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Ad-Hoc Query on 2024.23 Beneficiaries of international protection travelling to their country of origin

Requested by EMN NCP Finland on 4 April 2024

Compilation produced on 2 June 2024

Responses from EMN NCP Austria, EMN NCP Belgium, EMN NCP Bulgaria, EMN NCP Cyprus, EMN NCP Czech Republic, EMN NCP Estonia, EMN NCP Finland, EMN NCP France, EMN NCP Germany, EMN NCP Greece, EMN NCP Hungary, EMN NCP Italy, EMN NCP Latvia, EMN NCP Lithuania, EMN NCP Luxembourg, EMN NCP Malta, EMN NCP Netherlands, EMN NCP Poland, EMN NCP Portugal, EMN NCP Serbia, EMN NCP Slovakia, EMN NCP Slovenia (22 in Total)

Exported for: Wider Dissemination

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1. BACKGROUND INFORMATION

According to Article 11 (1(a)) of the Qualification Directive (2011/95/EU), a third country national or stateless person shall cease to be a refugee if he or she has voluntarily re-availed himself or herself of the protection of the country of nationality. According to Article 16 (1) a third country national or a stateless person shall cease 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.

According to UNHCR Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, when a refugee travels to the country of his or her nationality it can be considered as re-availing himself or herself of the protection of the country of nationality.

According to Article 45 (1) of the Directive 2013/32/EU on common procedures for granting and withdrawing international protection, when withdrawing international protection from a third-country national or stateless person is considered, the person needs to be informed in writing about the reconsideration, and the person has to be given the opportunity to submit reasons as to why his or her international protection should not be withdrawn.

According to Finland's most recent Government Programme, international protection status shall be withdrawn once the need for protection ends, or if a person, when travelling on holiday to their country of origin, avails himself or herself of the protection of that country. The Finnish Ministry of the Interior is currently drafting a legislative proposal that includes the aforementioned objective. In

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order to improve the efficiency of case handling, it is necessary to examine what solutions have been adopted in other EU countries. Where possible, in your answers please indicate the specific articles, subsections and clauses within your national law.

This AHQ aims to update and supplement the information provided for the Study on *Beneficiaries of international protection travelling to their country of origin: Challenges, Policies and Practices in the EU Member States, Norway and Switzerland (2019)*.

We would like to ask the following questions:

- 1. How has your Member State transposed Article 11 (1) and Article 16 of the Directive 2011/95/EU?**
- 2. Does your Member State have regulations or legal provisions regarding cessation of refugees travelling to their country of origin? Yes/No. If yes, please elaborate**
- 3. Does your Member State have regulations or legal provisions regarding cessation of beneficiaries of subsidiary protection travelling to their country of origin? Yes/No. If yes, please elaborate.**
- 4. If according to your Member State legislation, a person ceases to be a beneficiary of international protection after travelling to the country of origin, are there certain circumstances when travelling to the country of origin does not lead to cessation of an international protection status? Yes/No. If yes, please elaborate**
- 5. Does your Member State apply restrictions to countries that the refugees or beneficiaries of subsidiary protection can't travel to when issuing travel documents to beneficiaries of international protection? If yes, please elaborate.**
- 6. When a beneficiary of international protection is residing outside your Member State, how do you ensure that they are informed in writing of reconsideration of his or her qualification as a beneficiary, and that the beneficiary is given the opportunity to submit reasons as to why his or her international protection should not be withdrawn?**


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We would very much appreciate your responses by **2 May 2024**.

2. RESPONSES

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		Wider Dissemination ²	
	EMN NCP Austria	Yes	1. In Austria, the provisions of Art. 11 para. 1 Directive 2011/95 correspond to the provisions of Art. 7 Asylum Act 2005, according to which the asylum status of a foreign person is to be officially withdrawn by decision, inter alia if one of the grounds for cessation listed in Art. 1 Section C of the Geneva Refugee Convention has arisen. These grounds for cessation correspond to Art. 11 para. 1 of the Directive. With regard to Art. 16 of the Directive, Art. 9 Asylum Act 2005 contains the corresponding provisions for the withdrawal of subsidiary protection status. This is an exhaustive list of circumstances

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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			<p>in which the Federal Office for Immigration and Asylum is required to officially withdraw subsidiary protection status from a foreigner. --- Source: Ministry of the Interior</p> <p>2. No. --- Source: Ministry of the Interior</p> <p>3. No. --- Source: Ministry of the Interior</p> <p>4. The Act Amending the Aliens Law 2018 clarified that the journey of persons entitled to asylum in Austria to their country of origin is to be regarded as "concrete evidence" that a person entitled to asylum has again placed themselves under the protection of their country of origin (Art. 7 para. 2 Asylum Act 2005). Thus, in these cases, there may be grounds for termination under Art. 1 Section C of the Geneva Refugee Convention. When assessing whether the journey to the country of origin actually constitutes a ground for withdrawal, according to the case law of the Supreme Administrative Court, it depends, among other things, on whether the journey to the country of origin is based on voluntariness and is supported by the intention to return to the protection of the country of origin. The intention of the person concerned to return to the protection of the country of origin requires the will to normalize relations with the country of origin, i.e. a certain "sustainability of the relationship" with the country of origin. The reason for the journey to the country of origin must therefore also be taken into account. For example,</p>
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			<p>visits to sick people in the country of origin are excluded from indicating the intent to seek protection; with respect to an individual's relationship to their country of origin, visits with an elderly or infirmed parent have to be judged differently than regular holiday stays or trips to set up business relationships, for instance. Finally, according to the case law of the Supreme Administrative Court, the frequency of the trips and the duration of the stay must also be taken into account. Accordingly, regular stays or visits are to be assessed differently than a one-time trip. According to the case law of the Supreme Administrative Court, a trip of short duration does not generally constitute a reason for termination within the meaning of Art. 1 Section C subpara. 1 Geneva Refugee Convention. According to the Federal Office for Immigration and Asylum, even a single trip can lead to withdrawal in certain cases if the stay in the country of origin was of a particularly long duration. The motives for the journey or the intention to obtain protection are decisive (see in detail Stiller, "Beneficiaries of international protection travelling to their country of origin: Challenges, policies and practices in Austria", p. 22f). The travel of persons entitled to subsidiary protection to their country of origin is not included in Art. 9 Asylum Act 2005 as a reason for withdrawal. Persons entitled to subsidiary protection are therefore generally free to travel to or reside in their country of origin. However, in the event of a review of the protection status by the Federal Office for Immigration and Asylum, for example due to the extension of the right of residence or travel to the country of origin, the decisive factor is whether the conditions for granting subsidiary protection are (still) met (Art. 8 para. 1 Asylum Act 2005). The circumstance of travel is included in the overall assessment. However, if the conditions for granting subsidiary protection are still met, the granting of protection remains unchanged even if the person entitled to subsidiary protection voluntarily travels to their country of origin and is therefore in danger. However, if these conditions are no longer met, subsidiary protection status must be withdrawn in accordance with Art. 9 para. 1 subpara. 1 Asylum Act 2005. However, it cannot be ruled out that in such cases the changed circumstances in the country of origin are used as an argument, for example the existence of an internal flight alternative, as a result of which the conditions for the granting of subsidiary protection no longer apply (see Stiller, "Beneficiaries of international protection travelling to their country of origin: Challenges, policies and practices in Austria", p. 26f).</p>
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			<p>---</p> <p>Source: Ministry of the Interior</p> <p>5.</p> <p>In Austria, both aliens' passports (for persons entitled to subsidiary protection) and convention passports (for refugees) are issued with a scope of validity for all countries of the world, unless a restricted scope of validity is requested. The area of validity of an alien's or convention passport does not include the country of which the foreign national is a citizen (Art. 91 para. 1 and 2, Art. 94 para. 5 Aliens Police Act 2005) or, in the case of statelessness, the country in which the foreign national previously had their habitual residence (except in cases worthy of special consideration for humanitarian reasons).</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>6.</p> <p>If the whereabouts of a person are unknown, a curator in absentia can be appointed in accordance with Art. 11 General Administrative Procedures Act 1991 if the importance of the matter so requires. The authority can apply to the competent district court for the appointment of a representative, which will appoint the curator in absentia ex officio pursuant to Art. 277 para. 1 subpara. 3 General Civil Code. In the proceedings of the Federal Office for Immigration and Asylum, this is regularly the case in withdrawal proceedings under the Asylum Act: If the whereabouts of the person entitled to asylum or subsidiary protection are unknown when the withdrawal procedure is initiated, the appointment of a representative in absentia must be requested from the court. The curator in absentia has the legal status of a legal representative and can therefore represent the absent person in the proceedings.</p> <p>---</p> <p>Source: Ministry of the Interior</p>
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 EMN NCP Belgium	Yes	<p>1.</p> <p>Article 11 (1) is (partly) transposed in the Belgian Aliens Act of 15 December 1980:</p> <ul style="list-style-type: none"> • <u>Article 11 (1) (a)</u>: ... “has voluntarily re-availed himself or herself of the protection of the country of nationality” This article is <u>not transposed</u> in the Belgian legislation. The national authorities competent operate within the framework of Article 1C(1) and (5) of the Geneva Convention, as referred to in article 55/3 of the Aliens Act. In Article 1C(1) of the Convention, it states that a person who is outside their country of nationality but is unwilling to avail themselves of the protection of that country due to a well-founded fear of persecution is considered a refugee. This implies that if a person voluntarily seeks or accepts the protection of their country of nationality, they may no longer meet the criteria for refugee status under the Convention. Additionally, Article 1C(5) of the Convention states that refugee status may cease if a person has voluntarily re-established themselves in the country of their nationality or if they have acquired a new nationality and have the protection of that country. • <u>Article 11 (1) (b)</u>: ... “having lost his or her nationality, has voluntarily re-acquired it” <ul style="list-style-type: none"> ○ This provision is <u>not transposed</u> in the Belgian legislation. The national authorities competent operate within the framework of Article 1C(5) of the Geneva Convention, as referred to in article 55/3 of the Aliens Act. The Convention states that if a person, who was previously a refugee but had lost their nationality, voluntarily re-acquires it, this action may affect their refugee status. According to Article 1C(4) and 1C(5) of the Convention, refugee status may cease if a person voluntarily re-establishes themselves in the country of their nationality. Therefore, if a person who was previously recognized as a refugee voluntarily re-acquires their nationality after having lost the nationality, they may no longer meet the criteria for refugee status under the Convention, and their refugee status may cease.
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		<ul style="list-style-type: none">• <u>Article 11 (1) (c)</u>: ... “has acquired a new nationality, and enjoys the protection of the country of his or her new nationality”<ul style="list-style-type: none">○ This article is <u>not transposed</u> in the Belgian legislation. The national authorities competent operate within the framework of Article 1C(5) and 1C(6) of the Convention, as referred to in article 55/3 of the Aliens Act. In 1C(5), the Convention states that a person who was previously recognized as a refugee may cease to be considered a refugee if they have acquired a new nationality and now enjoy the protection of the country of their new nationality. Article 1C(6) states that the Convention shall not apply to a person who is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country. • <u>Article 11 (1) (d)</u>: ... “has voluntarily re-established himself or herself in the country which he or she left or outside which he or she remained owing to fear of persecution”<ul style="list-style-type: none">○ This article is <u>not transposed</u> in the Belgian legislation. The national authorities competent operate within the framework of Article 1C(4) of the Convention, stating that a person shall cease to be considered a refugee if he has voluntarily re-availed himself of the protection of the country of his nationality. • <u>Article 11 (1) (e) (f)</u>: (e) “can no longer, because the circumstances in connection with which he or she has been recognised as a refugee have ceased to exist, continue to refuse to avail himself or herself of the protection of the country of nationality” and (f) “being a stateless person, he or she is able, because the circumstances in connection with which he or she has been recognised as a refugee have ceased to exist, to return to the country of former habitual residence.”<ul style="list-style-type: none">○ => transposed into: art. 55/3 of the Aliens Act:
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- (cfr. e) An alien ceases to be a refugee when he falls within the scope of Article 1 C of the Geneva Convention. In applying Article 1 C paragraphs 5 and 6 of the aforementioned Convention, it should be considered whether the change of circumstances is of sufficiently far-reaching and not temporary to remove the refugee's well-founded fear of persecution.
- (cfr. f) Paragraph 1 shall not apply to a refugee who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself of the protection of the country of his nationality or, in the case of a stateless person, of the country of his former habitual residence.

Article 16 of the Directive is fully transposed in the Belgian Aliens Act.

- Article 16 (1): “A third-country national or a stateless person shall cease 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.” & Article 16 (2): “In applying paragraph 1, Member States shall have regard to whether the change in circumstances is of such a significant and non-temporary nature that the person eligible for subsidiary protection no longer faces a real risk of serious harm.”
 - => transposed into: Art. 55/5, paragraph 1 of the Aliens Act:
 - The subsidiary protection status granted to an alien shall be revoked when the circumstances on the basis of which the subsidiary protection status was granted no longer exist or have changed to such an extent that such protection is no longer required. Consideration should be given here to whether the change in circumstances that led to the granting of subsidiary protection status is of a sufficiently significant and non-temporary nature to remove the real risk of serious harm.

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- Article 16 3.: “Paragraph 1 shall not apply to a beneficiary of subsidiary protection status who is able to invoke compelling reasons arising out of previous serious harm for refusing to avail himself or herself of the protection of the country of nationality or, being a stateless person, of the country of former habitual residence.”
 - => transposed into: Art. 55/5, paragraph 2 of the Aliens Act:
 - The first paragraph shall not apply to a beneficiary of subsidiary protection status who is able to invoke compelling reasons arising out of previous serious harm for refusing to avail himself of the protection of the country of his nationality or, in the case of a stateless person, of the country of former habitual residence.

2.

No, but additional remarks are to be made based on a study conducted by EMN Belgium and published in 2019 (see link:

https://emnbelgium.be/sites/default/files/publications/EMN%20Belgium_BIPTravellingCOO_0.pdf). The study states that beneficiaries of international protection, refugees in this case, are not allowed to travel to the country of origin. **Although this is not made explicit in the legislation, the limitation is considered by national authorities as deriving from it** (see below). Moreover, it stems from national practice and case law: travels to the country of origin are considered difficult to reconcile with the fear of persecution. It is established practice in Belgium that voluntary travels and stays of refugees to their country of origin can lead to a decision to end the protection status. Although, the possibility of a cessation (or withdrawal) of refugee status is foreseen in the Aliens Act, it is however not explicitly stated that travelling to the country of origin may lead to a cessation (or withdrawal) of status. The legal base for cessation with reference to article 1C of the Geneva Convention is Article 55/3 of the Aliens Act, and the legal base for withdrawal is Article 55/3/1 Paragraph 2, 2° of the Aliens Act.

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		<p>A cessation of the refugee status does not question the initial granting of the status, but it means that the international protection is no longer necessary or justified. Article 55/3 of the Aliens Act on cessation refers to the situations in article 1C of the Geneva Convention: “An alien ceases to be a refugee when Article 1C of the Geneva Convention applies (...)”.</p> <ul style="list-style-type: none"> • Specifically in case of travels to the country of origin, cessation decisions are often taken on the basis of article 1 C (1) of the Convention, because the refugee “voluntarily re-availed himself of the protection of the country of his nationality”. • In case of voluntary permanent resettlement in the COI, cessation decisions in this regard refer to article 1 C (4) of the Convention, because the refugee “voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution”. • A cessation decision following travels to the country of origin could also be taken on the basis of 1 C ((5) and) (6) – when the circumstances which led to recognition of the refugee status no longer exist (significant and permanent changes in the country of origin). So far, there were not many cases in this regard in practice. In such situations and after assessment of all the circumstances of the case, the CGRS can come to a cessation decision (protection is no longer necessary). <p>3.</p> <p>No, but additional remarks are to be made based on a study conducted by EMN Belgium and published in 2019 (see link: https://emnbelgium.be/sites/default/files/publications/EMN%20Belgium_BIPTravellingCOO_0.pdf). It states that beneficiaries of international protection, beneficiaries of international protection in this case, risk losing their status when travelling to the country of origin. For the Belgian authorities, travels to the country of origin can conflict with the actual and current need for international protection (and the real risk of serious harm). Therefore, it can and often will be a reason to (re)assess the need for international protection. Although most decisions ending subsidiary protection status are cessation decisions, also a withdrawal is possible in case fraud is established. The possibility of a cessation and withdrawal of subsidiary protection status is foreseen in the Aliens Act, but there is no</p>
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		<p>explicit reference to travels to the country of origin. The dispositions also differ from the ones mentioned for cessation and withdrawal of refugee status. The legal base for cessation of subsidiary protection status (on the basis of a change of circumstances) is Article 55/5 of the Aliens Act, and the legal base for withdrawal on the basis of fraud or personal conduct is Article 55/5/1 Paragraph 2, 2° of the Aliens Act. Note that the legal base for withdrawal is very similar to the one for withdrawal of refugee status. However, do note the remarks on the application of the disposition on 'personal conduct'.</p> <p>A cessation means that the subsidiary protection status ceases to apply: the decision does not question the initial granting of the status, but it means the international protection is no longer necessary or justified. A cessation decision can only be taken if the circumstances in the country of origin which led to the need for international protection ceased to exist or changed to such a degree that protection is no longer needed, on the condition that the change in circumstances is sufficiently significant and of a non-temporary nature.</p> <p>4. Yes</p> <p>The reason for the return is secondary to the assessment of the validity of the status, which means that the assessment of the risk of returning to the country of origin prevails. This practice is confirmed in case law, and there is no legal provision in force in Belgium on this specific issue.</p> <p>5. No. There are no restrictions on which countries can be visited. Refugees and beneficiaries do need specific documents to travel back. Other administrative rules also apply.</p> <ul style="list-style-type: none"> • Recognised refugees must have a valid electronic alien card and a 'refugee travel document' (blue passport). A refugee is required to deposit his or her valid national passport issued by the authorities of his or her country of origin at the CGRS.
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		<ul style="list-style-type: none">○ Short stay: Refugees should check with the embassy or consulate of the country of destination before their departure whether they need a visa for this trip. A short stay is a period of up to three months.○ Long stay: The recognised refugee should check with the municipality if he or she wishes to stay in another country for a longer period. The recognised refugee has the right to return to Belgium within 1 year; after that, a return is not guaranteed. In the latter case, an 'authorisation to return' will be required. <ul style="list-style-type: none">● When a subsidiary protected person travels abroad, he or she must always be in possession of a valid electronic alien card and, if necessary, a passport with the required visas.<ul style="list-style-type: none">○ A trip to the country of origin may call into question the status of the subsidiary protected person. Any travel to the country of origin must be reported during the first five years of residence to the municipality where the subsidiary protected person lives.○ A passport can be applied for at the embassy or consulate of the country of origin.○ If the subsidiary protected person does not or cannot obtain a passport because the authorities in the country of origin are directly responsible for the identified risk of serious harm, a special travel document for subsidiary protected persons can be applied for at the municipality where the person is registered in the population registers. A special travel document is issued on condition that identity and nationality are established and a certificate of impossibility to obtain a national passport or travel title is presented. This certificate of impossibility can be requested at the CGRA. <p>6. As part of the procedure to reconsider the validity of the status, the beneficiary of international protection shall be notified in accordance with the provisions of Art. 57/6/7 § 3 of the Aliens Act. This provision states that the summons for a personal interview or the letter giving the person concerned the opportunity to communicate in writing the reasons why the status should be maintained shall be sent by</p>
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			<p>registered mail or by messenger against receipt to the last address indicated in the National Register. The Commissioner General for Refugees and Stateless Persons shall send a copy of this summons or letter by ordinary mail to the effective place of residence of the person concerned, if he has been informed of it and it is of a later date than the address mentioned in the National Register. During the personal interview, the person concerned shall choose domicile for the re-examination procedure. If no personal interview is envisaged, the person concerned shall be given the opportunity to choose domicile for the reinvestigation procedure and, at the same time, the opportunity to communicate, in writing, the reasons why his status should be maintained. Any change of elected domicile shall be notified to the Commissioner General for Refugees and Stateless Persons by registered mail. Without prejudice to a notification to the person himself, summonses and letters may be sent by the Commissioner-General for Refugees and Stateless Persons or his delegate to the place of residence chosen in the re-examination procedure by registered mail or by messenger against receipt. If the person concerned has elected domicile with his counsel, summonses and letters may also be validly sent by ordinary mail, by fax or by any other method of service authorised by royal decree. In the absence of chosen domicile within the framework of the re-examination procedure and without prejudice to a notification to the person himself, summonses and letters are sent to the last mentioned address in the National Register by registered mail or by messenger against receipt. Where appropriate, the copy of such summonses and letters shall also be sent by ordinary mail to the effective residence of the person concerned, if the Commissioner General for Refugees and Stateless Persons has been informed of this and it is of a later date than the address mentioned in the National Register. The procedure may thus be conducted in writing (where the person concerned may state in writing the reasons for maintaining the status) or through a personal interview. The address of the person concerned is verified during the procedure.</p>
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	<p>EMN NCP Bulgaria</p>	<p>Yes</p>	<p>1. The legal provisions regarding cessation of international protection as described in Art. 11 (1) and Art. 16 are transposed into the Law on Asylum and Refugee (LAR). The wording of Art. 17 corresponds to that of Art.11 and Art. 16. According to Art. 17 LAR international protection is ceased if the protection holder: (a) Can no longer refuse to avail him or herself of the protection of his or her country of origin, as the circumstances that had given rise to fears of persecution have ceased to exist and the transformation in said circumstances is substantial enough and of a non-temporary nature; (b) Voluntarily avails him or herself of the protection of his or her country of origin; (c) Voluntarily re-acquires citizenship after having lost it, or acquires new citizenship in another country; (d) Acquires Bulgarian citizenship; (e) Voluntarily settles in the country where he or she was previously persecuted; (f) Has been granted asylum by the President; (g) Explicitly declares to no longer wish to enjoy international protection granted in the Republic of Bulgaria. (h) Is deceased.</p> <p>2. No</p> <p>3. No</p> <p>4. The case will be examined on an individual basis.</p> <p>5. No</p> <p>6.</p>
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			The beneficiary of protection is notified by a letter with recorded delivery that such a procedure has been initiated, the reasons for that and the date and place for an interview in which he or she will have the opportunity to raise any objections against the cessation of the protection status.
	EMN NCP Cyprus	Yes	<ol style="list-style-type: none"> 1. Article 11(1) of the Directive 2011/95/EU has been transposed in the Cypriot Refuges Law in Article 6 and Article 16 of the Directive has been transposed in Article 19(3). 2. N/A – no specific provision. Case by case in depth assessment. 3. N/A – no specific provision. Case by case in depth assessment. 4. N/A – no specific provision. Case by case in depth assessment. 5. Beneficiaries of international protection can travel in any country the wish except their country of origin. The travel documents carry a specific provision/note of the country in which they are not allowed to travel to. 6. N/A

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 EMN NCP Czech Republic	Yes	<p>1. Article 11 par. 1 of the Qualification Directive has been transposed in section 17 par. 1 of the Asylum Act (No. 325/1999 Coll.) – reasons for withdrawal of the recognised refugee status. Article 16 of the Qualification Directive has been transposed in section 17a of the Asylum Act as reasons for withdrawal of the subsidiary protection status.</p> <p>2. YES. The decision on ceasing the international protection is based on the Act No. 325/1999 Coll., on Asylum. Travelling to the country of origin may lead to the cessation of status of a refugee. If the refugee travels to the country of origin, the Czech Republic considers this action as a proof that the refugee has no concerns to come back to the country of origin and he cannot be harmed there. This is stated in the national legislation in Section 17 par. 1 lett. e) of the Asylum Act, No. 325/1999 Sb., as amended.</p> <p>3. YES. Travelling to the country of origin can be considered as re-establishment of protection in the country of origin. This is stated in Section 17a of the Asylum Act, No. 325/1999 Coll., as amended. In the case of subsidiary protection, the determining authority may refuse to renew the subsidiary protection status or the status may also be ceased.</p> <p>4. YES. The Czech Republic takes into account when assessing cessation of protection above all reasons to travel to the country of origin. Every case is accessed individually with a strong attention to individual circumstances (e. g. reason of death of family member or serious sickness of a member of the family) before the start of the cessation process.</p>
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		<p>During the procedure of cessation, the relevant authority has to consider in all cases if there are not different reasons for issuing international protection status (e. g. principle of non-refoulement). If there are such reasons the Czech Republic will not withdraw the international protection status.</p> <p>5. YES.</p> <p>According to the Czech law the refugee is not allowed to travel to the country of origin. The Ministry of the Interior of the Czech Republic points out to the refugee since the beginning that this action can lead to a new proceeding on withdrawal of the refugee status.</p> <p>The right to travel of persons granted with asylum status is stated in the Act No. 325/1999 Coll., on Asylum; in the Information for persons granted international protection in the form of asylum.</p> <p>According to the Asylum Act and the Qualification Directive, refugees granted international protection in form of asylum have the right to apply for a travel document under the Geneva Convention.</p> <p>In the Information for persons granted international protection in the form of asylum it is stated that: "A person who is granted international protection in the form of asylum can apply for a special travel document for refugees. This special travel document will be issued by the Ministry of the Interior of the Czech Republic. On the basis of the permission for residence (asylum) and the travel document issued by the CR under international agreement, the person is free to travel in the territory of Schengen states if he/she satisfies the entry requirements under the Schengen Borders Code and is not listed as an undesirable person for the state into which you are travelling. If the person is going to travel to his/her home country (by citizenship or birth), this may be seen as a reason for beginning proceedings for withdrawal of the asylum."</p> <p>The country of origin itself (the name of the country of origin) is not specified in the travel document. However, the travel document is valid for every foreign country except the country of origin, which is stated in the travel document. This is stated in Section 61b par. 2 of the Asylum Act (325/1999 Coll.)</p> <p>The same is applicable in the case of beneficiaries of subsidiary protection, who can apply for so called foreigner's passport.</p>
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			<p>6. The beneficiary of international protection is obliged to inform the responsible authority (Foreigner Police) on his or her place of residence. All relevant documents including those related to the international protection withdrawal procedure shall be sent to the announced place of residence. In case the written correspondence is returned by the post service, the correspondence shall be sent to all known addresses. If this is not successful and the correspondence is returned again, the correspondence is deposited in the last accommodation centre where the person concerned stayed. After 10 days, it is assumed that the correspondence was received by the person concerned and the he/she does not have the intention to submit anything to the responsible authorities.</p>
	<p>EMN NCP Estonia</p>	<p>Yes</p>	<p>1. Legal provisions regarding cessation of international protection as described in Articles 11 and Article 16 are laid down in Article 48 of the Act on Granting International Protection to Aliens (AGIPA).</p> <p>2. Not specifically regarding travelling, but a refugee travelling to his/her country of origin can be considered as an act of voluntary re-availment of the protection of his or her country of nationality, which is one of the grounds for cessation as described in Article 48 of the AGIPA.</p> <p>3. No. Travels to the country of origin are not explicitly listed as grounds for revocation. Cessation of beneficiaries of subsidiary protection is possible according to Article 48 of the AGIPA when the circumstances which led to the granting of subsidiary protection status have ceased to exist or have changed to such an extent that protection is no longer required. However, travelling can be viewed as part of this consideration.</p>


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			<p>4. Every case is accessed individually, and all relevant circumstances are taken into account, especially duration and the reasons of the visit.</p> <p>5. Yes. The refugee´s travel document is not valid for travelling to the country of origin as the person is seeking protection from the persecution of the country. A notice about the restriction must be included in the document.</p> <p>6. Normally the Police and Border Guard Board is using the address provided by the beneficiary and registered as the place of residence in Estonia to communicate with the person. In Estonia it is everyone´s responsibility to ensure that their provided data is correct. In Estonia, the need for protection is reviewed every time the residence permit of the beneficiary is extended, i.e. every 1, 2 or 3 years, depending on the type and time of receiving protection.</p>
+ EMN NCP Finland	Yes		<p>1. Legal provisions regarding cessation of international protection as described in Articles 11 and Article 16 are laid down in Finland´s Aliens Act (30.4.2004/301). The wording of the section 107 of the Aliens Act corresponds to that of the Articles 11 and 16.</p> <p>2. Not specifically regarding travelling, but voluntary re-availment of the protection of his or her country of nationality is one of the grounds for cessation as described in section 107 of the Aliens Act.</p>

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			<p>3. No. Cessation of beneficiaries of subsidiary protection is possible according to section 107 of the Aliens Act 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. However, travelling can be viewed as part of this consideration.</p> <p>4. Yes. Depending on the case, for example if travelling can't be seen as voluntary. Also the reasons for the travel and the duration are taken into consideration. UNHCR Handbook and its interpretation of cessation terms is also used as a guideline.</p> <p>5. No.</p> <p>6. Normally in cessation cases, a notification with advice of delivery is sent to the beneficiary about the reconsideration and the possibility for a written statement. Sometimes, when the beneficiary is residing abroad, they may be given the opportunity to have a interview at the nearest Finnish Embassy. If the beneficiary can't be reached with certainty, the cessation matter will in most cases be abandoned.</p>
	<p>EMN NCP France</p>	<p>Yes</p>	<p>1. PS: please note that all information below come from the EMN Study on <i>Beneficiaries of international protection travelling to their country of origin: Challenges, Policies and Practices in the EU Member States, Norway and Switzerland (2019)</i> since there has been no change in the French regulation since this date.</p>

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		<p>The Directive 2011/95/EU was fully transposed by the Law 2015-925 of 29 July 2015 on the reform of the right of asylum and Decree 2015-1166 of 21 September 2015 implementing the previous mentioned law.</p> <p>Article 11(1) of the Directive: According to article L. 511-8 of the Code on Entry and Residence of Foreign Nationals and Right of Asylum (CESEDA), “the French Office for the Protection of Refugees and Stateless Persons (OFPRA) may terminate refugee status, on its own initiative or by request of an administrative authority, when the person in question falls under one of the cessation clauses in article 1, Section C of the Geneva Convention of 28 July 1951, cited above.”</p> <p>The 1951 Refugee Convention includes six cessation clauses which justify the cessation of refugee status once it has been granted. One of these clauses applies to people who have voluntarily re-availed themselves of the protection of their country of nationality. This act of allegiance by the refugee renders international protection unnecessary. Certain acts or contacts with the authorities in the country of origin are assumed to constitute acts of allegiance. In this case, the OFPRA may put an end to the refugee status. According to the Council of State, simply making contact with the authorities of the country of origin cannot constitute conclusive presumption and an examination of all the particular circumstances is required (Council of State, 13 Jan. 1989, No.78055).</p> <p>Article 16 of the Directive: The cessation clauses contained in the 1951 Refugee Convention can also be enforced against a beneficiary of subsidiary protection. According to article L. 512-3 of the CESEDA, the OFPRA may end subsidiary protection on its own initiative or on request of an administrative authority in the case of a change in circumstances which is “sufficiently significant and durable that this be no longer required”.</p> <p>2. YES</p> <p>The procedure to end protection (withdrawal or cessation), both in terms of the right of asylum (articles L. 511-8 and L.-8 of the CESEDA), and subsidiary protection (article L. 512-3 of the CESEDA) is set out in articles L. 562-1 à L. 562-3 of the CESEDA.</p>
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			<p>According to article L. 511-8 of the CESEDA, the OFPRA can end refugee status if the individual meets cessation clauses in Article 1, Section C of the 1951 Geneva Convention. Refugees who have travelled to their country of origin are assumed to have voluntarily re-availed themselves of the protection of the country of nationality in the sense of article 1, C1 of the Geneva Convention.</p> <p>In the event of returning to their country of origin, in addition to being the specific target of the threat of persecution which justified their placement under the protection of the OFPRA, protected persons may be exposing themselves to the risk of having the Office withdraw the protection which was granted to them, because this return may indicate a lack of a real threat of persecution. However, despite the threats to which a protected person is exposed in his or her country of origin, this person may, exceptionally, wish to go there for humanitarian reasons, such as the death or serious illness of a close family member. In such circumstances, a protected person may, exceptionally and for a short duration, be authorised to carry out this trip without exposing himself or herself to the risk of the OFPRA putting an end to the protection that has been obtained. This authorisation takes the form of a prefectural safe conduct. Under these circumstances, when the OFPRA is informed, it does not initiate cessation proceedings against protected individuals. However, individuals undertake the journey at their own risk and peril, and without any guarantee of crossing the borders of other states without difficulty, nor of being authorised by the country of origin to enter its territory.</p> <p>3. YES</p> <p>As for the refugee status, the end of protection is not automatic. Decisions to end the recognition of subsidiary protection are taken on a case-by-case basis by the OFPRA after an individual examination of each situation.</p> <p>Protection will not be withdrawn “when the beneficiary can provide evidence of pressing reasons relating to previous serious violations to refuse to re-avail themselves of the protection of their country” (article L. 512-3 of the CESEDA).</p>
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			<p>4. YES. See answer to Q2</p> <p>5. People who have been granted refugee status or beneficiary of subsidiary protection status by the OFPRA, may only travel outside France on the condition that they have first obtained a travel document to replace their passport. Article L.561-9 of the CESEDA states that, for refugees this travel document is the refugee travel document. For beneficiaries of subsidiary protection, it is, according to article L.561-10 of the CESEDA, the identity and travel document. These travel documents enable their holders to request entry into any state, with the exclusion of the state in which they are reported to be under threat (whether this be their country of nationality or their country of habitual residence). There are no limitations on countries neighbouring the country of origin. These travel documents are issued for a duration of five years for refugees and one year for beneficiaries of subsidiary protection. These travel documents do not authorise BIP to return to their country of origin. However, in exceptional circumstances (death or serious illness of a close family member, for example), the individual may, by requesting the prefecture, receive a safe conduct lasting a maximum of three months authorising them to return to their country of origin.</p> <p>6. The OFPRA informs the person in writing of the procedure that has begun, as well as of the reasons for launching this procedure and the time scale for a response. The individual must present in writing (contradictory procedure), his/her observations on the reasons for objecting to the cessation decision, and the Office may, if necessary, request a personal interview. As indicated in the welcome booklet issued to BIPs when they are granted their status, if BIPs change address, they are asked to inform the OFPRA. This is not, however, a legal obligation. Consequently, notification of the procedure to re-examine the status of international protection is sent to the last known</p>
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			address, which can create difficulties when the individual has moved without informing the OFPRA. In order to ensure that beneficiaries of international protection inform the French authorities of any change of address, Decree No. 2018-1159 of 14 December 2018 created article R. 561-15 of the CESEDA which states that: "Foreign nationals who obtain refugee status or subsidiary protection status are obliged to inform the OFPRA of their address and any changes to this address within three months after the change. If they change address without informing the Office, any notification sent by the Office to the last known address will be considered to be legitimate." (National Court of Asylum, 24 Oct. 2018, n°17053317)
	EMN NCP Germany	Yes	<ol style="list-style-type: none"> 1. Section 73 paragraph 1 first sentence of the Asylum Act (Asylgesetz (AsylG)) transposes the provisions of Article 11 (1), section 73 paragraph 2 first sentence of the Asylum Act (Asylgesetz (AsylG)) transposes the provisions of Article 16 of the EU Qualification Directive (Directive 2011/95/EU) into national law. The wording of the section 71 of the Asylum Act corresponds to that of the Articles 11 and 16. 2. "Recognition of asylum and refugee status shall be revoked if the conditions on which such recognition is based have ceased to exist (Section 73 paragraph 1 first sentence of the Asylum Act). In particular, this shall be the case if the foreigner voluntarily returns to and settles in the country he left or stayed away from fear of persecution" (Section 73 paragraph 1 second sentence Point 4 of the Asylum Act). Regular or repeated travels to the country of origin over a longer time are to be treated equally with reestablishment in the country of origin. 3.


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			<p>Travels to the country of origin are not explicitly listed as grounds for revocation, however they may be grounds for a revocation. The subsidiary protection is to be revoked “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” (Section 73 paragraph 2 first sentence of the Asylum Act). Travels to the country of origin may be a sign that protection is no longer required. The circumstances of the individual case are decisive for the examination.</p> <p>4. Overall, for deciding whether grounds for revocation exist, the travel has to give reason to assume that considering its length and purpose and the type of entry as well as the place of residence, it documents an omission of the interest of persecution. Therefore, a short-term travel to the country of origin for reasons of moral duty is not sufficient, e.g. a travel to see sick family members.</p> <p>5. Yes. The Refugee Travel Document is not valid for travelling to the refugee’s country of origin, a notice to this effect must be included in the document. The same applies to the Travel Permit for Foreigners, issued for beneficiaries of subsidiary protection, if he or she cannot obtain a passport in an acceptable way (Section 9 paragraph 1 second sentence of the Ordinance Governing Residence).</p> <p>6. If an address was verified in another EU Member State or Schengen State, the beneficiary will receive the written call for comments with a registered letter with acknowledgement of receipt. If a domestic address cannot be found, the Federal Office will effect notification of the written call for comments by public announcement (via posting it in a showcase of the Federal Office). The public notification is deemed to have been effected on the 14th day of the notice.</p>
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 EMN NCP Greece	Yes	<p>1. In general</p> <p>The Legal Framework of Greece is Code of Laws, Law 4939/2022 “Ratifying the Code on reception, international protection of third-country nationals and stateless persons, and temporary protection in cases of mass influx of displaced persons” (Government Gazette A’ 111 of 10.06.2022) including provisions for the reception, international protection and temporary protection (hereinafter Asylum Code).</p> <p>Our country has transposed literally Art. 11 and Art. 16 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) (L 337) in art. 10 and 15 of Asylum Code.</p> <p>2.</p> <p>Cessation of international protection is governed by Articles 10 and 15 of Asylum Code. Refugee status ceases where the person:</p> <ul style="list-style-type: none"> • <u>Voluntarily re-acquire the nationality they had previously lost;</u> • Has obtained a new nationality and benefits from that country’s protection; • Has voluntarily re-established themselves in the country they had fled or outside of which they had resided for fear of persecution; • May no longer deny the protection of the country of origin or habitual residence where the conditions leading to their recognition as a refugee have ceased to exist. The change of circumstances must be substantial and durable, and cessation is without prejudice to compelling
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			<p>reasons arising from past persecution for denying the protection of that country (Art. 10, par. 1 and 2 Asylum Code).</p> <p>Cessation on the basis of changed circumstances also applies to subsidiary protection beneficiaries under the same conditions (Art. 15 par. 1 Asylum Code).</p> <p>There is no provision on automatic cessation of the status when someone travels to his/her country of origin. Withdrawal of refugee status is provided under Article 13 of the Asylum Code, between other cases, where the person ceases to be a refugee according to Article 10 of the Asylum Code.</p> <p>When Asylum Service is informed about a legal reason for cessation of the status, cessation proceedings are initiated. The beneficiary is informed at least 15 days before the review of the criteria for international protection and may submit their views on why protection should not be withdrawn (Art. 96 par. 2 Asylum Code).</p> <p>Against a decision of withdrawal the status due to cessation, the interested person has the right to appeal the decision in the Appeal Committee. Where the person appeals the decision, the Appeals Committee is required to hold an oral hearing of the beneficiary in cessation cases (Art. 96, par. 2 Asylum Code).</p> <p>3. Please see the reply above.</p> <p>4. As mentioned, there is no legal provision on automatic cessation. The assessment of the cessation is to be carried out on an individual basis and includes taking into account: (a) all relevant facts, (b) the relevant statements and documentation presented by the refugee, (c) the individual position and personal circumstances of the refugee, on the basis of the applicant's personal circumstances, the acts to which the refugee travelled, etc. (Art. 96, par. 1 Asylum Code).</p> <p>5.</p>
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		<p>In art. 14, par. 1 of the Joint Ministerial Decision 10302/2020 (Gov. Gaz. B' 2036) regulating the procedures to issue travel documents for beneficiaries of international protection, is foreseen that in the TDV is printed any geographical restriction that makes it inadmissible for its holder to move to a specific state. For beneficiaries a restriction is foreseen for the country of persecution. Any other restriction is notified to the Asylum Service by the Greek Police Services.</p> <p>6. Individuals recognized as refugees are granted a three-year residence permit ("ADET"), which can be renewed after a decision of the Head of the Regional Asylum Office. The residence permit gives the right to have legal stay in Greece. So, beneficiaries have the right to move to the Schengen area under the law provision (90 days in any 180-day period within the Schengen area). An application for renewal should be submitted no later than 30 calendar days before the expiry of the residence permit (art. 23 par. 1 Asylum Code). The residence permits shall not be granted or renewed by decision of the Head of the Regional Asylum Office when the revocation of international protection status is under consideration, when reasons of public order or national security are invoked (Art. 23, par. 2). The beneficiary has the obligation to inform Asylum Service for his contact information (e-mail address and residential address). In case a beneficiary resides outside Greece and new elements arise which constitute a reason to reconsider the international protection status, the competent authorities shall examine also whether there is a case for withdrawal of this status based on relevant provisions. The invitation to the beneficiary to provide by a written statement to the competent authority, reasons as to why the status granted should not be withdrawn shall be notified by registered letter to the declared home address or residence address or to his/her workplace in person or to the applicant's representing lawyer or authorised councillor or representative or by e-mail to the declared electronic address (Art. 87 par. 3 Asylum Code).</p>
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 <p>EMN NCP Hungary</p>	<p>Yes</p>	<p>1. <u>Article 11 (1)</u> <u>Act LXXX of 2007 on Asylum, Section 11</u> (1) Refugee status shall be terminated if: b) the refugee's status has been withdrawn by the refugee authority.</p> <p>- 2) Recognition of refugee status shall be withdrawn if: a) <u>the refugee has voluntarily re-availed himself or herself of the protection of the country of nationality;</u></p> <p><u>Article 16</u> <u>Act LXXX of 2007 on Asylum, Section 18</u></p> <p>(1) Subsidiary protection status shall be terminated if: c) the subsidiary protection status has been withdrawn by the refugee authority.</p> <p>(2) Recognition of subsidiary protection status shall be withdrawn if: e) the circumstances in connection with which he or she has been granted subsidiary protection have ceased to exist</p> <p>2. yes <u>Act LXXX of 2007 on Asylum, Section 11 (1)</u> Refugee status shall be terminated if: b) the refugee's status has been withdrawn by the refugee authority.</p> <p>- <u>Act LXXX of 2007 on Asylum, Section 11 (2)</u></p>
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		<p>Recognition of refugee status shall be withdrawn if:</p> <p>d) the refugee has voluntarily re-established himself or herself in the country which he or she left or outside which he or she remained owing to fear of persecution;</p> <p>e) the circumstances in connection with which he or she has been recognized as a refugee have ceased to exist.</p> <p>3. yes <u>Act LXXX of 2007 on Asylum, Section 18 (2)</u> Recognition of subsidiary protection status shall be withdrawn if:</p> <p>d) the beneficiary of subsidiary protection has voluntarily re-established himself or herself in the country which he or she left or outside which he or she remained owing to fear of persecution;</p> <p>e) the circumstances in connection with which he or she has been granted subsidiary protection have ceased to exist;</p> <p>4. Yes E.g. a refugee or a beneficiary of subsidiary protection person applies for a travel document at the immigration authority (i.e. the Asylum Directorate of the National Directorate-General for Aliens Policing) and gives a deep reason (e.g. he/she would like to take part in a funeral of his/her family member) for travelling home one time.</p> <p>5. no, see above</p> <p>6. <u>See Section 75/A (1) of Act LXXX of 2007 on Asylum</u></p>
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			<p>The provisions contained in Chapter VII and Sections 56-68 shall apply to proceedings for the review of compliance with the conditions for refugee status, subsidiary protection and temporary protection.</p> <p><u>See Section 66 of Act LXXX of 2007 on Asylum,</u></p> <p>(2) The asylum authority shall decide based on data already available, or shall terminate the procedure if:</p> <p>c) the applicant fails to appear at the interview in person in spite of written notice, and fails to give justification for his/her absence;</p> <p>d) the applicant leaves the assigned or designated place of residence without authorization for over 48 hours, and absconded, and fails to properly verify his absence.</p>
EMN NCP Italy	Yes	1.	<p><i>Italian legislation provides that:</i></p> <ul style="list-style-type: none"> • <i>For the refugee status (Article 9 of Legislative Decree No. 251 of November 19, 2007, "Implementation of Directive 2004/83/EC 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"), the beneficiary ceases to be a refugee when:</i> <ol style="list-style-type: none"> (a) <i>s/he has voluntarily availed her/himself again of the protection of the country of her/his nationality;</i> (b) <i>having lost citizenship, has voluntarily reacquired it;</i> (c) <i>has acquired Italian citizenship or other citizenship, and enjoys the protection of the country whose citizenship s/he has acquired;</i> (d) <i>has voluntarily re-established her/himself in the country s/he left or to which he did not return for fear of persecution;</i> (e) <i>s/he can no longer renounce to the protection of the country of which s/he has the citizenship because the circumstances that led to the granting of refugee status have ceased to exist;</i>

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		<p><i>(f) if he or she is a stateless person, is able to return to the country to where he or she has the usual residence, because the circumstances that led to the recognition of refugee status have ceased to exist.</i></p> <p><i>For the application of subparagraphs (e) and (f) of paragraph 1, the change of circumstances must be of a non-temporary nature and such as to eliminate the well-founded fear of persecution, and there must be no serious humanitarian reasons preventing return to the country of origin.</i></p> <p><i>The provisions of subparagraphs (e) and (f) of paragraph 1 do not apply when the refugee can invoke compelling reasons arising out of previous persecution such that he or she refuses to avail himself or herself of the protection of the country of his or her nationality or, if he or she is a stateless person, of the country in which he or she had the usual residence.</i></p> <p><i>The same regulation (in paragraph 2-ter, recently amended) also provides that for the application of paragraph 1(d), any return, even of short duration, to the country of origin is relevant, unless justified by serious and proven reasons and for the period strictly necessary.</i></p> <p><i>Finally, the legislation specifies that termination is declared on the basis of an individual assessment of the alien's personal situation.</i></p> <ul style="list-style-type: none"> • <i>However, regarding the termination of subsidiary protection (Article 15 of Legislative Decree No. 251 of November 19, 2007):</i> <p><i>Termination of subsidiary protection status shall be declared on individual basis when the circumstances that led to the recognition have ceased to exist or have changed to such an extent that protection is no longer needed. (Paragraph 1)</i></p> <p><i>Legislation specifies that to produce the effects referred to in Paragraph 1, it is necessary that the changes in circumstances must be of such a significant and non-temporary nature that the person granted subsidiary protection status is no longer exposed to the actual risk of serious harm referred to</i></p>
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		<p><i>in Article 14, and there must be no serious humanitarian reasons preventing return to the country of origin. (Paragraph 2)</i></p> <p><i>Furthermore, the provision does not apply when the holder of subsidiary protection can invoke compelling reasons arising from previous persecution such that he or she refuses to avail himself or herself of the protection of the country of nationality or, if he or she is a stateless person, of the country in which he or she had the usual residence.</i></p> <p><i>Concerning any return to the country of origin of the person concerned, similarly to what is provided for the termination of refugee status, the legislation provides that, for the assessment of whether the circumstances that had led to the recognition of protection have changed, "any return, even of short duration, to the country of origin is relevant, unless justified by serious and proven reasons and for the period strictly necessary." (Art. 15 paragraph 2b)</i></p> <p>2.</p> <p><i>Yes, it is regulated by Article 9 paragraph 2b of Legislative Decree No. 251 of 2007, which provides that for the purposes of termination of refugee status "any return, even of short duration, to the country of origin is relevant, unless justified by serious and proven reasons and for the period strictly necessary". Please see answer to question 1.</i></p> <p>3.</p> <p><i>Yes, Article 15 paragraph 2b of Legislative Decree No. 251 of 2007 provided that any return, even of short duration, to the country of origin is relevant for the assessment of whether the circumstances that had led to the recognition of protection have changed, unless justified by serious and proven reasons and for the period strictly necessary. Please see answer to question 1.</i></p> <p>4.</p>
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			<p><i>he National Commission for the Right to Asylum- i.e. the competent authority in Italy in matters of revocation and termination of international protection - always makes an personal assessment based on the specific situation of the applicant and the reasons for the recognition of protection, taking into account these elements, as provided for by current legislation, it does not declare the previously recognized protection terminated when, thanks to the preliminary investigation carried out, it considers established that the return to the country of origin was justified by serious and proven reasons and for the period strictly necessary.</i></p> <p>5. NA</p> <p>6. <i>Italian legislation (Art. 33 of Legislative Decree No. 25 of January 28, 2008) provides that in proceedings for revocation or termination of international protection status, the person concerned must enjoy the following guarantees:</i></p> <p><i>(a) to be informed in writing that the National Commission is proceeding with the reexamination of his or her right to recognition of international protection and the reasons for the examination;</i></p> <p><i>(b) be given the opportunity to set out in a personal interview or written statement, the reasons why his or her status should not be revoked or terminated.</i></p> <p><i>Specifically with regard to the notification of acts pertaining to the procedure for termination of international protection, the law (Article 33 paragraph 2a of Legislative Decree No. 25 of 2008 - Article 11 paragraph 3a of the same Legislative Decree - Article 5 of Legislative Decree No. 142 of 2015) stipulates that the National Commission must provide notifications of acts and measures as a rule (if there are reasons of public order and security or national security, notifications may be performed by means of the police) in the same manner as provided for the procedure for the recognition of international protection, that is, by sending the deed to the last home address given to the Questura (Police Headquarters) responsible for his/her residence permit.</i></p>
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	EMN NCP Latvia	Yes	<p>1.</p> <p>According to the Section 55 of the Asylum Law conditions for the Loss of Refugee Status</p> <p>(1) A person shall lose refugee status if he or she:</p> <ol style="list-style-type: none"> 1) has voluntarily re-accepted the protection of his or her country of citizenship; 2) has voluntarily re-acquired citizenship after he or she had lost it; 3) has acquired citizenship of Latvia or another country and enjoys the protection of the new country of citizenship; 4) has returned to the country, which he or she had left in fear of persecution; 5) cannot refuse the protection of his or her country of citizenship because the circumstances, due to which he or she was recognised as refugee, do not exist anymore; 6) can return to his or her former country of permanent residence as a stateless person because the circumstances, due to which he or she was recognised as refugee, do not exist anymore. <p>(2) In applying Paragraph one, Clauses 5 and 6 of this Section, it shall be taken into account whether the change in circumstances in the country of origin is so significant that the fear of the person from persecution cannot be deemed justified anymore, and whether the above-mentioned change in circumstances is of constant nature.</p> <p>(3) Paragraph one, Clauses 5 and 6 of this Section shall not be applied to a refugee who may refer to force majeure (arising from previously performed persecution) in order to refuse to accept protection of his or her country of nationality or, if he or she is a stateless person - the protection of his or her former country of permanent residence.</p> <p>According to the Section 57 of the Asylum Law conditions for the Loss of Alternative Status</p> <p>(1) A person shall lose alternative status, if the circumstances, due to which he or she was granted alternative status, do not exist anymore or have changed so much that such person does not need the protection of the Republic of Latvia anymore.</p>


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			<p>(2) In applying Paragraph one of this Section, it shall be taken into account whether the change in circumstances in the country of origin is so significant that the person has no more grounds for fearing potential serious harm, and whether the above-mentioned change in circumstances is of constant nature.</p> <p>(3) Paragraph one of this Section shall not be applied to a person having acquired alternative status who may refer to force majeure (arising from previously caused serious harm) in order to refuse to accept protection of his or her country of nationality or, if he or she is a stateless person - the protection of his or her former country of permanent residence.</p> <p>2. There are no special regulations or legal provision that the Asylum Law.</p> <p>3. There are no special regulations or legal provision that the Asylum Law.</p> <p>4. There are no special circumstances set by the law. Each case has to be assessed individually in accordance with the information available to the authorities and explanations given by the beneficiary of international protection.</p> <p>5. Yes, there are restrictions regarding refugees only. The name and ICAO code of the country, in which the document is not valid, shall be indicated in the refugee travel document.</p>
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		<p>6. These are quite challenging situations. According to the Law on Notification an institution shall carry out notification of a document:</p> <ol style="list-style-type: none"> 1) on site at the institution or by delivery with the intermediation of an employee or courier appointed thereby; 2) using postal services; 3) using electronic communications; 4) publicly. <p>The most popular way is when the information on the issue and request to submit explanations is sent to the declared address (as all beneficiaries has an obligation to declare address) or official electronic address (or e-mail used in the asylum process or when renewing residence permits). There have also been situations when person is in contact with embassy of the Republic of Latvia abroad. In these situations, communication is done with the support of the embassy.</p>
	EMN NCP Lithuani a	<p>Yes</p> <p>1. Article 11(1) and Article 16 of the Directive have been fully transposed in Article 90 of the Law on the Legal Status of Foreigners. <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.232378/asr>. Please find an unofficial translation of the article below. "Article 90. Withdrawal of Asylum 1. Refugee status shall be revoked if the foreigner:</p> <ol style="list-style-type: none"> 1) voluntarily resumes enjoying the protection of the State of which he is a national; 2) has voluntarily regained his or her lost nationality; 2^1) he/she renounces refugee status in the Republic of Lithuania; 3) has acquired the nationality of another State and enjoys the protection of the State of which he or she is now a national;

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			<p>4) has voluntarily resettled in the State he or she had left or outside which he or she was outside for fear of persecution;</p> <p>5) cannot refuse to avail himself of the protection of the State of which he is a national because the circumstances which led to his being granted refugee status no longer exist;</p> <p>6) as a stateless person, may return to the State of his/her former habitual residence because the circumstances which led to his/her being granted refugee status no longer exist;</p> <p>7) has obtained refugee status by deception, unless the information he or she has provided about himself or herself did not materially influence the decision to grant refugee status;</p> <p>8) has been granted refugee status although he/she should not have been granted such status on account of the circumstances provided for in Article 88(2)(1) to (4) of this Law;</p> <p>9) there are serious grounds for believing that his/her presence in the Republic of Lithuania constitutes a threat to the security of the state, or he/she has been convicted of a very serious criminal offence and constitutes a threat to the society by a final court judgement.</p> <p>2. The subsidiary protection granted to the foreigner is withdrawn if:</p> <p>1) he or she is able to return to his or her country of origin because the circumstances which led to the granting of subsidiary protection no longer exist;</p> <p>2) he or she has obtained subsidiary protection by deception, unless the information he or she has given about himself or herself did not materially influence the decision to grant him or her such protection;</p> <p>3) he has been granted subsidiary protection when he should not have been granted it on account of the circumstances referred to in Article 88(3) of this Law;</p> <p>4) there are serious grounds for believing that his/her presence in the Republic of Lithuania constitutes a threat to the security of the State or society.</p> <p>3. When the circumstances referred to in paragraphs 1 and 2 of this Article become apparent, the Migration Department shall initiate the procedure for withdrawal of refugee status or subsidiary</p>
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			<p>protection. The decision on the withdrawal of refugee status or subsidiary protection shall be taken by the Migration Department.</p> <p>4. <i>No longer valid</i></p> <p>5. When the refugee status or subsidiary protection is revoked, the alien shall also have the right to benefit from state-guaranteed legal aid, unless otherwise provided by the laws of the Republic of Lithuania.</p> <p>6. When deciding on the withdrawal of refugee status or subsidiary protection on the grounds set out in paragraph 1(5), (6) and paragraph 2(1) of this Article, account shall be taken of whether the change in circumstances is of such a significant and lasting nature that the fear of persecution can no longer be regarded as wholly well-founded or the threat of the acts referred to in Article 87(1) of this Law is no longer real.</p> <p>7. Paragraphs 1(1)(5) and (6) shall not apply to a refugee, and paragraph 2(1) shall not apply to an alien granted subsidiary protection, provided that they can show convincing reasons, resulting respectively from past persecution or from past acts as referred to in Article 87(1) of this Act, which lead to the denial of the protection of their country of origin.</p> <p>8. The procedure for withdrawing the refugee status or subsidiary protection granted to a foreigner shall be determined by the Minister of the Interior."</p> <p>2. Yes, as per paragraphs 4 and 5 of part 1 of Article 90 of the Law on the Legal Status of Foreigners, which states that refugee status shall be revoked if the foreigner has voluntarily re-established himself or herself in the country which he or she left or outside which he or she remained owing to fear of persecution; or can no longer, because the circumstances in connection with which he or she has been recognized as a refugee have ceased to exist, continue to refuse to avail himself or herself of the protection of the country of nationality.</p>
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			<p>3. Yes, as per paragraph 2(1) of the Law on the Legal Status of Foreigners, which states that "the subsidiary protection granted to the foreigner is withdrawn if he or she is able to return to his or her country of origin because the circumstances which led to the granting of subsidiary protection no longer exist".</p> <p>4. Yes. Travelling to the country of origin does not automatically lead to cessation of an international protection status. The fact of travelling may be taken by the Migration Department as grounds for initiating the asylum cancellation procedure. The purpose of the asylum revocation procedure is to assess whether a foreign national, who has been granted asylum in the Republic of Lithuania, no longer meets the criteria for granting asylum as outlined in Article 86 or subsidiary protection as described in Article 87 of the Law on the Legal Status of Foreign Nationals. This assessment determines if the individual still faces a well-founded fear of persecution or serious threats that initially qualified them for protection under these statutes. The foreigner is informed immediately in writing of the reasons for which this procedure has been initiated and of the possibility to indicate to the Migration Department, in writing or orally, within 14 working days the reasons for which a decision should not be taken to withdraw his/her asylum. Each case is examined individually.</p> <p>5. Yes. According to Order No. 1V-408 of 17 December 2024 of the Minister of the Interior Regarding the Approval of the Description of the Procedure for Issuing a Travel Document to Refugees <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.247160/asr>, page 2 of a refugee's travel document must have a line labeled "THE DOCUMENT IS VALID IN ALL COUNTRIES, EXCEPT" where the name(s) of</p>
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		<p>the country (countries) of which the refugee holds citizenship is(are) entered. If the refugee does not have citizenship of any foreign country, then the name of the country where they had their permanent residence is entered.</p> <p>6. Communication takes place via the Migration Information System (MIGRIS).</p>
 <p>EMN NCP Luxemb ourg</p>	Yes	<p>1. Luxembourg transposed Article 11 of the Directive 2011/95/EU in article 44 (1) a) of the amended law of 18 December 2015 on international protection and temporary protection (Law on International Protection) :</p> <p>« (1) Any third-country national or stateless person shall cease to be a refugee in the following cases: a) If the refugee has voluntarily reclaimed the protection of the country of their nationality.</p> <p>Article 16 (1) of the Directive 2011/95/EU was transposed in article 49 (1) of the Law on International Protection :</p> <p>« (1) <i>A third-country national or stateless person shall cease to be eligible for subsidiary protection when the circumstances that justified the granting of such protection cease to exist or have evolved to such an extent that such protection is no longer necessary.</i>».</p> <p>2. Article 44 (1) of the Law on International Protection gives the following grounds for regarding cessation of the refugee status:</p>

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			<p>a) If the refugee has voluntarily reclaimed the protection of the country of their nationality.</p> <p>b) If the refugee has lost their nationality and subsequently voluntarily reacquired it.</p> <p>c) If the refugee has acquired a new nationality and enjoys the protection of the country of their new nationality.</p> <p>d) If the refugee has voluntarily returned to establish themselves in the country they left or from which they remained in fear of persecution.</p> <p>e) If the refugee can no longer continue to refuse to claim the protection of the country of their nationality, due to the circumstances that led to their recognition as a refugee no longer existing.</p> <p>f) If, in the case of a stateless person, they are able to return to the country where they had their habitual residence, due to the circumstances that led to their recognition as a refugee no longer existing.</p> <p>In other words, there are no specific provisions, but Luxembourgish authorities verify whether or not a person resettled in their country of origin or received a new passport issued by their country of origin.</p> <p>3. There is no provision regarding cessation a subsidiary protection status if a beneficiary should travel to his / her country of origin. The beneficiary of a subsidiary protection is in principle in possession of a passport emitted by his / her country of origin with which they can travel freely and return home without losing their protection status.</p> <p>4. There is no other provision in the law than the forementioned one. A simple return return is not sanctioned by law. An analysis will be made upon whether the beneficiary intended durably resettle on a long term basis in their country of origin.</p> <p>5.</p>
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		<p>A travel document for refugees is issued to persons who have obtained the refugee status and which enables them to travel outside of Luxembourg. The issued travel document informs the bearer that it is valid in every country with the exception of their country of origin.</p> <p>6. A beneficiary of international protection will be informed by a letter of intent that their beneficiary status is being reconsidered. That letter also gives them the opportunity to submit the reason as to why their international protection should not be withdrawn.</p> <p>This letter will be sent to the beneficiary's official address registered with the authorities, regardless of whether or not they live in Luxembourg. If we do not know where the person is living, the letter of intent will be on public display for the duration of 30 days, after which the notification is deemed validly made.</p>
EMN NCP Malta	Yes	<p>1. Articles 11(1) and 16 of the Qualification Directive have been transposed by virtue of Articles 9(1) and 21 of the International Protection Act (Chapter 420 of the Laws of Malta).</p> <p>2. Maltese Legislation does not provide for cessation of refugee status specifically on the basis that the beneficiary travelled back to his/her country of origin. However, depending on the circumstances of the case, travelling back to the country of origin could be a basis to proceed with withdrawal of refugee status on the basis that the beneficiary:</p> <ul style="list-style-type: none"> • has voluntarily re-availed himself/herself of the protection of the country of his/her nationality; or • having lost his/her nationality, has voluntarily re-acquired it; or • has voluntarily re-established himself/herself in the country which he/she left or outside which he/she remained owing to a fear of persecution; or

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			<ul style="list-style-type: none"> • can no longer, because the circumstances in connection with which he/she has been recognised as a refugee have ceased to exist, continue to refuse to avail himself/herself of the protection of the country of nationality. <p>3. Maltese Legislation does not provide for cessation of subsidiary protection status specifically on the basis that the beneficiary travelled back to his/her country of origin. However, depending on the circumstances of the case, travelling back to the country of origin could be a basis to proceed with withdrawal of subsidiary protection status on the basis that 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.</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. Efforts are made to communicate with the person in question, however, it is the responsibility of the beneficiary to make his contact details available to the International Protection Agency.</p>
	<p>EMN NCP</p>	<p>Yes</p>	<p>1. The grounds for cessation of an asylum status are enshrined in Article 35 of the Aliens Act (when it comes to a residence permit for an indefinite period) and in Article 32 of the Aliens Act (when it comes</p>

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<p>Netherlands</p>	<p>to a residence permit for a fixed period).[1] Moreover, C2/10.4 of the Aliens Act Implementation Guidelines (Vc) further specifies when the ground for granting a residence permit has ceased to exist, including what happens in the case of voluntary return to country of origin.</p> <p>[1] EMN Study 2019 Beneficiaries of international protection travelling to their country of origin: Challenges, Policies and Practices in the EU Member States, Norway and Switzerland</p> <p>2.</p> <p>First of all, it is important to note (also in relation to question 3) that a distinction in residency status between refugees and beneficiaries of subsidiary protection is not made in the Netherlands. Both groups receive the same type of residence permit (asylum residence permit for a fixed or indefinite period) with the same conditions and rights. Therefore, the Qualification Directive, and Dutch laws and regulations in line with it, are applied to both refugees and beneficiaries of subsidiary protection.[1]</p> <p>However, a distinction is made between beneficiaries of international protection with an asylum residence permit for a fixed period and those with an asylum residence permit for an indefinite period. Regarding beneficiaries of international protection with a residence permit for a fixed period, withdrawal is possible on the cessation ground 'the ground for the issuing of the permit has ceased to exist' (Section 32 of the Aliens Act). Having contact with the authorities of the country of origin and travelling back to the country of origin could give reason for revoking the residence permit for a fixed period.</p> <p>The withdrawal of an asylum residence permit for an indefinite period because of an established return is more difficult in Dutch practice. To start with, because the aforementioned cessation ground 'the ground for the issuing of the permit has ceased to exist' is not regulated by law for this permit. In addition, there are obstacles to the withdrawal of the residence permits for an indefinite period on other grounds for withdrawal that do exist for residence permits for an indefinite period. For example, the</p>
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			<p>highest administrative court in the Netherlands ruled that merely travelling to the country of origin cannot in principle lead to the conclusion that incorrect information was provided in the asylum application.[2]</p> <p>So, the answer to this question is different when it comes to a residence permit for a fixed period or a an indefinite period.</p> <p>[1] EMN Study 2019 Beneficiaries of international protection travelling to their country of origin: Challenges, Policies and Practices in the EU Member States, Norway and Switzerland [2] EMN Study 2019 Beneficiaries of international protection travelling to their country of origin: Challenges, Policies and Practices in the EU Member States, Norway and Switzerland</p> <p>3. See the answer to question 2.</p> <p>4. Yes. C2/10.4.3 of the Aliens Act Implementation Guidelines (Vc) specifies that when the Immigration and Naturalisation Service (<i>Immigratie- en Naturalisatiedienst</i>, IND) establishes that someone returned to their country of origin, the IND will invite this person to provide an explanation of the reason, destination, duration and course of the trip. It is up to this person to make it plausible that they still qualify for an asylum residence permit despite travelling to the country of origin.</p> <p>5. Yes. A travel document for refugees is valid for all countries except for the country of the holder's nationality (limitation of territorial validity).[1]</p>
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			<p>[1] Netherlands Administration for Identity Information (Rijksdienst voor Identiteitsgegevens, RvIG), 'Aanvragen reisdocumenten voor vluchtelingen', https://www.rvig.nl/aanvragen-reisdocumenten-vluchtelingen, last accessed on 10 April 2024.</p> <p>6. An intended decision to withdraw international protection will be send to the applicant's last known address (or to a Dutch diplomatic post when the applicant has reported to that post). It is the applicant's responsibility to inform the IND of any changes in address or residence. The applicant can then respond in writing and has the right to be heard before a decision to withdraw international protection is taken.</p>
	<p>EMN NCP Poland</p>	<p>Yes</p>	<p>1. The implementation of Article 11 of Directive 2011/95/EU (partly also Article 14(1)-(3)) in the Polish legal order was made in Article 21 of the Act of 13.06.2003 on granting protection to foreigners within the territory of the Republic of Poland (i.e., Journal of Laws of 2023, item 1504), while the implementation of Article 16 of the aforementioned Directive (and Article 19) was made in Article 22 of the aforementioned Act on granting protection to foreigners within the territory of the Republic of Poland.</p> <p>2. No. In the provisions of the Act on granting protection to foreigners within the territory of the Republic of Poland, the circumstance of travelling to the country of origin is not included as a specific premise for possible termination of subsidiary protection. However, among the circumstances due to which protection is no longer required, the beneficiary's return to the country of origin should also be taken into</p>


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		<p>account. For this reason, foreigner's departure from Poland may constitute grounds for initiating proceedings for the termination of subsidiary protection. Travelling to the country of origin may be a circumstance proving the lack of legitimacy for maintaining subsidiary protection.</p> <p>3. No. See the answer to Q2</p> <p>4. Verification of the continued legitimacy of exercising international protection in Poland is carried out through an individual administrative procedure, during which the beneficiary has the opportunity to explain the reasons for his/her departure(s) to the country of origin. If the foreigner demonstrates a lack of voluntariness of departure or important reasons accompanying the departure, he/she will not be deprived of protection. Deprivation of subsidiary protection based on a de facto security threat or change of circumstances may only take place if the change of circumstances is of such a significant and long-lasting nature that the foreigner's further fear of suffering serious harm is not justified. Moreover, a foreigner shall not be deprived of subsidiary protection on the aforementioned grounds if he or she can invoke convincing reasons related to the serious harm previously suffered, justifying his or her refusal to avail himself or herself of the protection of the country of nationality or, in the case of a stateless person, of the country of former permanent residence.</p> <p>5. No</p> <p>6.</p>
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			<p>Deprivation of international protection takes place during administrative proceedings regulated by the Act on granting protection to foreigners in the territory of the Republic of Poland. If the foreigner's address of residence abroad (but not in the country of origin) is known to the Head of the Office for Foreigners, a notice on the commencement of proceedings for deprivation of international protection is sent to that address together with information about the possibility of explaining the case (orally during an interview at the Office for Foreigners or in the form of written statements, both forms are equivalent). After the case has been investigated, the foreigner receives a decision to deprive him/her of international protection or a decision to discontinue the proceedings on deprivation of international protection. If new circumstances emerge, a case completed with a decision on discontinuing the proceedings may be conducted again.</p> <p>If evidence is collected which allows the proceedings to be conducted in the absence of the foreigner, the institution of a guardian for a person unknown from the place of residence may be applied. Such a curator shall be appointed by the district court. The curator represents the foreigner in administrative proceedings and it is him/her who may submit explanations in the case and it is him/her to whom the decision ending the proceedings will be delivered.</p>
	EMN NCP Portugal	Yes	<p>1. Article 41, chapter V, of the Portuguese Asylum Law (Law no. 27/2008, 30/06) is the article that contains the legal provisions regarding cessation of international protection as described in Article 11 and Article 16 of the Directive 2011/95/EU. These Articles were transposed with the same wording to the Portuguese legal system.</p> <p>2. Yes. Although Article 41 of the Portuguese Asylum Law subsection 1, paragraph a) does not expressly mention the case in which the refugee travels to their country of origin, it covers the ground for cessation of international protection in which the refugee voluntarily re-avails him or herself of the protection of his or her country of nationality. In addition to that, paragraph d) of the same article,</p>


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			<p>expressly mentions the ground for cessation in which the refugee voluntarily settles in the country from which he or she fled and outside which he or she stayed for fear of persecution.</p> <p>3. No. Cessation of beneficiaries of subsidiary protection is possible according to subsection 2, Article 41 of the Portuguese Asylum Law when the circumstances, which led to the granting of subsidiary protection status, have ceased to exist or have changed to such an extent that the protection is no longer required. However, when a beneficiary of subsidiary protection travels to their country of origin, the authority responsible can take this into account when determining that protection given is no longer required.</p> <p>4. Yes, if the beneficiary of international protection doesn't voluntarily travel to his or her country of nationality.</p> <p>5. No.</p> <p>6. According to subsection 6, of Article 41 of the Portuguese Asylum Law the beneficiary of international protection must be notified of the draft decision, so that he or she can give its statement within eight days. Normally, the beneficiary of international protection is notified by the competent authority in person, or by registered letter with advice of delivery sent to their last known address, whether the address is in Portugal or outside the country, in accordance with Article 82, subsection 1 of the Portuguese Asylum Law. According to subsection 2 of the same article, if the letter is returned, this is immediately communicated to the UNHCR representative and the CPR (Portuguese Council for Refugees), and the notification is deemed to have been made if the applicant does not appear within 20 days of the date of the aforementioned return.</p>
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 EMN NCP Serbia	Yes	<p>1. Legal provisions regarding cessation of refugee status and subsidiary protection are laid down in Articles 81 and 82 in The Law on Asylum and Temporary protection. The provisions are harmonized with articles 11 and 16 of Directive 2011/95/EU. The right to refuge shall cease on the following grounds:</p> <ol style="list-style-type: none"> 1) if a person has voluntarily re-availed him/herself of the protection of his/her country of origin; 2) if a person, having lost his/her nationality, has re-acquired it; 3) if a person has acquired a new nationality, and thus enjoys the protection of the country of his/her new nationality; 4) if a person voluntarily re-established himself/herself in the country which he or she left or outside which he or she remained owing to fear of persecution or harassment; 5) if a person can no longer continue to refuse to avail him/herself of the protection of his/her country of origin, because the circumstances in connection with which he/she has been granted protection have ceased to exist; 6) if a stateless person is able to return to the country of his/her habitual residence, because the circumstances in connection with which he/she has been granted protection have ceased to exist. <p>Subsidiary protection shall cease when the circumstances in connection with which it has been granted have ceased to exist or have changed to such a degree that the protection is no longer required, or the person no longer faces a risk of serious harm.</p> <p>2. There are no specific provisions related to the travel to the country of origin. In line with general principles, each case shall be examined based on individual circumstances.</p> <p>3. There are no specific provisions related to the travel to the country of origin. In line with general principles, each case shall be examined based on individual circumstances.</p>
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			<p>4. In practice, the case shall be examined based on individual circumstances. The UNHCR recommendations from 1999 in <i>The Cessation Clauses: Guidelines on their Application</i> are followed.</p> <p>5. No. Based on the Law on Asylum and Temporary Protection ("Official Gazette of the RS", No. 24/18), persons granted asylum in the Republic of Serbia have right to the freedom of movement within the Republic of Serbia, as well as outside of its borders. The fact that the beneficiary of international protection is outside the borders of the Republic of Serbia does not automatically entail the termination of the right to asylum.</p> <p>6. Before issuing a decision on the termination of the right to asylum, the Asylum Office informs the person about the reasons for the termination of protection and gives him the opportunity to state the facts relevant to the termination of protection. The notification and delivery rules are general and applicable to all administrative proceedings, including in asylum cases, and are set by the Law on General Administrative Procedure ("Official Gazette of RS", no. 8/16, 95/18 and 2/23).</p>
	<p>EMN NCP Slovakia</p>	<p>Yes</p>	<p>1. The said Articles are transposed into the Act on Asylum as follows:</p>


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			<ul style="list-style-type: none">• Article 11 (1) of the Directive into the Article 15 2a of the Act on Asylum: „The Ministry (of Interior) revokes the asylum if the persons with granted asylum has voluntarily availed himself or herself of the protection afforded by the State of which he or she is a national.“• Article 16 of the Directive into Article 15b 2a of the Act on Asylum: „The Ministry (of Interior) revokes the subsidiary protection if the circumstances on the basis of which subsidiary protection was granted have ceased to exist or have changed to the point that it is no longer necessary to grant it; this does not apply if a foreigner who has been granted subsidiary protection invokes compelling reasons based on previous serious harm for refusing the protection of the State which is his country of origin.“ <p>2. No. (Not particularly for the reasons of travelling – see response to question 1).</p> <p>3. No. (Not particularly for the reasons of travelling – see response to question 1).</p> <p>4. If there is information/indication that the beneficiary of international protection has travelled to the country of origin, he/she has the opportunity to comment on the matter during the asylum proceeding (in this case the procedure for withdrawal of asylum, procedure for prolongation/cancellation of subsidiary protection).</p> <p>5. No.</p>
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		6. The beneficiary of international protection shall be informed in the matter at the contact address indicated or entered in the registry of foreigners. After the expiry of the statutory period, the document is deemed delivered, the asylum proceeding (in this case the procedure for withdrawal of asylum, procedure for prolongation/cancellation of subsidiary protection) is in progress, the date of the interview is set, etc. In practice, there have not yet been cases where the person concerned has not attended such an interview. In case of the Slovak Republic, it is not possible to have an interview at the nearest Embassy of the Slovak Republic.
	EMN NCP Slovenia	Yes 1. Articles are transposed to Articles 67 and 69 of International Protection Act – IPA (Official Gazette of RS, No. 16/17 – official consolidated text, 54/21 and 42/23 – ZZSDT-D; available at: https://pisrs.si/pregledPredpisa?id=ZAKO7103), as follows: Article 67 (Grounds for the termination of international protection) (1) A refugee's status shall terminate where: - he or she has voluntarily availed himself or herself of the protection of the country of which he or she is a citizen, - he or she voluntarily re-acquires the citizenship that he or she lost, - he or she acquires a new citizenship and enjoys the protection of the country of new citizenship; - he or she voluntarily resettles himself or herself in the country which he or she left and to which he or she has not returned owing to fear of persecution, - the circumstances in connection with which he or she has been granted refugee status have ceased to exist and he or she may no longer continue to refuse to avail himself or herself of the protection of the country of citizenship;

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			<p>- being a stateless person, he or she is able to return to his or her former country of habitual residence, because the circumstances in connection with which he or she was granted refugee status have ceased to exist.</p> <p>(2) The status of a person under subsidiary protection shall terminate when the circumstances which led to the granting of subsidiary protection cease to exist or have changed to such a degree that protection is no longer required.</p> <p>(3) Where the circumstances pursuant to indents five and six of paragraph one and pursuant to paragraph two of this Act are established, the status shall continue to be valid provided that the person has cited compelling reasons arising out of previous persecution or harm for refusing to avail himself or herself of the protection of the country of citizenship or, being a stateless person, of his or her country of former habitual residence.</p> <p>(4) If a person under international protection dies, the status shall cease to be valid as of the day of death.</p> <p>(5) The status of a person under international protection shall cease to be valid on the day the person obtains citizenship of the Republic of Slovenia.</p> <p>(6) Where a person under international protection unequivocally relinquishes protection, international protection shall cease to be valid on the day when the decision terminating such status becomes final.</p> <p>Article 69 (Procedure for the termination or withdrawal of status)</p> <p>(1) The competent authority may initiate the procedure for the termination or withdrawal of status where it becomes aware of circumstances showing that the reasons referred to in paragraphs one or two of Article 67 of this Act or paragraphs one or two of the preceding Article are applicable in a concrete case.</p> <p>(2) The competent authority shall inform the person under international protection in writing of the institution of the procedure referred to in the preceding paragraph. The written notice of the competent authority shall also state the reasons for instituting the procedure.</p>
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			<p>(3) Before deciding, the competent authority shall enable the persons referred to in the preceding paragraph to present in a personal interview the reasons why their international protection status should not be withdrawn.</p> <p>(4) If the reasons referred to in indents five and six of paragraph one of Article 67 of this Act and paragraph two of Article 67 of this Act exist, the competent authority shall obtain the information referred to in indents eight and nine of Article 23 of this Act in the course of the procedure.</p> <p>(5) In examining whether the reasons referred to in indents five and six of paragraph one of Article 67 of this Act and paragraph two of Article 67 of this Act apply, the change in circumstances must be substantial and non-temporary to the extent that the fear of being persecuted can no longer be regarded as well-founded, or that the person no longer faces a real risk or serious harm.</p> <p>(6) Where the circumstances referred to in indents five and six of paragraph one of Article 67 of this Act and in paragraph two of Article 67 of this Act exist, such status shall not cease to be valid provided that the person has cited compelling reasons arising out of previous persecution or harm for refusing to avail himself or herself of the protection of his or her country of citizenship or, being a stateless person, of his or her country of former habitual residence.</p> <p>(7) The competent authority shall issue a decision terminating or withdrawing international protection status.</p> <p>2. Not directly, but according to Article 69(1) of IPA, the competent authority may initiate the procedure for the termination or withdrawal of status of international protection where it becomes aware of circumstances showing that the reasons referred to in paragraphs one or two of Article 67 of this Act (see answer to Q1) are applicable in a concrete case.</p> <p>3. See answer to Q2.</p>
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			<p>4. Yes. According to Article 69(5) and (6) – see answer to Q1.</p> <p>Travelling to the country of origin does not in itself end the status. It is necessary to demonstrate that the change in circumstances which led to the granting of refugee or subsidiary protection status is substantial and, above all, lasting, effective and that the fear of persecution or serious harm is no longer well-founded. The circumstances of each case are, of course, assessed on a case-by-case basis. Example: we have encountered several cases where beneficiaries of subsidiary protection status (citizens of Ukraine) went on a short visit to Ukraine during the period of subsidiary protection (to visit a dying grandmother, to visit her parents to persuade them to leave Ukraine, etc.). These visits were short (a few days), but above all, they testified to the constant shelling and bombardment that took place during this period. After careful consideration of the circumstances of these rare cases of short-term return to Ukraine during the period of subsidiary protection, we have concluded that a short-term return to Ukraine does not in itself mean that a person granted subsidiary protection has accepted the protection of that country, as he/she has not settled there for a long period of time. Moreover, in the context of the case at hand, up-to-date information is decisive. It is often not possible to establish that there has been any significant change in the circumstances which led to the grant of subsidiary protection on the basis of the available information. The armed conflict in Ukraine is still ongoing, so the circumstances have not changed to such an extent that protection is no longer necessary.</p> <p>5. No. However, if we are provided with the information that the person has travelled to the country of origin, the case is carefully monitored. We are likely to initiate withdrawal/termination proceedings in such a case, and then assess the personal circumstances of the specific case of return.</p>
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			<p>6. If we know that person's address, we will send him/her a notice of initiation if withdrawal/termination proceedings are initiated. An essential part of the withdrawal/termination procedure is a personal interview, where the person concerned has the opportunity to explain all the circumstances and to state why his/her status should not be withdrawn/terminated. If the person does not appear for the personal interview, which is a distinct possibility if they are living abroad, there is no possibility to continue the procedure. Even more often, if the person moves abroad, we do not even know his/her address, which means that we cannot even send him/her a notice of termination/withdrawal and we cannot even start the procedure. In such a case, we would be alert in case the person ever reappears in Slovenia (e.g. when renewing residence documents) and we would continue the procedure then.</p>
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