



**AD HOC QUERY ON 2021.61 Applying the principle of compelling reasons in asylum cases**

**Requested by EMN NCP Finland on 7 October 2021**

**Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden (24 in Total)**

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**1. Background information**

The Asylum Unit of the Finnish Immigration Service would like to know if other Member States have established practices or guidelines on applying the principles of “compelling reasons”.

Chapter III of the UNHCR Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status concerns cessation clauses. The fifth cessation clause B (5) concerns nationals whose reasons for becoming a refugee have ceased to exist. Paragraph 136 provides guidelines on how to interpret Article 1 C (5) of the 1951 Convention, which states: “Provided that this paragraph shall not apply to a refugee falling under section A (1) of this Article who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself of the protection of the country of nationality”. In line with this, it is frequently recognized that a person who has suffered under atrocious forms of persecution should not be expected to repatriate.

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UNHCR Guidelines on International Protection No. 7 on Trafficking and UNHCR Guidance Note on Refugee Claims Relating to FGM both refer to a situation, where the persecution is considered to be a one-off past experience, but there may still be compelling reasons arising from the previous persecution. This may be the case when the persecution suffered is considered particularly atrocious and the victim experiences ongoing traumatic psychological effects, rendering a return to the country of origin intolerable.

In Finland, the number of cases in which compelling reasons could be considered is on the rise on the first instance (administrative level), especially in cases with serious traumatic psychological effects. However, there is no established practice or national guidelines on the application of the principle of compelling reasons. The Finnish Aliens Act mentions compelling reasons only in connection with cessation. Therefore, Finland would like to know if other Member States have established practices or guidelines on applying these principles.

## **2. Questions**

- 1. How does your Member State apply the principle of compelling reasons (as described above)?**
- 2. Do you have specific guidelines on applying the principle of compelling reasons, or is it applied based on a case-by-case individual assessment only?**
- 3. Have you granted asylum, subsidiary protection or any other kind of protection status or residence permit on the basis of compelling reasons?**  
*Available choices: Yes, No*
- 4. If you answered YES to question 3, can you please indicate in what kind of cases?**
- 5. If you answered in question 2, that your Member State has guidelines regarding the application of the compelling reasons, can you please provide us the link or the document?**

We would very much appreciate your responses by **4 November 2021**.

## **3. Responses**



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<sup>1</sup> If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

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		Wider Dissemination <sup>2</sup>	
	EMN NCP Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	EMN NCP Belgium	Yes	<p>1. <b>Cessation</b> : The compelling reasons arise from previous persecution in combination with an analysis of the consequences in the event of return to the country of origin. A refugee may also rely on other grounds of persecution than those established at the time of granting refugee status. The reason why a refugee refuses protection in the country of origin must be such that it is entirely unreasonable to expect him to return. These are exceptional asylum-related circumstances, assessed on an individual basis. These may include victims of particularly severe persecution with long-term psychological effects, trauma or where, on return, the refugee would have to live with the former agent of persecution. A lower economic standard of living in the country of origin upon return or the degree of integration in Belgium are not compelling reasons.</p> <p><b>Violence against women (physical and sexual violence) in areas such as FGM - TEH - forced marriages - homosexuality:</b></p> <p>Whether it be an act of genital mutilation, physical torture or sexual violence suffered in the past, without any actual fear in case of returning to the country of origin, it is the act</p>

<sup>2</sup> 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>or the acts that have to be qualified as persecution in the sense of article 1er section A of the Geneva Convention or serious impairment in the sense of subsidiary protection. The after-effects and suffering resulting from the past act(s) are not, in themselves, acts of persecution. They are consequences of the act(s) of persecution which may be spread over time (e.g. psychological trauma, nightmares, anxiety, depression, post-traumatic stress disorder).</p> <p>When this type of after-effects due to past persecution are invoked, it is up to the applicants for international protection to substantiate their claim, to demonstrate that the after-effects are sufficient, in themselves, to establish a fear in the event of return, despite the existence of good reasons to believe that persecution (or serious harm) will not recur. This is referred to as an exacerbated subjective fear as a result of past persecution (or serious harm) which makes return to the country of origin unthinkable. This fear is analysed individually and it is up to the applicant to substantiate his/her claim, to show that the after-effects from which he/she suffers are sufficient, in themselves, to establish a need for protection on their part. The content of the medical document or psychological report - which must be sufficiently detailed - and the severity with which it has been drawn up are important elements in this assessment.</p> <p>In this respect, the Council for Alien Law Litigation, the asylum appeal body, has already considered that "The consideration of such a state of fear will have to be assessed according to the personal experience of the person concerned, his/her individual psychological structure, the extent of the physical and psychological consequences observed, and all other relevant circumstances of the case. In the latter case, the burden of proof lies primarily with the applicant. It is thus up to him/her to demonstrate both the reality and the particular gravity of the harm initially inflicted on him/her, and of the psychological and physical trauma resulting therefrom, and lastly, of the state of</p>
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			<p>persistent fear which impedes any reasonable prospect of return to his country" (CCE, No. 125.702 of 17 June 2014).</p> <p>2. <b>Cessation</b> : case-by-case assessment  <b>Violence against women (physical and sexual violence) in areas such as FGM - TEH - forced marriages - homosexuality:</b> There are no specific guidelines on the application of compelling reasons. However, the concept is further developed in two guidelines, one on FGM and the other on sexual violence. In all gender-related issues, the concept is applied on a case-by-case basis.</p> <p>3. Yes</p> <p>4. <b>Cessation</b> : Other persecution grounds  <b>Violence against women (physical and sexual violence) in areas such as FGM - TEH - forced marriages - homosexuality:</b> case-by-case basis</p> <p>5. <b>Cessation</b> : No guidelines  <b>Violence against women (physical and sexual violence) in areas such as FGM - TEH - forced marriages - homosexuality:</b> no guidelines</p>
	<p>EMN NCP Bulgaria</p>	<p>Yes</p>	<p>1. In compliance with the Law on Asylum and Refugees, art. 17(2) cessation of international protection cannot be performed when the foreigner states compelling resulting from persecution in the past, for refusing to avail himself of the protection of his country of origin.</p> <p>2. It is based on a case-by-case individual assessment.</p>

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			<p>3.</p> <p>4. N/A</p> <p>5. N/A</p>
	EMN NCP Croatia	Yes	<p>1. There is no established practice.</p> <p>2. There are no specific or national guidelines, only case by case individual assessment.</p> <p>3. No</p> <p>4. n/a</p> <p>5. n/a</p>
	EMN NCP Cyprus	Yes	<p>1. Cyprus Asylum Service (CAS) applies the principle of compelling reasons, according to paragraph 136 of UNHCR Handbook and Guidelines concerning how to interpret Article 1C(5) in relation with the cessation clauses, when the national is recognized for other reasons which have been ceased to exist.</p> <p>The individual circumstances will be examined and if he is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself of the protection of the country of nationality and recognized that he has suffered under atrocious forms of persecution, then the cessation clause will not be applied.</p>



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			<p>Also CAS examines if the compelling reasons can apply, nevertheless to the cessation clauses, to other situations as well (see question 4).</p> <p>2. It is based on a case-by-case individual assessment only</p> <p>3. Yes</p> <p>4. 1. There are cases where the persecution is a one-off past experience, but there may still be compelling reasons arising from the previous persecution, rendering a return to the country of origin intolerable.</p> <p>For example in case of trauma, there is a need of a psychological report, in order to assess if there is an ongoing, psychological effect, as a result of the past experience. In this case we will examine whether the past trauma will still affect the applicant in a such a way that make the possibility of returning inevitable.</p> <p>Thus, it is examined whether the applicant is suffered grave persecution that cannot reasonably be expected to return.</p> <p>2. Also there is a case where compelling reasons are arising not from previous persecution but due to the particular circumstances of an applicant. The individual profile and the special personal factors along with the absent of inadequate protection system, may create compelling reasons, not to be returned to the country of origin, due to feeling of insecurity. The feelings of insecurity and (a) violation(s) of human rights must apply.</p> <p>5. N/A</p>
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	<p>EMN NCP Czech Republic</p>	<p>Yes</p>	<p>1. In case the asylum shall be withdrawn on the basis of these two following reasons a) the recognised refugee can avail himself/herself of the protection of the state of which he/she is a citizen because the reasons for which asylum was granted have ceased to exist b) the recognised refugee is a stateless person and can return to the state of his/her last permanent residence because the reasons for which asylum was granted have ceased to exist, then when assessing the reasons referred to in these two points consideration shall be given as to whether the change in circumstances is of such a significant and permanent nature that the reasons for which the recognised refugee has been granted asylum can no longer be regarded as well-founded. Consideration shall also be given as to whether the recognised refugee cites severe circumstances supported by previous instances of persecution which would justify rejection of the protection of the country of which the foreign national is a citizen or, if the foreign national is a stateless person, of the country of his/her last permanent residence.</p> <p>2. It is based on case-by-case individual assessments.</p> <p>3. No</p> <p>4. N/A</p> <p>5. N/A</p>
	<p>EMN NCP Estonia</p>	<p>Yes</p>	<p>1. So far, we have not had cases and practise where the principle of compelling reasons has been applied.</p> <p>2. No, the principle of compelling reasons has not been used.</p>



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			<p>3. No</p> <p>4. N/A</p> <p>5. N/A</p>
	EMN NCP Finland	Yes	<p>1. There is no national practice on the use of the principle.</p> <p>2. There are no national guidelines on applying the principle and there is no national practice on the individual assessment either.</p> <p>3. No</p> <p>4. There is no national practice on the use of the principle.</p> <p>5. There are no national guidelines.</p>
	EMN NCP France	Yes	<p>1. As a preliminary point, it should be noted that, although the concept of exceptional seriousness was initially, in accordance with the Geneva Convention, an exception to cessation of refugee status (see paragraphs below), French case-law has gradually extended it to the examination of eligibility for asylum protection and therefore now applies both to applications for refugee status and to applications for admission to subsidiary protection and to the cases in which those protection ends.</p> <p>In France, the principle of exclusion from clauses terminating international protection, based on 'compelling reasons relating to previous persecution', laid down in Article 1 (5) of the</p>

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			<p>Geneva Convention of 28 July 1951, is reflected in Article L.511-8 of the Code of Entry and Residence of Foreign nationals and the Right to Asylum (CESEDA). This article sets out the conditions for ending asylum protection granted by the French Office for the Protection of Refugees and Stateless Persons (OFPRA), and provides that: 'The French Office for the Protection of Refugees and Stateless Persons shall, on its own initiative or at the request of the administrative authority, terminate refugee status where the person concerned is covered by one of the cessation clauses laid down in Section C of Article 1 of the Geneva Convention of 28 July 1951. For the application of the 5 and 6 of Section C, the change in the circumstances which justified the recognition of refugee status must be sufficiently significant and lasting so that the refugee's fear of persecution can no longer be regarded as well-founded.'</p> <p>The principle of exclusion from cessation clauses based on "compelling reasons relating to previous persecution" is also applied for the maintenance of subsidiary protection. Article L.512-3 of the CESEDA provides that 'subsidiary protection shall be maintained where the beneficiary demonstrates compelling reasons relating to previous serious harm for refusing to avail himself of the protection of his country'.</p> <p>These grounds are examined during OFPRA's End of Protection Investigation Procedure. Thus, if the Office intends to end refugee status (pursuant to Articles L.511-7 or L.511-8 of the CESEDA) or subsidiary protection (pursuant to Article L.512-3 of the CESEDA), it informs the person concerned in writing of the initiation of these proceedings and of the reasons for it (Article L.562-1 of the CESEDA). In response to that notification, according to the provisions of Article L.562-2 of the CESEDA, the beneficiary concerned has the opportunity to submit his or her written observations on 'the grounds capable of hindering the end of refugee status or subsidiary protection'. Furthermore, if OFPRA considers it necessary, the beneficiary may also be interviewed, under the same conditions as for</p>
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			<p>asylum examination interviews, so that the reasons given for obstructing the end of protection procedure are examined by a protection officer.</p> <p>2. We have internal recommendations for appropriation of the legal framework and the implementation of this concept. Then, a case by case application is carried out taking into account the related general recommendations.</p> <p>3. Yes</p> <p>4. It should be noted that although the concept of exceptional seriousness was initially, in accordance with the Geneva Convention, an exception to cessation of refugee status, French case-law has also gradually extended it to the examination of eligibility for asylum protection (see preliminary remark Q1). The exception relating to exceptional seriousness applies, for example, in accordance with the case-law of the national asylum court, where (non-exhaustive list):</p> <ul style="list-style-type: none"><li>- The abuses suffered altered the applicant's physical and mental balance (example: 1994, after being detained for 11 years with serious consequences for his physical and psychological balance; 1995, Rwandan population suffering from severe psychological problems as a result of the massacre of family members and her husband during the genocide; 2007, a Bosnian national, a victim of serious abuse by Serbian soldiers at the age of ten, whose mother was tortured and killed under her eyes, which caused her serious psychological problems; 2012, Person of the R.D.C, victim of repeated rape by soldiers and militants, whose husband had been murdered and mutilated, the Court taking into account the conclusions of the medical certificate and psychiatric expertise and the consequences of the intense and repeated persecution of her when she was young, isolated and vulnerable; 2015, R.D.C national victim of severe abuse leading to a state of extreme mental fragility preventing all normal family and</li></ul>
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			<p>social life; 2015, an Angolan national retaining significant consequences of physical violence (amputation in particular).</p> <ul style="list-style-type: none"> <li>- The physical and psychological consequences of the violence are intense and permanent (for example: 2015, Sierra leonese tortured by the Revolutionary United Front (RUF), a victim of exceptionally serious persecution, the effects of which he continues to feel. The seriousness is due to the extent of the exactions suffered by members of the same family, including the Applicant).</li> <li>- The seriousness is due to the extent of the exactions suffered by members of the same family, including the applicant (example: 1995, Cambodian deported to a labour and rehabilitation camp, executed husband, son suffering respectively from debilitating injuries and irreversible psychological trauma; 1997, a national of the former Soviet Union, a Bulgarian resident, who has been removed from industry with his mother and sister, husband exile in Siberia, family who has been the victim of agricultural deportation, father who has died in prison, without an allocated nationality; 2007 Bosnian national born in Serbia, witness the disappearance of his family when Srebrenica was caught).</li> <li>- The psychological consequences of family persecution, when the person concerned has not been a direct victim of it, are to be taken into account (for example: 1997, Rwandan, whose family members were killed during the genocide with serious psychological consequences).</li> </ul> <p>5. No because they are internal recommendations and not a public document</p>
	<p>EMN NCP Germany</p>	<p>Yes</p>	<p>1. Based on Article 73 (1) of the Asylum Act, a revocation of asylum and refugee status cannot be performed, if the foreigner has compelling reasons, based on earlier</p>


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			<p>persecution, for refusing to return to the country of which he is a citizen, or, if he is a stateless person, in which he had his usual residence.</p> <p>2. There are no national guidelines on applying the principle and there is no national practice on the individual assessment either.</p> <p>3. No statement can be made. The reasons for the granting of protection, the reasons for a revocation and the reasons for not initiating a revocation procedure are not statistically recorded.</p> <p>4. N/A</p> <p>5. N/A</p>
	EMN NCP Hungary	Yes	<p>1. The Hungarian regulation only mentions compelling reasons in connection with cessation. Section 11 paragraph (2) point e) of Act LXXX of 2007 on Asylum sets out the rules on cessation of Refugee Status. The status should be withdrawn if the circumstances in connection with which he or she has been recognized as a refugee have ceased to exist. However Section 11 paragraph (4) contains an exception. The rules set out in Section 11 paragraph (2) point e) shall not apply to a refugee who continues to refuse to avail himself or herself of the protection of the country of nationality claiming a well-founded fear of persecution. Section 63 paragraph (1) of Asylum Act sets out that „Protection against persecution or serious harm is generally considered provided, when the actors in the State, from where the applicant was forced to flee, take reasonable steps to prevent the persecution or suffering of serious harm, inter alia, by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and the applicant has access to such protection.” According</p>


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			<p>to Paragraph (2) „The protection referred to in Subsection (1) shall be considered provided also, if in a part of the State, from where the applicant was forced to flee, there is no well-founded fear of being persecuted or no real risk of suffering serious harm and the applicant can reasonably be expected to stay in that part of the country.”In this regards Section 92 Paragraph (2) point c) of Government Decree 301/2007. (XI. 9.) on the implementation of Asylum Act sets out that during the implementation of Section 63 Paragraph (2) of Asylum Act it has to be taken into consideration that there is no risk of the applicant being subjected to persecution, serious harm or other serious human rights violations in the part of the country, regardless of the relation to the reasons indicated in the application.</p> <p>2. No, in each case a case-by-case assessment is carried out.</p> <p>3.</p> <p>4. N/A</p> <p>5. N/A</p>
	<p>EMN NCP Ireland</p>	<p>Yes</p>	<p>1. The principle of compelling reasons arising out of previous persecution or serious harm does not form part of Irish law in respect of the assessment of the relevant elements of an application for international protection.</p> <p>Section 9(3) of the International Protection Act 2015 provides that cessation of refugee status “shall not apply to a refugee who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself or herself of the protection of his or her country of nationality or, being a stateless person, of the country of former habitual residence.” Similarly, section 11(3) provides that cessation of eligibility for subsidiary</p>



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			<p>protection “shall not apply to a person eligible for subsidiary protection who is able to invoke compelling reasons arising out of previous serious harm for refusing to avail himself or herself of the protection of his or her country of nationality or, being a stateless person, of the country of former habitual residence.”</p> <p>2. The International Protection Office (IPO) does not have guidelines on applying the principle of compelling reasons as this does not form part of Irish law in respect of the assessment of applications for international protection. Decisions on cessation and revocation of refugee status and subsidiary protection, including where previous persecution or serious harm might be a factor, are made on a case-by-case individual basis.</p> <p>3.</p> <p>4. Not applicable.</p> <p>5. Not applicable.</p>
	<p>EMN NCP Italy</p>	<p>Yes</p>	<p>1. At the moment, there are no cases of specific application of the principle in question. It can possibly be applied by recognizing, after careful evaluation of the concrete case, the so-called special protection pursuant to art. 19 of Legislative Decree no. 286 of July 25, 1998.</p> <p>2. There are no specific guidelines for internal use or circulars interpreting this principle. It is applied only on a case-by-case basis.</p> <p>3. Yes</p>

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			<p>Yes, there is still the possibility that complementary protection may be recognized for "compelling reasons" arising from previous persecution.</p> <p>4. There are no elements available.</p> <p>5. N.A.</p>
	EMN NCP Latvia	Yes	<p>1. Until now we have not had cases where the principle of compelling reasons has been applied as described above.</p> <p>2. No.</p> <p>3. No</p> <p>4. N/a</p> <p>5. N/a</p>
	EMN NCP Lithuania	Yes	<p>1. Lithuania has not yet applied this principle in practice.</p> <p>2. There are no specific guidelines. It would be applied on a case-by-case basis.</p> <p>3. No</p> <p>4. N/A</p>



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			5. N/A
	EMN NCP Luxembourg	Yes	<p>1. In Luxembourg, the principle of compelling reasons is applicable in the context of cessation of international protection (refugee status (article 44 (3) of the amended law of 18 December 2015 on international protection and temporary protection (Asylum Law); as well as subsidiary protection (article 49 (3) of that same law).</p> <p>Article 44 (1) of the Asylum Law establishes that a third country national or stateless person shall cease to be a refugee in the following cases:</p> <ul style="list-style-type: none"> <li>(a) s/he has voluntarily re-availed her/himself of the protection of the country of his nationality; or</li> <li>(b) s/he has voluntarily reacquired her/his nationality after losing it; or</li> <li>(c) s/he has acquired a new nationality and enjoys the protection of the country of her/his nationality; or</li> <li>(d) s/he has voluntarily re-established her/himself in the country which s/he left or outside which s/he remained owing to fear of persecution; or</li> <li>(e) if s/he can no longer continue to refuse to avail her/himself of the protection of the country of nationality, the circumstances as a result of which s/he was recognised as a refugee having ceased to exist;</li> <li>(f) whether, in the case of a stateless person, s/he is able to return to the country of former habitual residence, the circumstances as a result of which s/he has been recognised as a refugee who has ceased to exist.</li> </ul> <p>However, according to article 44 (3), Subsection (1) (e) and (f) shall not apply to a refugee who is able to invoke compelling reasons arising out of previous persecution for refusing to avail her/himself of the protection of the country of nationality or, in the case of a</p>



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			<p>stateless person, of the country of former habitual residence.</p> <p>In the same vein, Article 49 (1) states that "a third-country national or a stateless person shall cease to be a person eligible for subsidiary protection when the circumstances that justified the granting of such protection cease to exist or have changed to such an extent that such protection is no longer necessary. However, according to article 49 (3), Subsection (1) does not apply to a beneficiary of subsidiary protection status who can invoke compelling reasons arising from previous serious harm for refusing to avail her/himself of the protection of the country of nationality or, in the case of a stateless person, of the country of former habitual residence."</p> <p>These are our legal bases. However, this principle has not been applied in recent years; therefore, we cannot unfortunately, provide any practical examples of how/in which cases we apply this principle. Furthermore, compelling reasons arising from previous acts of persecution to not apply the cessation of the refugee status or subsidiary protection status is evaluated in a case-by-case basis (see answer to Q.2)</p> <p>2. There are no specific guidelines on how to apply the principle of compelling reasons. In Luxembourg this principle is applied on a case-by-case individual assessment once proceeding with a cessation is envisaged.</p> <p>3. No No. As it was mentioned before, the application of compelling reasons is only applied in relationship with the cessation of the international protection as it is clearly stated in the Asylum Law. For this reason, it is a condition relating to the application of articles 44 (3) and 49 (3) of the Asylum Law.</p> <p>4. N/A.</p>
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			5. N/A.
	EMN NCP Malta	Yes	<p>1. The principle of compelling reasons (as described above) is applied on a case by case basis following an individual assessment of the circumstances of the case.</p> <p>2. The principle of compelling reasons (as described above) is applied on a case by case basis following an individual assessment of the circumstances of the case.</p> <p>3. No</p> <p>4. N/A</p> <p>5. N/A</p>
	EMN NCP Netherlands	Yes	<p>1. In cases where the reasons for becoming a refugee or for receiving subsidiary protection have ceased to exist, the IND will not withdraw the residence permit if there are compelling reasons for the third-country national to refuse to return to his/ her country of origin arising out of previous persecution or actions in accordance with Art. 29 (1) (b) of the Aliens Act.[1]</p> <p>As specified in the Implementation Guidelines of the Aliens Act (Vc 2000), such “compelling reasons” do exist where a) the third-country national was a victim of atrocities that (partially) justified the issuing of a temporary residence permit, and b) the</p>


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			<p>psychological state of the third-country national that resulted from those atrocities as well as his/ her potential position upon return stand in the way of returning to the country of origin.</p> <p>According to the Implementation Guidelines of the Aliens Act (Vc 2000), the IND defines such atrocities as: rape, serious ill-treatment or torture, or being a witness to a violent death, rape, serious ill-treatment or torture of close family members. In addition, the IND assumes that a third-country national who has been confronted with such atrocities is unable to return to his/her country of origin if the perpetrators of the wrong-doing remain unpunished in the country of origin. For this purpose, the IND assess whether in light of the current situation, perpetrators of these atrocities are generally being held responsible in the country of origin.[2]</p> <p>[1] Article 3.37g of the Aliens Act (Vw) 2000 and Section C2/10.4 of the Implementation Guidelines of the Aliens Act (Vc) 2000. [2] Section C2/10.4 of the Implementation Guidelines of the Aliens Act (Vc) 2000.</p> <p>2. See above.</p> <p>3.</p> <p>4.</p> <p>5. See question 1. <a href="https://wetten.overheid.nl/BWBR0012288/2021-10-15">https://wetten.overheid.nl/BWBR0012288/2021-10-15</a></p>
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	<p>EMN NCP Poland</p>	<p>Yes</p>	<p>1. According to the Polish law (Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland):</p> <p><u>Art. 18a</u> Information about the fact that the foreigner has been persecuted in the past or suffered serious harm, or was directly threatened with persecution or suffering of serious harm, is important information confirming the alien's well-founded fear of persecution or the real risk of suffering serious harm, unless there are justified reasons to believe that that acts of persecution or serious harm will not be repeated.</p> <p><u>Art. 21.1. 5</u> A foreigner is deprived of the refugee status if, after granting this status, the competent authority found that the foreigner may no longer refuse to benefit from the protection of the state of which he is a citizen due to the cessation of the circumstances for which he was granted refugee status, <u>and has not presented convincing reasons related to persecution for which he obtained that status, or other reasons of well-founded fear of persecution, justifying his refusal to enjoy the protection of the country of which he is a citizen.</u></p> <p>2. The principle is applied directly from the provisions of the Polish law. Individual assessment is needed as well.</p> <p>3. No</p> <p>4. n/a</p> <p>5. We do not have any domestic guidelines.</p>
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	<p>EMN NCP Portugal</p>	<p>Yes</p>	<p>1. NA</p> <p>2. NA</p> <p>3. No</p> <p>4. NA</p> <p>5. NA</p>
	<p>EMN NCP Slovakia</p>	<p>Yes</p>	<p>1. The Slovak Republic applies the principle of compelling reasons in practice. However, there is no binding definition/no guidelines of this principle, each case is evaluated individually, and the current practice cannot be summarized in any definition.</p> <p>2. As mentioned in question no. 1, the Slovak Republic has no binding guidelines for the assessment of cases falling under the principle of compelling reasons and we proceed on a case-by-case basis.</p> <p>3. Yes</p> <p>4. Yes, the Slovak Republic has granted international protection as well as protection in the form of national protection (asylum on humanitarian grounds). The kind of protection depended on whether compelling reasons were linked to asylum-relevant reasons (persecution on the grounds of race, ethnic origin or religion, holding of particular political opinions or membership in a particular social group), to reasons relevant to the granting of subsidiary protection (having experienced some form of serious harm, in particular torture or inhuman or degrading treatment or punishment) or whether there were other</p>


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			<p>reasons falling under the principle of compelling reasons. In our practice, these were specifically women who had undergone FGM/C, people who were subjected to torture, and/or victims of human trafficking.</p> <p>5. N/A. There are no national guidelines on this matter.</p>
	EMN NCP Slovenia	Yes	<p>1. The aforementioned principle has not been used in Slovenia in practice. According to the national International Protection Act, the use of this principle is envisaged in cessation cases – and we have only had few of such cases in practice.</p> <p>2. Slovenia does not have specific guidelines. Application of the principle is applied based on a case-by-case basis.</p> <p>3. No</p> <p>4. /</p> <p>5. Not applicable</p>
	EMN NCP Spain	Yes	<p>1. There have not been enough cessation procedures to draw conclusions as to how to interpret the principle of compelling reasons in Spain.</p> <p>2. We have no guidelines. We would assess it on a case-by-case basis.</p> <p>3. No</p>

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			<p>4.</p> <p>5.</p>
	<p>EMN NCP Sweden</p>	<p>Yes</p>	<p>1. As in Finland, "Compelling reasons" (in Swedish: tungt vägande skäl), is only mentioned in connection to cessation in the Swedish Aliens Act.</p> <p>According to UNHCR Guidelines is compelling reasons normally intended for persons that has been incarcerated, victims of torture, survivors or witnesses to serious violence towards family members, and seriously damaged persons. Special regards shall be taken to children.</p> <p>Sweden revokes status for refugees and persons with subsidiary protection when the ground for protection has seized. The revocation of status is however not often combined with revocation of residence permit.</p> <p>Sweden does not revoke a lot residence permits since the Swedish law requires extraordinary circumstances after four years of residence. However there are some clues to what is required when you study extradition due to criminal activity.</p> <p>To successfully invoke compelling reasons, the person has to make it likely that the damage/trauma/mental illness has occurred due to a proven incarceration or due to a proven crime. It is not enough to invoke a medical certificate regarding mental or physical illness.</p>



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			<p>2. No. However, there are Swedish guidelines for cases of gender based and gender specific persecution and for cases of trafficking. These guidelines are discussing the topics in connection with the assessment for refugee determination and also subsidiary protection in accordance with the qualification directive (2011/95/EU). In the Swedish Aliens Act, a person can also be declared as a refugee if the ground for persecution is bases on gender or sexual orientation.</p> <p>3.</p> <p>4. N/a.</p> <p>5. <a href="#">Dokument - Lifos extern (migrationsverket.se)</a>, in Swedish. Source:The Swedish Migration Agency's legal and country of origin information system (Lifos). This document is available on the public website of that system.</p>
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