	Key words: Deportation - offenders - rebuttable presumptions - refugees - *ultra vires* acts - particularly serious offences - lawfulness of Nationality, Immigration and Asylum Act 2002 (Specification of Particularly Serious Crimes) Order 2004 - Nationality, Immigration and Asylum Act 2002 section 72 - Nationality, Immigration and Asylum Act 2002 (Specification of Particularly Serious Crimes) Order 2004 schedule 1 – Refugee Convention Summary: Article 33(2) of the Refugee Convention imposed two requirements for the deportation of a refugee, namely conviction for a particularly serious crime and constituting a danger to the community, and it did not expressly require a causal connection between the two. There was no need for any gloss on the express words of Article 33(2); that would alter the meaning of a negotiated settlement. The term 'particularly serious crime' in an international treaty had an autonomous meaning and did not necessarily mean the same in each Member State, as criminal laws varied. The term should apply to what was criminal under domestic law when deportation was considered. The court had no jurisdiction to declare an act of the European Community invalid. Under UK law, an appeal lay to the House of Lords. Accordingly, the court had to apply the QD without regard to the contention that it was *ultra vires*. If section 72 of the Nationality, Immigration and Asylum Act 2002 required a conviction and sentence of two years' imprisonment to result in irrebuttable presumptions that the requirements of both Article 33(2) of the Convention and Article 14(4)(b) QD had been satisfied, it was incompatible with one or both. However, if the presumptions were rebuttable, there was no incompatibility. Article 14(4) QD and Article 33(2) of the Convention covered the same ground by defining the circumstances in which a refugee could be deported to a territory where they were at risk of persecution. No other national instrument implemented Article 14(4) QD. If section 72 were not construed compatibly with the directive, the UK would be in breach of its obligation to implement it. It had to be interpreted in conformity with Article 14(4), namely as creating rebuttable presumptions in relation to both the relevant requirements of Article 33(2). Even on the basis that the section 72 presumption was rebuttable, the 2004 Order was objectionable. The Secretary of State had exceeded her statutory power in making the Order, which was thus *ultra vires* and unlawful. A tribunal decision depending on the lawfulness of *ultra vires* subordinate legislation was not lawful and was liable to be set aside on appeal or reconsideration. Relevant para. 45	CJEU: *Foto-Frost* v *Hauptzollamt Lubeck-Ost*, C-314/85, 22 October 1987 *Marleasing*, C-106/89, 13 November 1990 *The Queen on the application of International Air Transport Association and European Low Fares Airline Association* v *Department for Transport* C-344/04, 10 January 2006 ECtHR: *Osman* v *United Kingdom,* no 87/1997/871/1083, 28 October 1998 UK: House of Lords (UK): *R* v *Secretary of State for the Home Department Ex p Sivakumaran (and conjoined appeals)* [1987] UKHL 1, 16 December 1987;

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
			Boddington v *British Transport Police* [1999] 2 AC 143, 2 April 1998; *Horvath* v *Secretary of State for the Home Department* [2000] UKHL 37, [2001] 1 Appeal Cases 489, 6 July 2000; *R (Adan and others)* v *Secretary of State for the Home* Department [2001] 2 AC 477, 19 December 2000; *R (European Roma Rights Centre and Others)* v *Immigration Officer at Prague Airport and Another* [2005] 2 AC 1, 9 December 2004; *R (Hoxha)* v *Special Adjudicator* [2005] 1 WLR 1063, 10 March 2005; *R* v *Asfaw* [2008] 1 AC 1061, 21 May 2008 Judicial Committee of the Privy Council, *Brown* v *Stott* [2003] 1 AC 681, 5 December 2000

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
			Court of Appeal (England and Wales), *TB (Jamaica)* [2008] EWCA Civ 977, 14 August 2008 Queen's Bench (England and Wales): *Salomon* v *Customs and Excise Commissioners* [1967] 2 QB 116; *Post Office* v *Estuary Radio* [1968] 2 QB 740 Social Security and Child Support Commissioner, *Foster* v *Chief Adjudication Officer,* [1993] AC 794, 28 September 1993 Immigration and Asylum Tribunal, *IH (Eritrea)* [2009] UKAIT 00012, 9 March 2009 Canada: Federal Court of Appeal, *Nagalingam* v *Minister of Citizenship and Immigration* [2008] FCA 153, 24 April 2008

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
United Kingdom Court of Appeal (England and Wales)	*RY (Sri Lanka)* v *Secretary of State for the Home Department* 12 February 2016 [2016] EWCA Civ 81	Key words: Deportation - foreign criminals - inhuman or degrading treatment or punishment – refugees - revocation - serious offences - Nationality, Immigration and Asylum Act 2002 section 72(1) and 72(2) – Refugee Convention – ECHR Article 3 Summary: When deporting refugees, the Secretary of State was not required to first take steps to revoke their refugee status. The terms of Article 33(2) of the Refugee Convention made clear that refugee status would not, of itself, prevent *refoulement* in the specified circumstances. It was clear from *EN (Serbia)* that a state might revoke refugee status upon making a section 72(2) certification under the Nationality, Immigration and Asylum Act 2002, but that it was not obliged to do so. That case indicated that in an asylum context, the Secretary of State did not generally exercise the corresponding power to revoke because it would involve ensuring compliance with other provisions and there might be an appeal. *EN (Serbia)* offered the alternative approach of opting not to revoke, in which case the only issue for a court or tribunal would be whether the convictions were for particularly serious crimes and whether the person was a danger to the community. In the instant case, the Secretary of State had taken that alternative approach and the Upper Tribunal had decided in the affirmative on both questions. It could not be assumed that in the absence of revocation, a refugee's removal would be in breach of ECHR Article 3. It was difficult to see why there should be a continuing presumption of risk of harm of indefinite duration. Relevant para. 43	ECtHR: *Saadi* v *Italy* [GC], no 37201/06, 28 February 2008 *Sufi and Elmi* v *United Kingdom*, nos. 8319/07 and 11449/07, 28 June 2011 UK: Court of Appeal (England and Wales), *EN (Serbia)* v *Secretary of State for the Home Department* [2009] EWCA Civ 630, 26 June 2009 Immigration and Asylum Tribunal: *Secretary of State for the Home Department* v *Kacaj* [2002] Imm AR 213, 19 July 2001; *Dang (Refugee - query revocation - Article 3)* [2013] UKUT 00043 (IAC), 17 January 2013

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
United Kingdom Court of Appeal (England and Wales)	*Secretary of State for the Home Department* v *MM (Zimbabwe)* 22 June 2017 [2017] EWCA Civ 797	Key words: Deportation – foreign criminal – inhuman or degrading treatment or punishment – right to respect for private and family life – availability of medical treatment – mental health – Zimbabwe Summary: There had been some changes in the general political situation in Zimbabwe since the respondent had left the country. There had also been changes in his personal circumstances because he had not engaged in political activities for years. Both changes appeared to be durable in nature and there was therefore a serious question about whether Article 1C(5) of the Refugee Convention applied. However, the Tribunal had not properly addressed that question. The judge had said that there was insufficient evidence before him to make findings about whether the respondent still had a political profile and whether there would be parts of Zimbabwe where he would be safe. That was an inappropriate abdication of responsibility by the Tribunal. The Secretary of State had made out a seriously arguable case that the respondent fell within the scope of Article 1C(5) on the evidence available and in light of the country guidance in *CM (EM Country Guidance: Disclosure: Zimbabwe)* [2013] UKUT 59 (IAC). The tribunal should have addressed that case and made relevant findings of fact. There were also compelling circumstances which meant that deportation would violate the respondent's rights under Article 8 of the ECHR because of the severe impact on his mental health if he were deprived of his regular treatment, resulting in a risk to himself and others. However, it found that the unavailability of medication would not breach his rights under Article 3 of the ECHR for which there was a stringent test. Relevant para. 24:	ECtHR: *D* v *United Kingdom,* no 30240/96, 2 May 1997; *N* v *United Kingdom* [GC], no 26565/05, 27 May 2008. UK: Court of Appeal (England and Wales): *EN (Serbia)* v *Secretary of State for the Home Departm*ent [2009] EWCA Civ 630, 26 June 2009; *GS (India)* v *Secretary of State for the Home Department*, [2014] EWCA Civ 40, 30 January 2015; *MM (Zimbabwe)* v *Secretary of State for the Home Department*, [2017] EWCA Civ 797, [2017] 4 WLR 132, 22 June 2017.

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
			Upper Tribunal: *EM and Others (Returnees) Zimbabwe CG* [2011] UKUT 98 (IAC), 14 March 2011; *CM (EM country guidance; disclosure) Zimbabwe CG* [2013] UKUT 59 (IAC), 1 February 2013. Asylum and Immigration Tribunal: *SM and Others (MDC – Internal flight – risk categories) Zimbabwe CG* [2005] UKAIT 100, 13 May 2005; *AA (Risk for involuntary returnees) Zimbabwe CG* [2006] UKAIT 61, 2 August 2006; *HS (returning asylum seekers) Zimbabwe CG* [2007] UKAIT 94, 29 November 2007.

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
United Kingdom Court of Appeal (England and Wales)	*Secretary of State for the Home Department* v *MA (Somalia)* 2 May 2018 [2018] EWCA Civ 994	Key words: Refugee status – cessation – change of circumstances - duty to undertake effective investigation – inhuman or degrading treatment or punishment – persecution – Somalia – termination – cessation decisions – Refugee Convention Summary: Interpretation of ceased circumstances clause in Article 1C(5) of Refugee Convention. The clause provides that the Convention ceases to apply if 'the circumstances in connection with which [the person] has been recognised as a refugee have ceased to exist'. The CJEU interpreted the clause in *Abdulla* v *Germany* (C-175/08). It accepted, in that case, that the applicable test was whether the circumstances which formed the basis for granting protection still existed and required protection to be given. It did not go down the path of insisting that the country of origin should guarantee basic living standards and/or demonstrate that it had a judicial system capable of protecting human rights. The CJEU's essential conclusions were tied into the QD, which make clear that the protection might come from the state but did not have to; that the system would usually be a judicial system but did not have to be and that the required verification should be on an individualised, not a generalised, basis. Humanitarian standards were not the test for a cessation decision. The tribunal had applied the wrong test and required much more than the QD or the Refugee Convention. It followed from *Abdulla* that a state seeking to make a cessation decision did not have to investigate whether there would be an Article 3 violation if the refugee were returned to their country of origin. Relevant paras. 2(1), 47-49, 53, 56, 57 and 61	CJEU: *Elgafaji,* C-465/07, 17 February 2009 *Salahadin Abdulla and Others,* joined cases C-175/08, C176/08, C178/08 and C179/08, 2 March 2010 ECtHR: *N* v *United Kingdom* [2005] UKHL 31, 5 May 2005 *Sufi and Elmi* v *United Kingdom,* nos. 8319/07 and 11449/07, 28 June 2011

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
United Kingdom Court of Appeal (England and Wales)	*Secretary of State for the Home Department* v *KN (DRC)* 9 October 2019 [2019] EWCA Civ 1665	Key words: Change of circumstances – dependants – foreign criminals – refugees – revocation – Convention relating to the Status of Refugees 1951 – Article 1A, 1C(5) and 33(2) Summary: Article 1C(5) and para.339A(v) did not authorise the revocation of refugee status merely if the grounds on which the relevant person had been granted refugee status had changed, but rather where the circumstances in connection with which they had been recognised as a refugee had ceased to exist. That involved a wider examination. Although it was unclear whether the respondent would himself have had a well-founded fear of ill-treatment so as to satisfy Article 1A(2) when he had been recognised as a refugee, his father had clearly passed that test. His father's persecution, and well-founded fear of further persecution, were he to be returned, were manifestly part of the circumstances in which the respondent had been recognised as a refugee. As the respondent had been given refugee status, the onus of proving that the circumstances had ceased to exist lay on the Secretary of State. He had to show that, if there had been circumstances which in 1994 would have justified the respondent fearing persecution in the Democratic Republic of Congo, those circumstances had ceased to exist and that there were no other circumstances which would give rise to a fear of persecution for reasons covered by the Refuge Convention. The focus of the investigation had to be on the current circumstances of the individual and conditions in the home country. Relevant para. 33:	UK: House of Lords: *R (Hoxha)* v *Special Adjudicator* [2005] 1 WLR 1063, 10 March 2005. Court of Appeal (England and Wales): *MK (Somalia) and others* v *Entry Clearance Officer* [2008] EWCA Civ 1453, 19 December 2008; *EN (Serbia)* v *Secretary of State for the Home Depart*ment [2009] EWCA Civ 630, 26 June 2009; *RY (Sri Lanka)* v *Secretary of State for the Home Department*, [2016] EWCA Civ 81, 12 February 2016; *Mosira* v *Secretary of State for the Home Department* [2017] EWCA Civ 407, 8 June 2017; *MM (Zimbabwe)* v *Secretary of State for the Home Department*, [2017] EWCA Civ 797, [2017] 4 WLR 132, 22 June 2017.

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
United Kingdom Court of Appeal (England and Wales)	*Secretary of State for the Home Department* v *JS (Uganda)* 10 October 2019 [2019] EWCA Civ 1670	Key words: Refugee status – cessation - deportation - Uganda - withdrawal - derivation of refugee status from a family member Summary: The status of refugee under the Article 1A of the Refugee Convention can only be accorded to a person who themself has a well-founded fear of being persecuted, not one derived from or dependent on another person. When considering under Article 1C(5) whether the circumstances in connection with which a person had been recognised as a refugee have ceased to exist, 'circumstances' include the general political conditions in the individual's home country and relevant aspects of their personal characteristics. Relevant para. 59	ECtHR: *N* v *United Kingdom* (GC), No 26565/05, 27 May 2008 *Paposhvili* v *Belgium,* No 41738/10, 13 December 2016 International Court of Justice: *In re Border and Transborder Armed Actions (second phase) (Nicaragua* v *Honduras)* [1988] ICJ Rep 69, 20 December 1988 *In re Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v *Nigeria)* [1988] ICJ Rep 275, 11 June 1998 UK: House of Lords: *R Adan* v *Secretary of State for the Home Department*, [1998] UKHL 15, 2 April 1998;

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
			R (Adan and others) v *Secretary of State for the Home Department* [2001] 2 AC 477, 19 December 2000; *R (European Roma Rights Centre and Others)* v *Immigration Officer at Prague Airport and Another* [2005] 2 AC 1, 9 December 2004; *R (Hoxha)* v *Special Adjudicator* [2005] 1 WLR 1063, 10 March 2005; *Januzi* v *Secretary of State for the Home Department* [2006] UKHL 5, 15 February 2006; *R* v *Asfaw* [2008] 1 AC 1061, 21 May 2008 Supreme Court: *HJ (Iran)* v *Secretary of State for the Home Department* [2011] 1 AC 596, 7 July 2010;

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
			ZN (Afghanistan) v Entry Clearance Officer, [2010] UKSC 21, 12 May 2010; *R(ST)* v *Secretary of State for the Home Department* [2012] 2 AC 135, [2012] UKSC 12, 21 March 2012 Judicial Committee of the Privy Council, *Brown* v *Stott* [2003] 1 AC 681, 5 December 2000 Court of Appeal (England and Wales): *Secretary of State for the Home Department* v *Abdi and others* [1996] Imm AR 148, 30 October 1995; *Ex parte Begbie* [2000] 1 WLR 1115, 20 August 1999;

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
			Shirazi v *Secretary of State for the Home Department* [2003] EWCA Civ 1562, 6 November 2003; *Miskovic and another* v *Secretary of State for work and Pensions*, [2011] EWCA Civ 16, 20 January 2011; *Ex parte Capital Care Services UK Ltd* [2012] EWCA Civ 1151, 24 July 2012; *GS (India)* v *Secretary of State for the Home Department* [2015] 1 WLR 3312, 30 January 2015; *Koori* v *Secretary of State for the Home Department* [2016] EWCA Civ 552, 16 June 2016; *Mosira* v *Secretary of State for the Home Department* [2017] EWCA Civ 407, 8 June 2017;

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
			Secretary of State for the Home Department v *MM (Zimbabwe)* [2017] EWCA Civ 797, 22 June 2017; *AM (Iran)* v *Secretary of State for the Home Department*, [2018] EWCA Civ 2706, 6 December 2018; *Secretary of State for the Home Department* v *KN (DRC)* [2019] EWCA Civ 1665, 9 October 2019 Immigration and Asylum Tribunal, *Essa (Revocation of protection status appeals)* [2018] UKUT 244 (IAC), 9 February 2018 Australia: High Court, *Minister for Immigration and Multicultural Affairs* v *Khawar* [2002] HCA 14, 11 April 2002

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
United Kingdom Immigration Appeals Tribunal	*SB (cessation and exclusion) Haiti* 7 February 2005 [2005] UKIAT 00036	Key words: Refugee status – serious crimes – Article 3 ECHR – cessation – Article 1C(5) Refugee Convention – stable and enduring change – functioning institutions and rights provisions Summary: The appellant, a Haitian, had appealed against the refusal of the Secretary of State to revoke a deportation order and to grant asylum. The Tribunal did not accept that it was a legal requirement for the operation of the cessation clause that there be functioning institutions and rights provisions, as the indicators in the guidelines appeared to require. The Tribunal did, however, agree that the absence of such institutions makes the prediction of stable and enduring change a more fragile exercise of judgment. Relevant paras. 25-27, 37 and 70	UK: House of Lords, *T* v *SSHD* [1996] AC 742, 22 May 1996 Court of Appeal (England and Wales): *R* v *SSHD ex parte Chahal* [1995] 1 WLR 526, 22 October 1993; *R (Khadir)* v *SSHD* [2003] EWCA Civ 475, 3 April 2003; *Ravichandran and Another* v *London Borough of Lewisham*, [2010] EWCA Civ 755, 2 July 2010

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United Kingdom Upper Tribunal, Immigration and Asylum Chamber	*RD* v *Home Secretary* 28 June 2007 [2007] UKAIT 66	Key words: Refugee status – revocation – cessation – burden of proof – procedure – Nationality, Immigration and Asylum Act 2002 Summary: The appellant, a citizen of Algeria, was 40 years old. On 20 March 2000 he was given indefinite leave to remain in the UK because he had been recognised as a refugee. The tribunal's determination was about the proper approach to appeals arising from a decision of the respondent to revoke a person's indefinite leave to remain in the UK because that person has ceased to be a refugee. The Tribunal concluded that: 1. If an appellant challenges a decision of the Secretary of State to revoke a refugee's indefinite leave to remain because he has ceased to be a refugee for one of the reasons given in section 76(3) of the Nationality, Immigration and Asylum Act 2002 then the Secretary of State must prove that such a reason existed and in so doing must rely only on an action that took place after the section came into force on 10 February 2003. 2. If the issue is whether the action relied on by the Secretary of State had its presumed or likely effect, the immigration judge is entitled to look at evidence tending to illuminate the appellant's conduct, including evidence of actions before the section came into force. 3. An appellant can rely on a ground of appeal alleging that he is in fact a refugee when the immigration judge hears an appeal even if the respondent establishes that the appellant had ceased to be a refugee. Relevant para. 30	France: Conseil d'état, *Thevarayan,* no 78.55, 13 January 1989 UK: Court of Appeal (England and Wales), *Arif* v *SSHD* [1999] EWCA Civ 808

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
United Kingdom Upper Tribunal, Immigration and Asylum Chamber	*KK and Others (Nationality: North Korea)* CG 21 February 2011 [2011] UKUT 92	Key words: Refugee status – dual nationality – Demoractic People's Republic of Korea (North Korea) – Republic of Korea (South Korea) – fear of persecution – citizenship Summary: These appeals raise issues about the interaction of the Refugee Convention and national legislation granting or allowing dual nationality, specifically with reference to the Demoractic People's Republic of Korea (North Korea) and the Republic of Korea (South Korea). The determination makes observations about these issues and gives country guidance (summarised at para. 90(2)) on the circumstances under which North Koreans are nationals of South Korea. The appellants acquired South Korean citizenship at birth, but each of them had been outside Korea for more than 10 years. They remained North Korean nationals, but on the evidence before the tribunal, they were satisfied that South Korea would treat them as persons who had lost their South Korean nationality on the presumption of the acquisition of another nationality. For that reason, they have no subsisting or demonstrable entitlement to South Korean nationality documents: they would have to apply to reacquire South Korean nationality, and the tribunal saw no reason to suppose that it would be granted to them as a matter of routine. The appellants were therefore all persons with one nationality only, that of North Korea. It is common ground that in that case they are refugees. The appeals were allowed. Relevant para. 90	International Court of Justice: *Nottebohm Case (Liechtenstein v Guatemala),* (Second phase, judgment), [1955] ICJ Reports 4, 23, 6 April 1955 UK: Court of Appeal (England and Wales), *MA (Ethiopia)* [2009] EWCA Civ 289, 2 April 2009 Immigration and Asylum Tribunal: *Bradshaw* [1994] Imm AR 359; *MA (disputed nationality) Ethiopia* [2008] UKIAT 00032, 17 April 2008; *Stepanov* v *SSHD* [2001] 01 TH 02850

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
			Australia: High Court: *NAGV* v *Minister for Immigration* [2005] HCA 6, 2 March 2005 Federal Court: *Jong Kim Koe* v *Minister for Immigration* [1997] FCA 306, 2 May 1997; *Lay Kon Tji* v *MIEA* (1998) 158 ALR 681, 30 October 1998 *NBLC* v *Minister for Immigration,* [2005] FCA 1052 Federal Magistrages Court: *MZXLT* v *Minister for Immigration* [2007] FMCA 799, 29 May 2007 Administrative Appeals Tribunal: *SRPP* v *Minister for Immigration* [2000] AATA 878, 5 October

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
			2000 Canada: Federal Court of Appeal, *Williams* v *Canada* [2005] 3 FCR 429, 12 April 2005 Federal Court: *Bouianova* v *MEI* (1993) 67 FTR 74, 11 June 1993; *Katkova* v *Canada* [1997] 40 Imm LR (2d) 216; *Zdanov* v *Minister of Employment and Immigration* (1994) 81 FTR 246

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
United Kingdom Upper Tribunal, Immigration and Asylum Chamber	*SB Somalia* 1 November 2019 [2019] UKUT 358	Key words: Refugee status – revocation – criminality – 'significant and non-termporary' change Summary: The claimant, a citizen of Somalia, born in 1977 in Kismayo, had lived there until 1991 when, aged 13, he fled to Kenya. He then made his way to the UK, where he was recognised by the Secretary of State as a refugee and given indefinite leave to remain in the UK. The claimant was accepted as being a member of the minority Bajuni clan. In May 2018, the Secretary of State decided that the claimant should be deported, as a foreign criminal, pursuant to section 32 of the UK Borders Act 2007. The Secretary of State's letter referred to an earlier communication to the claimant, in which he had been informed of the Secretary of State's intention to revoke the claimant's refugee status. The Secretary of State took the view that Kismayo was now a place to which the claimant could return, and in the alternative, the claimant could remain in Mogadishu. In reaching this conclusion, the Secretary of State placed particular weight on the country guidance given by the Upper Tribunal in *MOJ and Others (Return to Mogadishu) Somalia* CG [2014] UKUT 00442 (IAC). The tribunal concluded that: 'the decision on revocation of refugee status will need to be re-made on the basis that it will be for the Secretary of State to persuade the fact-finding tribunal that, on all the current evidence before it, there has been a "significant and non-temporary" change, such as to make it reasonable, having regard to all the relevant factors. The claimant could reasonably and without due harshness be expected to relocate to Mogadishu. As we have seen, a real risk of Article 2 or 3 ECHR harm in Mogadishu will make it unreasonable for the claimant to relocate there; but a negative finding on that issue will not be determinative of the issue of reasonableness/undue harshness, which must be addressed in the way described in *Januzi* and *AH (Sudan)*.' Note that this case was overturned on a separate point: see *Secretary of State for the Home Department* v *MS (Somalia)* EWCA Civ 1345, 29 July 2019. Relevant para. 76	CJEU: *Salahadin Abdulla and Others*, joined cases C-175/08, C176/08, C178/08 and C179/08, 2 March 2010 ECtHR: *D* v *United Kingdom*, no 30240/96, 2 May 1997 *Salah Sheekh* v *the Netherlands*, no 1948/04, 11 January 2007 *N* v *United Kingdom* [GC], no 26565/05, 27 May 2008, *Sufi and Elmi* v *United Kingdom*, nos. 8319/07 and 11449/07, 28 June 2011 UK: House of Lords (UK): *R (Hoxha)* v *Special Adjudicator* [2005] 1 WLR 1063, 10 March 2005;

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
			Januzi v *Secretary of State for the Home Department* [2006] UKHL 5, 15 February 2006; *Secretary of State for the Home Department* v *AH (Sudan) and Others* [2007] UKHL 49, 4 Octobber 2007 Court of Appeal (England and Wales): *R* v *Secretary of State for the Home Department ex parte Robinson* [1998] QB 929, 11 July 1997; *Secretary of State for the Home Department* v *Said* [2016] EWCA Civ 442, 6 May 2016; *MI (Palestine)* v *Secretary of State for the Home Department* [2018] EWCA Civ 1782, 31 July 2018; *AS (Afghanistan)* v *SSHD* [2019] EWCA Civ 873, 24 May 2019;

State/court	Case name/ Reference/date	Relevance/keywords/ main points	Cases cited
			Secretary of State for the Home Department v *MS (Somalia)* [2019] EWCA Civ 1345, 29 July 2019 Immigration and Asylum Tribunal: *AAM and Others (conflict; humanitarian crisis; returnees; FGM) Somalia* [2011] UKUT 00445 (IAC); *MOJ and Others (Return to Mogadishu) Somalia* CG [2014] UKUT 00442 (IAC); *AAW (expert evidence – weight) Somalia* [2015] UKUT 00673, 5 November 2015; *MS (Art 1C(5) – Mogadishu) Somalia* [2018] UKUT 00196 (IAC), 22 March 2018 New Zealand: Court of Appeal, *Butler* v *Attorney General* [1999] NZAR 205, 13 October 1997

Case law websites for European institutions and Member States of the European Union

Below is a list of the main websites with case-law on asylum and migration law for European institutions and EU Member States:

- Court of Justice of the European Union: http://curia.europa.eu/juris/recherche.jsf?language=en
- European Court of Human Rights: https://hudoc.echr.coe.int/eng#
- EASO, Information and Documentation System on Case-Law: https://caselaw.easo.europa.eu/Pages/default.aspx
- UNHCR Refworld: https://www.refworld.org/cgi-bin/texis/vtx/rwmain with advanced search at: https://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=searchandadvsearch=yandprocess=n
- European Council on Refugees and Exiles: European Database of Asylum Law: https://www.asylumlawdatabase.eu/en
- The European Commission maintains a list of links to national case-law sites at: https://beta.e-justice.europa.eu/13/EN/national_case_law

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