UNHCR
The UN Refugee Agency

REFUGEE DEFINITIONS IN NATIONAL LAWS



LEGAL RESOURCES

A global compilation based on UNHCR's Refugee Treaty and Legislation Dashboard and Refworld

24 June 2026

DISCLAIMER:

The information reflected in this publication is drawn from the most up-to-date material available through UNHCR's Refugee Treaties and Legislation Dashboard (RTLD), a feature of the Rights Mapping and Analysis Platform (RiMAP), and Refworld current as of July 2026. Refugee definitions in national legislation are reported in English where an English translation was available through the Refworld database. Where no such translation was available, the relevant provisions are presented in the original language. Refugee law is, however, a living field. For that reason, this compilation should be understood as a living resource, subject to regular review and update as new legal developments are identified, verified and incorporated. **For that visit the RTLD at rimap.unhcr.org**.

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COVER PHOTOGRAPH:
© UNHCR. People gather at the Masnaa border point in Lebanon as they wait to cross into Syria to escape ongoing Israeli bombing and evacuation orders. - Lebanon. Displaced by recent hostilities, Lebanon, Masnaa border, 4 March 2026

INTRODUCTION

The 75th anniversary of the 1951 Convention relating to the Status of Refugees offers an important moment to reflect on the enduring significance of the universal refugee definition and on the ways in which it has been received, interpreted and implemented in national law. The refugee definition is the gateway to international protection. It determines who is entitled to the rights and safeguards attached to refugee status and to whom States should apply the 1951 Refugee Convention and the regional refugee instruments. This compilation is published on the occasion of this anniversary to bring together the definition of a refugee as reflected in national legislation across 130 countries and territories, as well as the European Union. It is intended to provide a practical and authoritative reference point for understanding how international and regional standards have been incorporated, adapted and applied in domestic legal systems.

UNHCR's engagement with national refugee legislation is grounded in its mandate and supervisory responsibility. Under Article 35 of the 1951 Convention relating to the Status of Refugees, States undertake to cooperate with UNHCR in the exercise of its functions and, in particular, to facilitate its duty of supervising the application of the Convention. Article II of the 1967 Protocol relating to the Status of Refugees contains the corresponding obligation with respect to the Protocol. In addition, States are obliged to inform UNHCR of the implementation of the Convention under the laws and policies that are in force. These provisions reflect a central feature of the international refugee protection regime: the effective implementation of refugee law requires not only accession to international instruments, but also their consistent application in law, policy and practice. In exercising this supervisory role, UNHCR promotes compliance with international refugee law, supports States in aligning national frameworks with applicable standards, and works to foster coherent interpretation of the refugee definition across jurisdictions.

The normative foundation of this compilation is the 1951 Convention and its 1967 Protocol, which remain the cornerstone of the international refugee protection regime. The Convention refugee definition, centred on a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, has profoundly shaped national asylum systems and adjudication worldwide. Regional instruments have further developed this framework. The 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa broadened protection in response to the specific realities of displacement on the African continent, including external aggression, occupation, foreign domination and events seriously disturbing public order. In the Americas, the 1984 Cartagena Declaration on Refugees, although not a treaty, has had

significant normative influence through its incorporation into national laws, particularly by extending protection to persons fleeing generalized violence, foreign aggression, internal conflicts, massive violations of human rights and other circumstances seriously disturbing public order. Together, these instruments have contributed to a dynamic and regionally responsive understanding of refugee protection, while remaining anchored in the universal principles of non-refoulement, non-discrimination and inclusion, international cooperation and protection from persecution and serious harm.

UNHCR's legal guidance has played an important role in supporting this process of interpretation and implementation. The UNHCR Handbook on Procedures and Criteria for Determining Refugee Status has long served as a key interpretative reference for States, courts, decision-makers and practitioners. It assists in the application of the refugee definition by clarifying its constituent elements, including well-founded fear, persecution, Convention grounds, sur place claims, exclusion and cessation. UNHCR's Guidelines on International Protection have further developed this guidance in relation to specific legal questions and evolving areas of State practice, including gender-related persecution, membership of a particular social group, exclusion, internal flight or relocation alternatives, religion-based claims, military service-related claims and other issues central to refugee status determination. These instruments are part of UNHCR's broader supervisory function and continue to support consistent, principled and protection-oriented adjudication and legislative development.

This publication also reflects UNHCR's continuing efforts to collect, analyse and systematize refugee law data in support of evidence-based advocacy and legislative engagement. The Refugee Treaty and Legislation Dashboard (RTLD) is an interactive public dashboard that compiles data on refugee treaties and national asylum legislation from around the world. It provides information on core international and regional refugee instruments and on domestic legal frameworks regulating asylum and international protection. The RTLD is a core public component of UNHCR's Rights Mapping and Analysis Platform (RiMAP), a digital platform that consolidates treaties, national laws and policy analysis across multiple rights categories in order to support protection, identify legal and practical gaps, and inform policy reform. RiMAP complements Refworld by transforming legal texts and policy information into structured, accessible and analytical data that can support national, regional and cross-regional comparison, strategic advocacy and operational planning.

By presenting national and regional provisions across the globe side by side, it enables users to track State practice, identify legislative trends, compare approaches to the

incorporation of international and regional standards, and discern emerging good practices. It also helps reveal areas where national legislation may diverge from, narrow or expand upon applicable international and regional definitions. In doing so, the compilation supports States engaged in legislative drafting or reform, assists courts and adjudicators in comparative legal interpretation, informs practitioners and scholars, and provides UNHCR operations with a practical tool for legal analysis, advocacy and engagement with national authorities.

UNHCR offers this publication as a contribution to the effective implementation of international and regional refugee law and as part of the broader reflection prompted by the 75th anniversary of the 1951 Convention. By making national refugee definitions more accessible and comparable, it seeks to strengthen legal certainty, promote consistency in interpretation, and support the continuing efforts of States, courts, practitioners, civil society, academia and UNHCR operations to ensure that persons in need of international protection are identified and protected in accordance with the standards to which States have committed. Seventy-five years after the adoption of the 1951 Convention, this compilation affirms the continuing relevance of its refugee definition and the importance of sustaining, in national law and practice, the protection principles at the heart of the international refugee regime.

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THE REFUGEE DEFINITION UNDER INTERNATIONAL LAW

1951 Convention relating to the Status of Refugees

Article 1 — Definition of the term "refugee"

A. For the purposes of the present Convention, the term "refugee" shall apply to any person who:
(1) Has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization; Decisions of non-eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil the conditions of paragraph 2 of this section;
(2) As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.
In the case of a person who has more than one nationality, the term "the country of his nationality" shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

B. (1) For the purposes of this Convention, the words "events occurring before 1 January 1951" in Article 1, section A, shall be understood to mean either (a) "events occurring in Europe before 1 January 1951"; or (b) "events occurring in Europe or elsewhere before 1 January 1951"; and each Contracting State shall make a declaration at the time of signature, ratification or accession, specifying which of these meanings it applies for the purpose of its obligations under this Convention.
(2) Any Contracting State which has adopted alternative (a) may at any time extend its obligations by adopting alternative (b) by means of a notification addressed to the Secretary-General of the United Nations.

C. This Convention shall cease to apply to any person falling under the terms of section A if:
(1) He has voluntarily re-availed himself of the protection of the country of his nationality; or
(2) Having lost his nationality, he has voluntarily reacquired it; or
(3) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or
(4) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or
(5) He can no longer, because the circumstances in connection with which he has been recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality;
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; or
(6) Being a person who has no nationality he is, because the circumstances in connection with which he has been recognized as a refugee have ceased to exist, able to return to the country of his former habitual residence;
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 return to the country of his former habitual residence.

D. This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.
When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall ipso facto be entitled to the benefits of this Convention.

E. This 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.

F. The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:

(a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
(b) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;
(c) he has been guilty of acts contrary to the purposes and principles of the United Nations.

1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa

Article I — Definition of the term "refugee"
1. For the purposes of this Convention, the term "refugee" shall mean every person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his former habitual residence as a result of such events is unable or, owing to such fear, is unwilling to return to it.
2. The term "refugee" shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.
3. In the case of a person who has several nationalities, the term "a country of which he is a national" shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of which he is a national if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.
4. This Convention shall cease to apply to any refugee if:
(a) he has voluntarily re-availed himself of the protection of the country of his nationality, or
(b) having lost his nationality, he has voluntarily reacquired it, or
(c) he has acquired a new nationality, and enjoys the protection of the country of his new nationality, or
(d) he has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution, or

(e) he can no longer, because the circumstances in connection with which he was recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality, or
(f) he has committed a serious non-political crime outside his country of refuge after his admission to that country as a refugee, or
(g) he has seriously infringed the purposes and objectives of this Convention.
5. The provisions of this Convention shall not apply to any person with respect to whom the country of asylum has serious reasons for considering that:
(a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
(b) he committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;
(c) he has been guilty of acts contrary to the purposes and principles of the Organization of African Unity;
(d) he has been guilty of acts contrary to the purposes and principles of the United Nations.
6. For the purposes of this Convention, the Contracting State of Asylum shall determine whether an applicant is a refugee.

1984 Cartagena Declaration on Refugees

Conclusion III — Refugee definition
To reiterate that, in view of the experience gained from the massive flows of refugees in the Central American area, it is necessary to consider enlarging the concept of a refugee, bearing in mind, as far as appropriate and in the light of the situation prevailing in the region, the precedent of the OAU Convention (article 1, paragraph 2) and the doctrine employed in the reports of the Inter-American Commission on Human Rights. Hence the definition or concept of a refugee to be recommended for use in the region is one which, in addition to containing the elements of the 1951 Convention and the 1967 Protocol, includes among refugees persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order.

ALBANIA

Law No. 10/2021 on Asylum in the Republic of Albania, 1 February 2021, https://www.refworld.org/legal/legislation/natlegbod/2021/en/123556

Article 3

[…]

28. "Refugee" means a person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality or outside of the country of former habitual residence and is unable or unwilling to avail himself or herself of the protection of that country or to return to it as a result of such circumstances, in accordance with the requirements of Article 1(A) of the Geneva Convention;

[…]

Article 12 - Persecution

1. In order for an act to be considered persecution in the meaning of Article 1(A) of the Geneva Convention, it must:

a) be sufficiently serious in nature or committed more than once, or constitute a severe violation of fundamental human rights, in particular the rights from which no derogation can be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or

b) be an accumulation of various measures, including the violation of human rights, which is sufficiently severe for an individual, in a manner similar to the provision made under "a" in this paragraph.

2. An act of persecution pursuant to paragraph 1 of this Article, inter alia, takes the form of:

a) acts of physical or psychological violence, including acts of sexual violence

b) legal, administrative, police and/or judicial acts that are discriminatory or have been applied in a discriminatory manner

c) criminal prosecution or punishment that is disproportionate or discriminatory;

ç) denial of the right to seek judicial review, resulting in a disproportionate or discriminatory punishment;

d) criminal prosecution or criminal conviction for refusing to perform military service in a conflict, where the military service includes crimes or acts falling within the scope of exclusion from the right to international protection, in accordance with this Law.

dh) be an act that relates specifically to gender-based violence or violence against minors.

3. In accordance with the definition of the refugee, there must be a connection between the act of persecution and the reasons for such persecution, in the event of a failure to guarantee protection against such acts.

Article 13 - Assessment of Grounds for Persecution

1. When assessing the grounds for persecution, the following elements shall be taken into account:

a) the concept of race shall, in particular, include considerations of colour, descent, or membership of a particular ethnic group;

b) the concept of belief shall in particular include the holding of theistic, non-theistic and atheistic beliefs, the participation in, or abstention from, formal worship in private or in public, either alone or in community with others, other acts of faith or expressions of views of a religious nature, or forms of personal or communal conduct based on or influenced by any religious belief;

c) nationality, which shall not mean citizenship or lack thereof but shall, in particular, include membership of a group determined by its cultural, ethnic, or linguistic identity, common geographical or political origins or its relationship with the population of another state;

ç) a group shall be considered a particular social group, where, in particular:

i. the members of that group share an innate characteristic, or a common cultural background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it;

ii. the group has a distinct identity in the relevant country, because it is perceived as being different by the surrounding society;

d) political conviction shall, in particular, include the holding of an opinion, thought or belief on a matter related to the potential actors of persecution mentioned in Article 15 and to their policies or methods, whether or not that opinion, thought or belief has affected the applicant.

2. When assessing if an applicant has a well-founded fear of being persecuted it is immaterial whether the applicant actually possesses the racial, religious, national, social or political characteristic which attracts the persecution, provided that such a characteristic is attributed to the applicant by the actor of persecution.

Article 15 - Actors of Persecution or Serious Harm

Actors of persecution or serious harm include:

a) the State;

b) parties or organisations controlling the State or a substantial part of the territory of the State;

c) non-State actors, if it can be demonstrated that the actors mentioned in a) and b) of this Article, including international organisations, are unable or unwilling to provide protection against persecution or serious harm.

Article 16 - Actors of Protection

1. Protection against persecution or serious harm can only be provided by:

a) the State;

b) parties or organisations, including international organisations, controlling the State or a substantial part of the territory of the State, provided they are willing and able to offer protection in accordance with paragraph 2.

2. Protection against persecution or serious harm must be effective and of a non-temporary nature. Such protection is generally provided when the actors mentioned under points a) and b) of paragraph 1 of this Article 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 when the applicant has access to such protection.

Article 17 - International Protection Arising Sur Place

1. A foreign national in the territory of the Republic of Albania may be granted international protection in accordance with Articles 18 and 20 of this Law, based on a well-founded fear of being persecuted or a real risk of serious harm based on events which have taken place since the applicant left the country of origin.

2. A well-founded fear of being persecuted or a real risk of suffering serious harm may be based on activities which the applicant has engaged in since he or she left the country of origin, in particular where it is established that the activities relied upon constitute the expression and continuation of convictions or orientations held in the country of origin.

[…]

Article 19 - Exclusion from Refugee Status

1. A foreign national or a stateless person is excluded from being eligible for the refugee status where there are serious reasons for considering that:

a) he or she has committed a crime against peace, a war crime, or a crime against humanity, a terrorist act, as defined in international conventions;

b) he or she constitutes a threat to the public order and security in the Republic of Albania due to having committed a serious non-political crime outside the territory of Republic of Albania prior to his or her entry in the Republic of Albania;

c) he or she has been found guilty of acts contrary to the purposes and principles of the United Nations.

2. Paragraph 1 of this Article also applies to persons who incite or otherwise participate in the commission of the crimes or acts mentioned herein.

3. Refugee status shall not be granted to those persons who enjoy the protection or assistance of United Nations bodies, with the exception of cases when such protection is provided by the UNHCR.

4. Where such protection or assistance, pursuant to paragraph 3 of this Article, has ceased for whatever reason, the foreign national shall be eligible for international protection if he or she fulfils the criteria set out in this Law.

5. Refugee status shall not be granted to a foreign national whose rights and obligations are equal to those of nationals of the Republic of Albania, except for cases when the rights and obligations are specifically related to Albanian citizenship.

Article 39 - Loss of Refugee Status

1. The foreign national or stateless person shall lose the refugee status if he or she:

a) returns voluntarily to the country of nationality;

b) has been granted the nationality and enjoys the protection of the country of acquired nationality; c) has been granted new nationality and enjoys the protection of the country of new nationality;

ç) voluntarily returns to the country which he or she left or outside of which he or she remains out of fear of persecution;

d) can no longer continue to refuse to avail themselves of the protection of the country of nationality because the circumstances on the basis of which the refugee status was granted have ceased to exist;

dh) is able to return, as a stateless person, to the country of former habitual residence because the circumstances on the basis of which their refugee status was recognized have ceased to exist;

e) has left the territory of the Republic of Albania without notifying the Authority Responsible for Asylum and Refugees.

2. In considering points “d” and “dh” of paragraph 1 of this Article, the authority responsible for asylum and refugees shall take into account whether the change of circumstances is significant and of a non-temporary nature and, consequently, the refugee’s fear of persecution can no longer be considered as founded.

3. Points “d” and “dh” of paragraph 1 of this Article shall not apply to a refugee who can provide compelling reasons arising from previous persecution on the basis of which they refuse to avail themselves of the protection of their country of nationality, or, in the case of a stateless person, of their previous place of residence.

ALGERIA

Décret No. 1963-274 du 1963 fixant les modalités d'application de la Convention de Genève du 28 juillet 1951 relative au statut des Réfugiés, 25 July 1963, https://www.refworld.org/legal/decreees/natlegbod/1963/18130

Article 2

Le bureau des réfugiés et apatrides:
[…]
(b) reconnaît la qualité de réfugié à toute personne qui relève du mandat du Haut Commissaire des Nations Unies pour les réfugiés ou qui répond aux définitions de l'article premier de la Convention du 28 juillet 1951 susvisée;
[…]

ANGOLA

Law No. 10 of 2015, Law on the Right of Asylum and the Refugee Status, 17 June 2015, https://www.refworld.org/legal/legislation/natlegbod/2015/en/122780

Article 3

[…]

l) Special Social Group - a group of people who share common characteristics besides the risk of persecution or who are considered as a group by the society. The characteristic will often be a characteristic that is innate, immutable or otherwise fundamental to the identity, conscience or to the exercise of human rights of the person

o) Citizenship - Legal link of public law between a person and the State that is a group unified by language, cultural, ethnic or linguistic identity, tradition, common interests and aspirations, conditions to which are associated the exercise of rights and compliance with inherent duties;

q) Political opinion - Any opinion regarding matters related to State, Government and its organs, holders of public organs or civil society that is interpreted as oppositional, of annoyance or insult to the Governing Political Party;

r) Country of origin- Country or Countries of nationality or, in the case of stateless persons, the country in which they had their usual residence;

x) Persecution - threat to life or liberty, or other serious human rights violations, by virtue of race, religion, nationality, political opinion or membership of a particular social group

cc) Race - Physical appearance of a person including, in particular, considerations associated with skin color, descent or belonging to an ethnic or social group:

dd) Founded fear of persecution - State of mind of the applicant for asylum which must be based on an objective situation prevailing in the Country of origin and of the subjective element immanent from the persecution;

gg) Religion - Religious creeds or doctrines based on the belief of the existence of a higher power, theistic convictions or worship ceremonies practiced in private public, individually or collectively;

Article 5 (Beneficiaries of the right of asylum)

1. The right of asylum may be granted to a foreign national or a stateless person who:

   a) Is pursued or threatened with persecution as a result of the activity carried out in the State of his nationality or of his usual residence in favor of democracy, peace between peoples of freedom and the human rights;

   b) Due to a well-founded fear of being persecuted for reasons of race, sex, religion, nationality, membership of a special social group or political opinion, that person is

outside the Country of her nationality and cannot, or because of such fear, is not able to take advantage of the protection of that Country, or that, having no nationality and being outside her country of residence, as a result of such events may or, due to such fear, may not be willing to return to it;

c) For reasons of aggression, occupation, foreign domination or events which greatly disturb public order in part or in her entire country of origin, nationality or habitual residence, has to leave it to seek Refuge outside her country of origin, or of her nationality or usual residence;

d) Because of indiscriminate violence in situations of international or internal armed conflict or a widespread and indiscriminate violation of human rights has to leave his or her country of origin, nationality or residence because of the risk of suffering a serious offense.

2. The right of asylum may only be granted to a foreign citizen who has more than one nationality when the reasons referred to in the preceding paragraph take place, concerning all the States of which he is a national.

Article 6 (Factors impeding the right of asylum)

Foreign citizens or stateless persons who is proven to be in the following situations can´t benefit from the right of asylum:

a) Has committed serious acts against the independence and sovereignty of the Republic of Angola;

b) Has committed crimes against peace and democracy, war crimes, crimes against humanity as those defined in the international instruments relating to such crimes;

c) Has committed common crimes outside the Republic of Angola;

d) Has committed acts contrary to the aims and principles of the United Nations or the African Union;

[…]

Article 47 - (Eligibility of Refugee Status)

1. Refugee status shall cease when the refugee:

a) Has committed a crime outside Angola after having been granted refugee status;

b) Voluntarily reused the protection of his country of nationality;

c) Having lost his nationality, he voluntarily regained it;

d) Has acquired a new nationality and enjoys protection of the country of his/her new nationality;

e) Voluntarily reestablished himself/herself in the country that he/she left or outside of which he remained due to fear of persecution;

f) May no longer deny the protection of the country of his nationality since the circumstances in which he/she was recognized as a refugee no longer exist;

g) Being a person who does not have nationality, he/she is able to return to the country of previous usual residence because the reasons why he was recognized as a refugee no longer exist;

h) Stays unjustifiably outside the national territory for a period exceeding six (6) months;

i) Violates the duties of the refugee established in article 45, paragraph 1.

2. The provisions of subparagraphs (f) and (g) of the preceding paragraph shall not apply to a refugee who is in a position to invoke compelling reasons derived from previous persecution to refuse to avail himself of the protection of his country of nationality or previous habitual residence.

ARGENTINA

Ley No. 26.165 de 2006 - Ley General de Reconocimiento y Protección al Refugiado, 8 November 2006, https://www.refworld.org/es/leg/legis/pleg/2006/es/125883

Articulo 2

La protección de los refugiados en la República Argentina se realizará con arreglo a los principios de no devolución, incluyendo la prohibición de rechazo en frontera, no discriminación, no sanción por ingreso ilegal, unidad de la familia, confidencialidad, trato más, favorable y de interpretación más favorable a la persona humana o principio pro homine. Conforme al carácter declarativo que tiene el reconocimiento de la condición de refugiado, tales principios se aplicarán tanto al refugiado reconocido como al solicitante de dicho reconocimiento.

Articulo 4

A los efectos de la presente ley, el término refugiado se aplicará a toda persona que:

a) Debido a fundados temores de ser perseguida por motivos de raza, religión, nacionalidad, pertenencia a determinado grupo social u opiniones políticas, se encuentre fuera del país de su nacionalidad y no pueda o no quiera acogerse a la protección de tal país, o que, careciendo de nacionalidad y hallándose, a consecuencia de tales acontecimientos, fuera del país donde antes tuviera residencia habitual, no pueda o no quiera regresar a él.

b) Ha huido de su país de nacionalidad o de residencia habitual para el caso en que no contara con nacionalidad porque su vida, seguridad o libertad han sido amenazadas por la violencia generalizada, la agresión extranjera, los conflictos internos, la violación masiva de los derechos humanos u otras circunstancias que hayan perturbado gravemente el orden público.

Articulo 9

No será reconocida la condición de refugiado a las personas extranjeras que se encuentren en alguna de las siguientes situaciones:

1. Relacionadas con Delitos Internacionales: cuando existan motivos fundados para considerar que han cometido:

a) un delito contra la paz;

b) un delito de guerra; o

c) un delito contra la humanidad.

Estos delitos se definirán conforme a los instrumentos internacionales aplicables.

2. Relacionadas con Delitos Graves cometidos antes de la Solicitud de Refugio: cuando, antes de ser admitidas como refugiadas en la REPÚBLICA ARGENTINA, hayan sido imputadas y/o condenadas fuera del país por un delito grave.
Se considerará delito grave, a los efectos de este artículo, a cualquiera que se encuentre contenido en alguna de las siguientes previsiones:

a) estén tipificados en el Código Penal de la Nación o en leyes penales especiales con una escala penal que prevea un máximo superior a los DIEZ (10) años de prisión o reclusión;

b) afecten a la vida, la libertad, la integridad física o sexual de las personas, o se ajusten a los criterios establecidos en el artículo 8° de la presente ley;

c) afecten el patrimonio, siempre que hayan sido perpetrados con fuerza en las cosas, violencia o intimidación en las personas; o

d) sean realizados en el marco de la delincuencia organizada.

3. Relacionadas con Actos Contrarios a los Principios de las Naciones Unidas: cuando hayan participado en actos contrarios a los fines y principios de las Naciones Unidas, establecidos en el Preámbulo y en los artículos 1 y 2 de la Carta de las Naciones Unidas, tales como:

a) participación en actividades terroristas;

b) violaciones graves de derechos humanos; o

c) cualquier otra acción que comprometa la paz y la seguridad internacionales.

4. Relacionadas con la Incitación y Participación en Delitos: cuando hayan incitado, facilitado o participado activamente en la comisión de los delitos o actos mencionados en los incisos anteriores, en calidad de autores, cómplices, instigadores y/o facilitadores.

Articulo 10

No requieren protección internacional y por tanto no serán reconocidos como refugiados aquellas personas:

a) Que reciban actualmente protección o asistencia de un órgano u organismo de las Naciones Unidas distinto del Alto Comisionado de las Naciones Unidas para los Refugiados. Cuando esta protección o asistencia haya cesado por cualquier motivo, sin que la situación de tales personas se haya solucionado definitivamente con arreglo a las resoluciones aprobadas sobre el particular por la Asamblea General de las Naciones Unidas, esas personas tendrán ipso facto derecho a los beneficios del régimen de esta ley;

b) A quienes las autoridades competentes del país donde hayan fijado su residencia reconozcan los derechos y obligaciones inherentes a la posesión de la nacionalidad de tal país.

Articulo 11

La condición de refugiado cesará en los siguientes supuestos:

a) cuando la persona refugiada, mediante actos inequívocos, se haya acogido voluntariamente a la protección del país de su nacionalidad;

b) cuando la persona refugiada, habiendo perdido su nacionalidad, la haya recobrado voluntariamente;

c) cuando la persona refugiada haya adquirido una nueva nacionalidad y disfrute de la protección del país de su nueva nacionalidad;

d) cuando la persona refugiada se haya establecido voluntariamente en el país de residencia habitual que había abandonado o fuera del cual había permanecido por temor a ser perseguida;

e) cuando la persona refugiada haya abandonado el territorio argentino y fijado su residencia en otro país, acogiéndose a su protección;

f) cuando la persona refugiada no pueda continuar negándose a la protección del país de su nacionalidad, debido a que han desaparecido las circunstancias en virtud de las cuales fue reconocida como refugiada, siempre que dicho cambio de circunstancias sea significativo y no de carácter temporal; o

g) cuando la persona refugiada, careciendo de nacionalidad, pueda regresar al país de su anterior residencia habitual debido a que han desaparecido las circunstancias en virtud de las cuales fue reconocida como refugiada o apátrida.

No cesará la condición de refugiado para las personas incluidas en los supuestos f) y g) del presente artículo si pueden invocar razones imperiosas derivadas de la grave persecución que originalmente motivó su salida del país de nacionalidad o residencia habitual, o si, a pesar del cambio de circunstancias, mantienen un fundado temor de persecución por motivos de raza, religión, nacionalidad, pertenencia a determinado grupo social u opiniones políticas.

La cesación del estatuto de refugiado se extenderá a aquellas personas que lo hubiesen obtenido como consecuencia del derecho de reunificación familiar. No obstante, estas personas, en caso de corresponder, podrán acogerse a la regularización migratoria conforme lo dispuesto por la Ley de Migraciones Nº 25.871 y su reglamentación.

[…]

ARMENIA

Law No. HO-211-N of 2008, on Refugees and Asylum, 27 November 2008, https://www.refworld.org/legal/legislation/natlegbod/2008/en/108999

Article 6. Refugee

1. A refugee is:

(1) a foreign national who, owing to well-founded fear of being persecuted for the reasons of race, religion, nationality, membership to a particular social group or for political opinion, is outside the country of his/her nationality and is unable, or owing to such fear, is unwilling to avail himself/herself of the protection of the country of his/her nationality; or who, not having a nationality and being outside the country of his/her former habitual residence, is unable or, owing to such fear, is unwilling to return to it;

(2) a foreign national who is compelled to leave the country of his/her nationality, or, in case of a stateless person, the country of his/her former habitual residence due to generalised violence, foreign aggression, internal conflicts, massive violations of human rights, or other serious events disrupting public order.

2. In case of a person who has more than one nationality, the term "the country of his/her nationality" shall mean each of the countries of which he/she is a national. In this case a person shall be deemed to have lost the protection of the countries of his/her nationality, if he/she is unable to avail himself/herself of the protection of any of the countries of his/her nationality due to the reasons referred to in part 1(1) and (2) of this Article.

3. A foreign national or stateless person, who has been officially recognised as a refugee by other States signatory to the Convention, shall also be considered a refugee.

Article 10. Grounds for ceasing recognition of a refugee and grant of asylum

1. The refugee status of the person shall be ceased, if he/she:

(1) has voluntarily re-availed himself/herself of the protection of the country of which he/she was a national; or

(2) having lost his/her nationality, has voluntarily re-acquired it; or

(3) has acquired the nationality of the Republic of Armenia or of any other State and enjoys the protection of that State; or

(4) has voluntarily re-established himself/herself in the country which he/she left or from where he/she departed owing to fear of persecution; or

(5) can no longer refuse the protection of the country of which he/she is a national because the circumstances owing to which he/she has been recognised as a refugee have ceased to exist; or

(6) not having a nationality, is able to return to the country of his/her former residence because the circumstances owing to which he/she has been recognised as a refugee have ceased to exist; or

2. is not, for personal reasons, any longer willing to be considered a refugee; Part 1(5) and (6) of this Article shall not apply to refugees who are able to invoke compelling reasons arising out of previous persecution for refusing the protection of the country of their nationality, and in case of having no nationality – for refusing to return to the country of their former residence.

3. Asylum granted in the Republic of Armenia to a refugee shall be ceased, if, owing to well-founded reasons, he/she is regarded to be dangerous for the national security of the Republic of Armenia, or if he/she has been convicted of committing a serious or particularly serious crime.

[…]

5. Refugee status shall be ceased only by the Authorised Body, pursuant to the procedure established in Article 53 of this Law.

Article 11. Grounds for exclusion from refugee status

1. A foreign national or a stateless person shall not be granted refugee status, if there are serious reasons to believe that he/she:

(1) has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(2) has committed a serious non-political crime outside the territory of the Republic of Armenia, before he/she became an asylum seeker in the Republic of Armenia;

(3) has been found guilty of committing acts contrary to the purposes and principles of the United Nations.

2. The asylum may be rejected to a refugee who has arrived from a safe third country where he/she has no fear of persecution, human rights violations, or refoulement to his/her country, as referred to in Article 6(1)(1) and in Article 9(1) and (3) of this Law, or has no fear of being subjected to external aggression, generalised violence, foreign domination, internal conflicts, or other serious events (dangers) disrupting public order, as referred to in Article 6(1)(1) of this Law, and can lawfully return to that country.

3. A decision on exclusion from refugee status and refusal to grant asylum shall be made only by the Authorised Body, pursuant to the appropriate procedures established in Article 53 of this Law.

AUSTRALIA

Act No. 62 of 1958, Migration Act 1958 - Volume 1, No. 62, 1958, 8 October 1958, https://www.refworld.org/legal/legislation/natlegbod/1958/en/98186
Act No. 62 of 1958, Migration Act 1958 - Volume 2, No. 62, 1958, 8 October 1958, https://www.refworld.org/legal/legislation/natlegbod/1958/en/79580

5CA Child of a person

(1) Without limiting who is a child of a person for the purposes of this Act, each of the following is the ***child*** of a person:

(a) someone who is a child of the person within the meaning of the *Family Law Act 1975* (other than someone who is an adopted child of the person within the meaning of that Act);

(b) someone who is an adopted child of the person within the meaning of this Act.

(2) The regulations may provide that, for the purposes of this Act, a person specified by the regulations is not a ***child*** of another person specified by the regulations in circumstances in which the person would, apart from this subsection, be the child of more than 2 persons for the purposes of this Act.

(3) Subsection (2), and regulations made for the purposes of that subsection, have effect whether the person specified as not being a child of another person would, apart from that subsection and those regulations, be the child of the other person because of subsection (1) or otherwise.

5G Relationships and family members

(1) For the purposes of this Act, if one person is the child of another person because of the definition of ***child*** in section 5CA, relationships traced to or through that person are to be determined on the basis that the person is the child of the other person.

(2) For the purposes of this Act, the members of a person's family and relatives of a person are taken to include the following:

(a) a de facto partner of the person;

(b) someone who is the child of the person, or of whom the person is the child, because of the definition of ***child*** in section 5CA;

(c) anyone else who would be a member of the person's family or a relative of the person if someone mentioned in paragraph (a) or (b) is taken to be a member of the person's family or a relative of the person.

This does not limit who is a member of a person's family or relative of a person.

Section 5H - Meaning of refugee

(1) For the purposes of the application of this Act and the regulations to a particular person in Australia, the person is a ***refugee*** if the person:

(a) in a case where the person has a nationality--is outside the country of his or her nationality and, owing to a well-founded fear of persecution, is unable or unwilling to avail himself or herself of the protection of that country; or

(b) in a case where the person does not have a nationality--is outside the country of his or her former habitual residence and owing to a well-founded fear of persecution, is unable or unwilling to return to it.

Note: For the meaning of ***well-founded fear of persecution***, see section 5J.

(2) Subsection (1) does not apply if the Minister has serious reasons for considering that:

(a) the person has committed a crime against peace, a war crime or a crime against humanity, as defined by international instruments prescribed by the regulations; or

(b) the person committed a serious non - political crime before entering Australia; or

(c) the person has been guilty of acts contrary to the purposes and principles of the United Nations.

Section 5J Meaning of well - founded fear of persecution

(1) For the purposes of the application of this Act and the regulations to a particular person, the person has a ***well-founded fear of persecution*** if:

(a) the person fears being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion; and

(b) there is a real chance that, if the person returned to the receiving country, the person would be persecuted for one or more of the reasons mentioned in paragraph (a); and

(c) the real chance of persecution relates to all areas of a receiving country.

Note: For membership of a particular social group, see sections 5K and 5L.

(2) A person does not have a ***well-founded fear of persecution*** if effective protection measures are available to the person in a receiving country.

Note: For effective protection measures, see section 5LA.

(3) A person does not have a ***well-founded fear of persecution*** if the person could take reasonable steps to modify his or her behaviour so as to avoid a real chance of persecution in a receiving country, other than a modification that would:

(a) conflict with a characteristic that is fundamental to the person's identity or conscience; or

(b) conceal an innate or immutable characteristic of the person; or

(c) without limiting paragraph (a) or (b), require the person to do any of the following:

(i) alter his or her religious beliefs, including by renouncing a religious conversion, or conceal his or her true religious beliefs, or cease to be involved in the practice of his or her faith;

(ii) conceal his or her true race, ethnicity, nationality or country of origin;

(iii) alter his or her political beliefs or conceal his or her true political beliefs;

(iv) conceal a physical, psychological or intellectual disability;

(v) enter into or remain in a marriage to which that person is opposed, or accept the forced marriage of a child;

(vi) alter his or her sexual orientation or gender identity or conceal his or her true sexual orientation, gender identity or intersex status.

(4) If a person fears persecution for one or more of the reasons mentioned in paragraph (1)(a):

(a) that reason must be the essential and significant reason, or those reasons must be the essential and significant reasons, for the persecution; and

(b) the persecution must involve serious harm to the person; and

(c) the persecution must involve systematic and discriminatory conduct.

(5) Without limiting what is serious harm for the purposes of paragraph (4)(b), the following are instances of ***serious harm*** for the purposes of that paragraph:

(a) a threat to the person's life or liberty;

(b) significant physical harassment of the person;

(c) significant physical ill-treatment of the person;

(d) significant economic hardship that threatens the person's capacity to subsist;

(e) denial of access to basic services, where the denial threatens the person's capacity to subsist;

(f) denial of capacity to earn a livelihood of any kind, where the denial threatens the person's capacity to subsist.

(6) In determining whether the person has a ***well-founded fear of persecution*** for one or more of the reasons mentioned in paragraph (1)(a), any conduct engaged in by the person in Australia is to be disregarded unless the person satisfies the Minister that the person engaged in the conduct otherwise than for the purpose of strengthening the person's claim to be a refugee.

5K Membership of a particular social group consisting of family

For the purposes of the application of this Act and the regulations to a particular person (the ***first person***), in determining whether the first person has a well-founded fear of

persecution for the reason of membership of a particular social group that consists of the first person's family:

(a) disregard any fear of persecution, or any persecution, that any other member or former member (whether alive or dead) of the family has ever experienced, where the reason for the fear or persecution is not a reason mentioned in paragraph 5J(1)(a); and

(b) disregard any fear of persecution, or any persecution, that:

(i) the first person has ever experienced; or

(ii) any other member or former member (whether alive or dead) of the family has ever experienced;

where it is reasonable to conclude that the fear or persecution would not exist if it were assumed that the fear or persecution mentioned in paragraph (a) had never existed.

Note: Section 5G may be relevant for determining family relationships for the purposes of this section.

5L Membership of a particular social group other than family

For the purposes of the application of this Act and the regulations to a particular person, the person is to be treated as a member of a particular social group (other than the person's family) if:

(a) a characteristic is shared by each member of the group; and

(b) the person shares, or is perceived as sharing, the characteristic; and

(c) any of the following apply:

(i) the characteristic is an innate or immutable characteristic;

(ii) the characteristic is so fundamental to a member's identity or conscience, the member should not be forced to renounce it;

(iii) the characteristic distinguishes the group from society; and

(d) the characteristic is not a fear of persecution.

5LA Effective protection measures

(1) For the purposes of the application of this Act and the regulations to a particular person, effective protection measures are available to the person in a receiving country if:

(a) protection against persecution could be provided to the person by:

(i) the relevant State; or

(ii) a party or organisation, including an international organisation, that controls the relevant State or a substantial part of the territory of the relevant State; and

(b) the relevant State, party or organisation mentioned in paragraph (a) is willing and able to offer such protection.

(2) A relevant State, party or organisation mentioned in paragraph (1)(a) is taken to be able to offer protection against persecution to a person if:

(a) the person can access the protection; and

(b) the protection is durable; and

(c) in the case of protection provided by the relevant State—the protection consists of an appropriate criminal law, a reasonably effective police force and an impartial judicial system.

AUSTRIA

Federal Act Concerning the Granting of Asylum (2005 Asylum Act - Asylgesetz 2005), 16 August 2005**,**
https://www.refworld.org/legal/legislation/natlegbod/2005/en/122559

Please note that, as of 1 July 2026, the EU Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 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, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (see European Union) entered into application. The national law should therefore be read and applied in compliance with this Regulation.

Article 2

(1) […]

11. "persecution" means any act of persecution as defined in Art. 9 of the Qualification Directive;

12. "reason for persecution" means any reason stated in Art. 10 of the Qualification Directive

17. "country of origin" means the country of which the alien is a national or, in the case of a stateless person, the country of his former habitual residence;

[…]

(3) An alien is a delinquent in the sense of this Federal Act if he has been finally convicted for

1. a wilfully committed judicially punishable act within the jurisdiction of a court of first instance or

2. more than once to have committed another wilfully committed judicially punishable act to be prosecuted ex officio.

Article 3

(1) An alien who has filed an application for international protection in Austria shall, unless that application is to be rejected pursuant to § 4, § 4a or § 5, be granted asylum status if it is credible that the alien would be at risk of persecution as defined in Article 1 Section A sub-para 2 of the Geneva Convention on Refugees in the country of origin.

(2) Persecution may also be based on events which have taken place since the alien left his country of origin (objective reasons arising sur place) or on activities engaged in by

the alien since leaving the country of origin which in particular constitute the expression and continuation of convictions held in the country of origin (subjective reasons arising sur place). An alien who files a subsequent application (§ 2 para 1 sub-para 23) shall normally not be granted asylum status if the risk of persecution is based on circumstances which the alien has created himself since leaving his country of origin unless the case concerns activities permitted in Austria which are established as constituting the expression and continuation of convictions already held in the country of origin.

(3) An application for international protection shall be dismissed in regard to the granting of asylum status if:

1. an internal flight alternative (§ 11) is available to the alien or
2. the alien has given rise to a reason for ineligibility for asylum (§ 6)

[…]

(4a) In connection with country of origin information (§ 5 of the Federal Office for Immigration and Asylum Establishment Act), the Federal Office for Immigration and Asylum shall, at least once in a calendar year, conduct an analysis of the extent to which a significant, lasting change in the specific and, in particular, political circumstances relevant to the fear of persecution has arisen in those countries of origin to which special importance is given in view of the number of decisions granting asylum status which have been issued in the last five calendar years.

[…]

Article 6

(1) An alien shall be rendered ineligible for asylum status if:

1. and for as long as he enjoys protection pursuant to Art. 1, Section D, of the Geneva Convention on Refugees;
2. one of the grounds set forth in the exclusion clauses in Art. 1, Section F, of the Geneva Convention on Refugees exists;
3. there are valid reasons for considering that the alien constitutes a danger to the security of the Republic of Austria;
4. he has been convicted, by final judgment of an Austrian court, of a particularly serious crime and, by reason of such punishable act, represents a danger to the community. A conviction by a foreign court which meets the requirements set out in § 73 of the Penal Code, Federal Law Gazette No. 60/1974, shall be deemed equivalent to a conviction by an Austrian court.

(2) In cases where a reason for ineligibility as referred to in para 1 exists, an application for international protection may be dismissed in regard to the granting of asylum status without further examination. § 8 shall apply.

Article 7

(1) An alien's asylum status shall be withdrawn ex officio by administrative decision if:

1. a reason for ineligibility for asylum status as referred to in § 6 exist;
2. one of the grounds set forth in the cessation clauses in Art. 1, Section C, of the Geneva Convention on Refugees has arisen or;
3. the person having entitlement to asylum has the centre of his vital interests in another country.

[…]

(2a) Notwithstanding the period of validity of the right of residence as specified in § 3 para 4, a procedure for the withdrawal of asylum status shall in any event be initiated if it emerges from the analysis pursuant to § 3 Abs. 4a that a significant, lasting change in the specific and, in particular, political circumstances relevant to the fear of persecution has arisen in the country of origin of the person having entitlement to asylum. The Federal Office for Immigration and Asylum shall ex officio, by informal communication, notify the person having entitlement to asylum of the initiation of a procedure for the withdrawal of asylum status.

(3) The Federal Office for Immigration and Asylum may not order that the asylum status of an alien, who is not a delinquent (§ 2 para 3), be withdrawn pursuant to para 1 sub-para 2 if the withdrawal ruling – even if not final – is not issued by the Federal Office within five years of the granting of such status and the alien has his principal domicile in the federal territory. In cases where, in accordance with the first sentence of the present para, withdrawal may not take place, the Federal Office shall report the facts to the authority of residence which is competent under the terms of the Settlement and Residence Act, Federal Law Gazette I No. 100/2005. If the latter informs the Federal Office that it has issued the alien with a residence permit by final ruling, the asylum status of such an alien may also be withdrawn pursuant to para 1 sub-para 2 above. […]

[…]

Article 11

(1) If asylum seekers can, in a part of their country of origin, be guaranteed protection by the state or by other actors controlling the state of origin or a substantial part of the territory of the state and if they can reasonably be expected to reside in that part of the territory of the state, an application for international protection shall be dismissed (internal flight alternative). Protection shall be deemed guaranteed if, in regard to that part of the country of origin, there can be no well-substantiated fear in accordance with Art. 1 Section A sub-para 2 of the Geneva Convention on Refugees and the requirements for the granting

of subsidiary protection status (§ 8 para 1) are not met in regard to that part of the country of origin.

(2) In the examination of whether an internal flight alternative exists, the general circumstances prevailing in the country of origin and the personal circumstances of the asylum seeker shall be taken into account at the time when the decision on the application is rendered.

AZERBAIJAN

Law No. 668-1Q of 1999, Law on IDP and Refugee Status, 21 May 1999, https://www.refworld.org/legal/legislation/natlegbod/1999/en/18120

Article 1. Basic concepts used in this Law

The basic concepts used in this Law have the following meanings:

The term "Refugee" shall apply to person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return.

[…]

Article 2. Cases when refugee status is not granted

Refugee status shall not be granted to a person who:

- has committed a crime against peace, a war crime, or a crime against humanity and mankind as defined in the international law;
- has committed a serious non-political crime outside of the Republic of Azerbaijan prior to his/her arrival in the territory of Azerbaijan;
- has committed acts contrary to the purposes and principles of the United Nations.

Article 14. Loss of the status of refugee and IDP

Refugee status will cease in the following cases:

- on voluntary re-usage of the right of protection of the country of permanent residence or the country of his/her citizenship;
- on voluntary re-acquisition of the right of deprived citizenship;
- on acquisition of the citizenship of the Republic of Azerbaijan or other country or using protection of the country where he is a new citizen;
- on leaving the country on the reason of beware of measurements or on voluntary re-settling in the country out of the borders;
- on impossibility to refuse the protection of the country, where he is the citizen because of absence of the cases, which was the reason to recognise him as the refugee (for the exception of refugees, who can provide the sufficient reasons regarding previous measurements for the refuse of the country which they are the citizens);

- at possibility of the stateless person to come back to the country of residence because of absence of the cases, which were the reasons to recognise him as refugee (for the exception of refugees, who can provide the sufficient reasons regarding previous measurements for the refuse of the country which they are the citizens).
- When the refugee leave the borders of the Republic of Azerbaijan for permanent residence, obligations of the Republic of Azerbaijan regarding this refugee become void on passing the state border of the Republic of Azerbaijan.

[…]

BELARUS

Law of the Republic of Belarus No. 354-3 of 2008, On Granting of Refugee Status, Complementary Protection, Asylum and Temporary Protection to Foreign Citizens and Stateless Persons in the Republic of Belarus, 23 June 2008. https://www.refworld.org/legal/legislation/natlegbod/2008/en/64152

Article 2

[…]

Forced migration refers to movement of individuals from the country of their citizenship or former habitual residence due to fears of becoming victims of persecution for the reasons of race, religion, citizenship, ethnic affiliation, membership in a particular social group or political opinion, or from the country of their citizenship or former habitual residence where there is a threat of death penalty, torture or the other cruel, inhumane or degrading treatment or punishment, or movement for the reason of violence in the context of international or non-international armed conflict.

[…]

Article 3. Limitations of Operation of This Law

In the Republic of Belarus, refugee status, complementary protection, asylum and temporary protection may not be granted to foreigners:

in whose regard there are objective reasons for considering that they committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

in whose regard there are objective reasons for considering that they committed a serious non-political crime outside the Republic of Belarus prior to their arrival in the territory of the Republic of Belarus;

in whose regard there are objective reasons for considering that they are guilty of acts contrary to the purposes and principles of the United Nations;

in relation to whom the competent authorities of the country of their permanent residence, which is not the country of their citizenship, recognize rights and obligations attached to the citizenship of that country;

In the Republic of Belarus, refugee status, complementary protection and temporary protection may not be granted to foreigners who enjoy protection or assistance of organs or agencies of the United Nations Organization other than the United Nations High Commissioner for Refugees.

Provisions of part two of this article do not apply to foreigners protection of or assistance to ,whom was ceased without the position of such persons being definitively settled in

accordance with the relevant resolutions of the General Assembly of the United Nations Organization.

Article 19. Grounds for Granting and Term of Validity of Refugee Status

In the Republic of Belarus, refugee status is granted to a foreigner who is situated on the territory of the Republic of Belarus due to well-founded fears of being persecuted in the country of his/her citizenship for the reasons of race, religion, citizenship, ethnic affiliation, membership in a particular social group or political opinion, and who is unable or unwilling, owing to such fears, to avail him/herself of the protection of that country; or to a stateless person who is situated on the territory of the Republic of Belarus due to mentioned fears and who is unable or unwilling to return to the country of his/her former habitual residence, owing to such fears.

[…]

Article 25. Grounds for Granting and Term of Validity of Asylum

In the Republic of Belarus, asylum may be granted to a foreign citizen who is situated on the territory of the Republic of Belarus and was forced to leave the country of citizenship due to persecution for political opinion, religious beliefs or ethnic affiliation, or to a stateless person who is situated on the territory of the Republic of Belarus and was forced to leave the country of former habitual residence due to persecution for political opinion, religious beliefs or ethnic affiliation.

Asylum is granted to a foreigner for the period of validity of grounds for grating of asylum in the country of citizenship or former habitual residence.

Article 53. Granting of or Denial in Granting of Refugee Status and (or) Complementary Protection

[…]

A foreigner applying for protection is denied in refugee status in case:

there are no ground for granting of refugee status;

a foreigner is convicted in the Republic of Belarus for the committed crime which is considered, in accordance with the Criminal Code of the Republic of Belarus, as particularly grave, and criminal record was not lifted or cancelled.[…]

Article 65. Loss of Refugee Status, Complementary Protection or Asylum

A foreigner loses refugee status, complementary protection or asylum in case s/he:

acquired citizenship of the Republic of Belarus;

voluntarily re-availed him/herself of protection of the country of his/her citizenship;

having lost previous citizenship, voluntarily re-acquired it;

acquired citizenship of another country and enjoys protection of the country of his new citizenship;

A foreigner loses refugee status or asylum, with the exception of cases mentioned in Part One of this Article, in case s/he:

voluntarily re-established him/herself in the country that s/he previously left or outside of which s/he stayed due to the grounds envisaged for granting of refugee status or asylum;

can no longer refuse to avail him/herself of protection of the country of his/her citizenship, because the grounds on the basis of which s/he was granted refugee status or asylum, ceased to exist;

being a stateless person, s/he is able to return to the country of his/her former habitual residence, because the grounds on the basis of which s/he was granted refugee status or asylum, ceased to exist;

voluntarily denounced his/her refugee status or asylum.

Provisions envisaged by Paragraphs Three and Four of Part Two of this Article shall not apply to foreigners in case they provide evidence confirming existence of grounds on the basis of which they were granted refugee status or asylum, to justify their refusal to avail themselves of protection of the country of their citizenship or former habitual residence.

BELGIUM

Loi du 2007 sur l'accueil des demandeurs d'asile et de certaines autres catégories d'étrangers, 12 January 2007,
https://www.refworld.org/legal/legislation/natlegbod/2007/85307

Please note that, as of 1 July 2026, the EU Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 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, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (see European Union) entered into application. The national law should therefore be read and applied in compliance with this Regulation.

Art. 48/3.

§ 1er. Le statut de réfugié est accordé à l'étranger qui satisfait aux conditions prévues par l'article 1er de la Convention de Genève du 28 juillet 1951 relative au statut des réfugiés, modifiée par le protocole de New York du 31 janvier 1967.

§ 2. Les actes considérés comme une persécution au sens de l'article 1 A de la Convention de Genève doivent :

a) être suffisamment graves du fait de leur nature ou de leur caractère répété pour constituer une violation des droits fondamentaux de l'homme, en particulier des droits auxquels aucune dérogation n'est possible en vertu de l'article 15.2 de la Convention Européenne de sauvegarde des droits de l'homme et des libertés fondamentales; ou

b) être une accumulation de diverses mesures, y compris des violations des droits de l'homme, qui soit suffisamment grave pour affecter un individu d'une manière comparable à ce qui est indiqué au point a).

Les actes de persécution précités peuvent entre autres prendre les formes suivantes :

a) violences physiques ou mentales, y compris les violences sexuelles;

b) mesures légales, administratives, de police et/ou judiciaires qui sont discriminatoires en soi ou mises en oeuvre d'une manière discriminatoire;

c) poursuites ou sanctions disproportionnées ou discriminatoires;

d) refus d'un recours juridictionnel se traduisant par une sanction disproportionnée ou discriminatoire;

e) poursuites ou sanctions pour refus d'effectuer le service militaire, en particulier en cas de conflit lorsque le service militaire supposerait de commettre des crimes ou d'accomplir des actes relevant des clauses d'exclusion visées à l'article 55/2, § 1er;

f) actes dirigés contre des personnes en raison de leur sexe ou contre des enfants.

§ 3. Il doit exister un lien entre les motifs de persécution et les actes de persécution ou l'absence de protection contre ces actes.

§ 4. Dans le cadre de l'appréciation des motifs de persécution, les éléments suivants doivent être pris en considération :

a) la notion de "race" recouvre, entre autres, des considérations de couleur, d'origine ou d'appartenance à un groupe ethnique déterminé;

b) la notion de "religion" recouvre, entre autres, le fait d'avoir des convictions théistes, non théistes ou athées, la participation à des cérémonies de culte privées ou publiques, seul ou en communauté, ou le fait de ne pas y participer, les autres actes religieux ou expressions d'opinions religieuses ainsi que les formes de comportement personnel ou communautaire fondées sur des croyances religieuses ou imposées par celles-ci;

c) la notion de "nationalité" ne se limite pas à la citoyenneté ou à l'inexistence de celle-ci, mais recouvre, entre autres, l'appartenance à un groupe soudé par son identité culturelle, ethnique ou linguistique, par ses origines géographiques ou politiques communes, ou par sa relation avec la population d'un autre Etat;

d) un groupe doit être considéré comme un certain groupe social lorsque, entre autres:

- ses membres partagent une caractéristique innée ou des racines communes qui ne peuvent être modifiées, ou encore une caractéristique ou croyance à ce point essentielle pour l'identité ou la conscience qu'il ne devrait pas être exigé d'une personne qu'elle y renonce, et
- ce groupe a une identité propre dans le pays en question parce qu'il est perçu comme étant différent par la société environnante;
- ce groupe, en fonction des circonstances qui prévalent dans le pays d'origine, a l'orientation sexuelle comme caractéristique commune. L'orientation sexuelle ne recouvre pas les faits considérés comme délictueux selon le droit belge. Il convient de prendre dûment en considération les aspects liés au genre, dont l'identité de genre, aux fins de la reconnaissance de l'appartenance à un certain groupe social ou de l'identification d'une caractéristique d'un tel groupe;

e) la notion "d'opinions politiques" recouvre, entre autres, les opinions, les idées ou les croyances dans un domaine lié aux acteurs de persécution visés à l'article 48/5 et à leurs politiques ou méthodes, que ces opinions, idées ou croyances se soient ou non traduites par des actes de la part du demandeur.

§ 5. Dans le cadre de l'évaluation du caractère fondé de la crainte de persécution du demandeur, il est indifférent qu'il possède effectivement la caractéristique liée à la race, à la religion, à la nationalité, à l'appartenance à un groupe social déterminé ou aux opinions politiques à l'origine de la persécution, pour autant que ces caractéristiques lui soient attribuées par l'acteur de persécution.

Art. 48/5

§ 1er. Une persécution au sens de l'article 48/3 ou une atteinte grave au sens de l'article 48/4 peut émaner ou être causée par :

a) l'Etat;

b) des partis ou organisations qui contrôlent l'Etat ou une partie importante de son territoire;

c) des acteurs non étatiques, s'il peut être démontré que les acteurs visés aux points a) et b), y compris les organisations internationales, ne peuvent pas ou ne veulent pas accorder la protection prévue au § 2 contre les persécutions ou les atteintes graves.

§ 2. La protection au sens des articles 48/3 et 48/4 ne peut être offerte que par :

a) l'Etat, ou

b) des partis ou organisations, y compris des organisations internationales, qui contrôlent l'Etat ou une partie importante de son territoire, pour autant qu'ils soient disposés et en mesure d'offrir une protection, conformément à l'alinéa 2.

La protection, au sens des articles 48/3 et 48/4, doit être effective et non temporaire et est généralement accordée lorsque les acteurs visés à l'alinéa 1er prennent des mesures raisonnables pour empêcher les persécutions ou les atteintes graves, entre autres lorsqu'ils disposent d'un système judiciaire effectif permettant de déceler, de poursuivre et de sanctionner les actes constitutifs de persécution ou d'atteinte grave, et lorsque le demandeur a accès à cette protection.

Pour déterminer si une organisation internationale contrôle un Etat ou une partie importante de son territoire et y fournit une protection, au sens des articles 48/3 et 48/4, il est tenu compte, entre autres, des actes de l'Union européenne prises en la matière.

§ 3. Il n'y a pas lieu d'accorder la protection internationale si, dans une partie du pays d'origine, le demandeur d'asile :

a) n'a pas de crainte fondée de persécution ou ne risque pas réellement de subir des atteintes graves, ou

b) a accès à une protection contre la persécution ou les atteintes graves au sens du § 2;

et qu'il peut voyager en toute sécurité et légalité vers cette partie du pays, et obtenir l'autorisation d'y pénétrer et que l'on peut raisonnablement s'attendre à ce qu'il s'y établisse.

Lorsqu'il est examiné si un demandeur a une crainte fondée d'être persécuté ou risque réellement de subir des atteintes graves, ou s'il a accès à une protection contre les persécutions ou les atteintes graves dans une partie du pays d'origine conformément à l'alinéa 1er, il est tenu compte des conditions générales dans cette partie du pays et de la situation personnelle du demandeur d'asile.

Art.48/6

§ 5. Les instances chargées de l'examen de la demande évaluent celle-ci individuellement, objectivement et impartialement. Elles tiennent compte des éléments suivants :

a) tous les faits pertinents concernant le pays d'origine au moment de statuer sur la demande, y compris les lois et règlements du pays d'origine et la manière dont ils sont appliqués;

b) les déclarations faites et documents présentés par le demandeur, y compris les informations permettant de déterminer si le demandeur a fait ou pourrait faire l'objet de persécutions ou d'atteintes graves;

c) le statut individuel et la situation personnelle du demandeur, y compris des facteurs comme son passé, son sexe et son âge, pour déterminer si, compte tenu de la situation personnelle du demandeur, les actes auxquels le demandeur a été ou pourrait être exposé sont considérés comme une persécution ou des atteintes graves;

d) le fait que, depuis qu'il a quitté son pays d'origine, le demandeur a ou non exercé des activités qui pourraient l'exposer à une persécution ou à des atteintes graves s'il retournait dans ce pays;

e) le fait qu'il est raisonnable de penser que le demandeur peut se prévaloir de la protection d'un autre pays dont il peut invoquer la nationalité.

Art. 48/7. Le fait qu'un demandeur d'asile a déjà été persécuté dans le passé ou a déjà subi des atteintes graves ou a déjà fait l'objet de menaces directes d'une telle persécution ou de telles atteintes est un indice sérieux de la crainte fondée du demandeur d'être persécuté ou du risque réel de subir des atteintes graves, sauf s'il existe de bonnes raisons de croire que cette persécution ou ces atteintes graves ne se reproduiront pas.

Art. 55/2. Un étranger est exclu du statut de réfugié lorsqu'il relève de l'article 1er, section D, E ou F de la Convention de Genève. Tel est également le cas des personnes qui sont les instigatrices des crimes ou des actes énumérés à l'article 1 F de la Convention de Genève, ou qui y participent de quelque autre manière.

[…]

Art. 55/3. Un étranger cesse d'être réfugié lorsqu'il relève de l'article 1 C de la Convention de Genève. En application de l'article 1 C (5) et (6) de cette Convention, il convient d'examiner si le changement de circonstances est suffisamment significatif et non provisoire pour que la crainte du réfugié d'être persécuté ne puisse plus être considérée comme fondée.

L'alinéa 1er ne s'applique pas à un réfugié qui peut invoquer des raisons impérieuses tenant à des persécutions antérieures pour refuser la protection du pays dont il a la nationalité, ou, dans le cas d'un apatride, du pays où il avait sa résidence habituelle.

BELIZE

Refugees Act of 2000, Chapter 165, 31 December 2000, https://www.refworld.org/legal/legislation/natlegbod/2000/en/47132

4 (1) Subject to the provisions of this section, a person shall be a refugee for the purposes of this Act if-

(a) owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, he is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or

(b) not having a nationality and being outside the country of his former habitual residence, he is unable or, owing to a well-founded fear of being persecuted for reasons of race, religion, membership of a particular social group or political opinion, is unwilling to return to it; or

(c) owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, he is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.

(2) A person shall not be a refugee for the purposes of this Act if-

(a) he has committed a crime against peace, a war crime or a crime against humanity, as defined in any international instrument to which Belize is a party and which has been drawn up to make provision in respect of such crimes; or

(b) he has committed a serious non-political crime outside Belize prior to his admission to Belize as a refugee; or

(c) he has been guilty of acts contrary to the purposes and principles of the United Nations Organization or the Organization of American States; or

(d) having more than one nationality, he has not availed himself of the protection of one of the countries of which he is a national and has no valid reason, based on well-founded fear of persecution or on a reason referred to in paragraph (c) of subsection (1), for not having availed himself of its protection.

(3) A person shall cease to be a refugee for the purposes of this Act if-

(a) he voluntarily re-avails himself of the protection of the country of his nationality; or

(b) having lost his nationality, he voluntarily reacquires it; or

(c) he becomes a citizen of Belize, or acquires the nationality of some other country and enjoys the protection of the country of his new nationality; or

(d) he voluntarily re-establishes himself in the country which he left, or outside which remained owing to a reason referred in paragraph (c) of subsection (1), as the case may be; or

(e) he can no longer, because the circumstances in connection with which he was recognized as a refugee have ceased to exist-

(i) continue to refuse to avail himself of the protection of his country of nationality; or

(ii) if he has lost his nationality, continue to refuse to return to the country of his former habitual residence.

BENIN

Loi 2022-31 portant statut des réfugiés et des apatrides en République du Bénin, 20 December 2022, https://www.refworld.org/legal/legislation/natlegbod/2022/fr/147083

Article 1

[…]

- Réfugié: toute personne qui :

(a) Se trouve hors du pays dont elle a la nationalité ou dans lequel elle avait sa résidence habituelle, qui craint avec raison d'être persécutée du fait de sa race, de sa religion, de sa nationalité, de son appartenance à un certain groupe social, de ses opinions politiques et ne peut ou ne veut se réclamer de la protection de ce pays ou y retourner en raison de ladite crainte ;

(b) Du fait d'une agression, d'une occupation extérieure, d'une domination étrangère ou d'événements troublant gravement l'ordre public dans une partie ou dans la totalité de son pays d'origine ou du pays dont elle a la nationalité, est obligée de quitter sa résidence habituelle pour chercher refuge dans un autre endroit à l'extérieur de son pays d'origine ou du pays dont elle a la nationalité.

Article 3: Le statut de réfugié ne peut être reconnu accordé à un demandeur d'asile lorsqu'il y a des raisons sérieuses de penser que la personne concernée :

- a commis un crime contre la paix, un crime de guerre ou un crime contre l'humanité, au sens des instruments internationaux relatifs à ces crimes ;
- a commis un crime grave de droit commun en dehors de la République du Benin avant d'y être admise comme réfugiée ;
- s'est rendue coupable d'agissements contraires aux buts et principes des Nations Unies et de l'Union Africaine.

Article 56: il y a cessation du statut lorsque le réfugié :

- Renonce à son statut de réfugié ;
- Se réclame à nouveau, volontairement, de la protection du pays dont il a la nationalité ;
- Ayant perdu sa nationalité, la recouvre volontairement ;
- Acquiert une nouvelle nationalité et jouit de la protection de ce pays ;
- Retourne volontairement s'établir dans le pays qu'il a quitté par crainte d'être persécuté ;

- Ne peut plus continuer de refuser de se réclamer de la protection du pays dont il a la nationalité du fait que les circonstances à la suite desquelles il est reconnu comme réfugié ont cessé d'exister ;
- Est en mesure de retourner dans le pays dans lequel il avait sa résidence habituelle et dont il n'a pas la nationalité, du fait que les circonstances à la suite desquelles il est reconnu comme réfugié ont cessé d'exister ;
- Obtient dans un autre pays, l'asile ou l'autorisation de résidence permanente.

BOLIVIA (PLURINATIONAL STATE OF)

Ley No. 251 de 2012, Ley de protección a personas refugiadas, 20 June 2012, https://www.refworld.org/legal/legislation/natlegbod/2012/106267

TITULO II – CONDICION DEL LA PERSONA RIFUGIADA
CAPÍTULO I - CLÁUSULAS DE INCLUSIÓN Y EXCLUSIÓN

Artículo 15. (DEFINICIÓN).

I. A los efectos de la presente Ley, se entiende indistintamente por persona refugiada a quien:

a) Debido a fundados temores de ser perseguida por motivos de raza, religión, nacionalidad, pertenencia a determinado grupo social u opiniones políticas, se encuentre fuera del país de su nacionalidad y no pueda o no quiera, a causa de dichos temores, acogerse a la protección de tal país; o que, careciendo de nacionalidad y hallándose, a consecuencia de tales acontecimientos, fuera del país donde antes tuviera residencia habitual, no pueda o no quiera, a causa de dichos temores, regresar a él.

b) Ha huido de su país de nacionalidad o, careciendo de nacionalidad, ha huido de su país de residencia habitual porque su vida, seguridad o libertad han sido amenazadas por la violencia generalizada, la agresión extranjera, los conflictos internos, la violación masiva de los derechos humanos u otras circunstancias que hayan perturbado gravemente el orden público.

II. También será considerada como persona refugiada aquella que al momento de abandonar su país de nacionalidad o residencia habitual no reunía las condiciones descritas anteriormente, pero que como consecuencia de acontecimientos ocurridos con posterioridad a su salida, cumple plenamente las cláusulas de inclusión establecidas en los incisos a) o b) del presente Artículo.

Artículo 16. (GÉNERO, EDAD Y DIVERSIDAD).

A efectos de la aplicación del Artículo 15 de la presente Ley, se considerará favorablemente el género, edad y diversidad de la persona que solicite la condición de persona refugiada.

Artículo 17. (EXCLUSIÓN).

Se excluirá de la condición de refugiada a la persona solicitante, respecto de la cual existan motivos fundados para considerar:

a) Que ha cometido delitos contra la paz, delitos de guerra o de lesa humanidad, definidos en los instrumentos internacionales.

b) Que ha cometido un grave delito común, fuera del país de refugio, antes de ser admitida en él como persona refugiada.

c) Que se ha hecho culpable de actos contrarios a las finalidades y principios de las Naciones Unidas.

CAPÍTULO II - CESACIÓN, CANCELACIÓN Y REVOCATORIA

Artículo 18. (CESACIÓN).

I. Cesará la condición de la persona refugiada cuando se presente alguna de las siguientes causales:

a) Si se ha acogido de nuevo, voluntariamente, a la protección del país de su nacionalidad.

b) Si habiendo perdido su nacionalidad, la ha recobrado voluntariamente.

c) Si ha adquirido una nueva nacionalidad y disfruta de la protección del país de su nueva nacionalidad.

d) Si voluntariamente se ha establecido de nuevo en el país que había abandonado o fuera del cual había permanecido por temor de ser perseguida.

e) Si por haber desaparecido las circunstancias en virtud de las cuales fue reconocida como refugiada, no puede continuar negándose a acogerse a la protección del país de su nacionalidad.

f) Si se trata de una persona que no tiene nacionalidad y, por haber desaparecido las circunstancias en virtud de las cuales fue reconocida como refugiada, está en condiciones de regresar al país donde antes tenía su residencia habitual.

II. No cesará la condición de aquella persona refugiada comprendida en los incisos e) y f) del presente Artículo, que pueda invocar razones imperiosas derivadas de persecuciones graves anteriores.

III. A la persona cesada en su condición de refugiada, le podrá ser conferido un status legal que autorice su permanencia en el país, en atención al tiempo de permanencia y su grado de integración, de su familia y de sus dependientes, de acuerdo a la normativa migratoria vigente.

BOSNIA AND HERZEGOVINA

Law No. 11 of 2016, Law on Asylum, 11/2016, 19 February 2016, https://www.refworld.org/legal/legislation/natlegbod/2016/en/123253

Article 2

[…]

z) Country of origin is the alien's country of citizenship or the stateless person's country of former habitual residence. If the alien has more than one citizenship, the country of origin is each country of his/her citizenship.

aa) Habitual residence is the residence enjoyed by a stateless person in the place where he/she stays under the circumstances based on which it can be concluded that he/she does not stay there only temporary.

dd) Race implies in particular: skin color, origin and membership to a particular ethnic group.

ee) Religion includes in particular theistic, non-theistic and atheistic beliefs, participation or non-participation in public or private, formal religious services, either alone or together with others, other religious ceremonies or practices of faith, or forms of personal or common conduct that are based on religious beliefs or are derived from them.

ff) Nationality implies in particular membership to a group of people that is determined by its cultural, ethnic or linguistic identity, common geographical or political origins or its relationship with the population of another country, and can also include citizenship.

gg) Political opinion includes in particular an opinion, view or belief about issues associated with potential agents of persecution and their policies or methods, regardless of whether the asylum-seeker acted upon this opinion, view or belief.

hh) Particular social group is a group of persons who share a common characteristic other than their risk of being persecuted, or who are perceived as a group by society. The characteristic will often be one which is innate, unchangeable, or which is otherwise fundamental to identity, conscience or the exercise of one's human rights.

Article 19 (Refugee status)

Refugee status shall be granted to an alien who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his/her nationality and is unable or, owing to such fear, is unwilling to avail himself/herself of the protection of that country as well as to a stateless person who is outside the country of his/her former habitual residence and is unable or, owing to such fear, is unwilling to return to it.

Article 20 (Acts of persecution)

(1) Acts that are considered persecution within the meaning of Article 19 of the Law must be:

a) sufficiently serious by their nature or repetition to constitute a severe violation of fundamental human rights, especially the rights that cannot be restricted under Article 15 paragraph (2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or

b) set of various measures, including violation of human rights, which, seen as a whole, can affect the individual in the manner as specified in subparagraph a) above.

(2) Acts of persecution mentioned in paragraph (1) above, among others, may be as follows:

a) physical or psychological violence, including sexual violence;

b) legal, administrative, police and/or judicial measures which are discriminatory per se or are implemented in a discriminatory manner;

c) prosecution or punishment, which is disproportionate or discriminatory;

d) denial of the right to judicial protection, which leads to disproportionate or discriminatory punishment;

e) prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts falling under the exclusion clauses contained in Articles 21 (1) a), b) and c) of the Law;

f) acts which are by their nature specifically related to gender or children.

(3) Acts of persecution or lack of protection from such acts must be related to race, religion, nationality, membership of a particular social group or political opinion.

(4) There must be a connection between the reasons and acts of persecution and/or the lack of protection against such acts.

(5) When assessing if the applicant has well-founded fear of persecution, it is not relevant if he/she actually possesses racial, religious, national, social or political characteristics which cause persecution if such characteristics are attributed to him/her by the agent of persecution.

Article 21 (Exclusion from a refugee status)

(1) By derogation from Article 19 of the Law, a refugee status shall not be granted to an alien if there are reasonable grounds for considering:

a) that that he/she has committed or instigated or otherwise participated in the execution of a crime against peace, war crime or crime against humanity, as defined in the international treaties;

b) that that he/she has committed or instigated or otherwise participated in the execution of a serious non-political crime, prior to his/her admission to BiH, including especially cruel acts, even if committed with an allegedly political objective;

c) that that he/she has committed or instigated or otherwise participated in the execution of acts that are contrary to the purposes and principles of the United Nations; or

d) that he/she constitutes a danger to national security or that he/she has been convicted with a final and binding judgment for a serious crime and constitutes a danger to the country.

(2) Refugee status shall not be granted to an alien:

a) who receives protection and assistance from UN organs or agencies other than UNHCR;

b) who is recognized by the competent BiH authorities as having the same rights and obligations as those given to BiH citizens.

Article 24 (Agents of persecution or severe violation)

In terms of Articles 19 and 22 of the Law, the agents of persecution and severe violation may be as follows:

a) the State authorities;

b) parties or organizations controlling the State or a substantial part of its territory;

c) non-State actors, if it is proved that the State or the parties and/or organizations which control the substantial part of the national territory, including international organizations, are unable or unwilling to provide protection against persecution or severe violation.

Article 25 (Agents of protection)

(1) Protection from persecution or from severe violation, in terms of Articles 19 and 22 of the Law, can be provided in the country of origin by:

a) the State authorities;

b) parties or organizations, including also international organizations, controlling the State or a substantial part of the national territory.

2) Provision of protection mentioned in paragraph (1) above means undertaking adequate measures to prevent persecution and/or severe violation, which implies the existence of an effective legal system for detecting, prosecuting and punishing acts that constitute persecution or severe violation, and the access to such protection by the asylum-seeker. Provision of protection must be effective and permanent.

Article 26 (Protection within the State)

Protection within the State is the protection provided in a part of the country of origin in respect of which there is no well-founded fear of persecution or real risk of severe violation. During a determination process upon the application, the Ministry shall assess general circumstances in that part of the country of origin, whether the concerned part is accessible by the asylum-seeker, and whether it can be expected from the asylum-seeker, considering his/her personal circumstance, to settle down in that part of the country.

Article 27 (Principle of sur place)

Well-founded fear of persecution or real risk of severe violation can be based on:

a) events that occurred after the asylum-seeker had left the country of origin;
b) activities of the asylum-seeker after leaving the country of origin, especially if it is established that they represent the expression and continuation of his/her convictions and orientations he/she had in the country of origin.

Article 52 (Cessation of refugee status or of the status of subsidiary protection)

(1) The Ministry shall issue a decision on cessation of refugee status or the status of subsidiary protection in BiH in the following cases:

a) if the refugee or alien under subsidiary protection has voluntarily re-availed himself/herself of the protection of the country of his/her nationality;
b) if the refugee or alien under subsidiary protection, having lost the nationality of another country, has voluntarily re-acquired it;
c) if the refugee or alien under subsidiary protection has acquired a new nationality and enjoys the protection of the country of his/her new nationality;
d) if the refugee or alien under subsidiary protection has voluntarily returned to re-establish himself/herself in the country which he/she left or outside which he/she lived owing to fear of persecution or severe violation;
e) if the refugee or alien under subsidiary protection can no longer, because the circumstances in connection with which he/she was granted protection in BiH have ceased to exist, continue to refuse to avail himself/herself of the protection of the country of his/her nationality or habitual residence;
f) when the circumstances which were conducive to recognition of the status have ceased to exist or have changed to such extent that protection is no longer needed;
g) if the refugee or alien under subsidiary protection has obtained the BiH nationality;
h) if the refugee or alien under subsidiary protection has expressly renounced his/her status;
i) if the refugee or alien under subsidiary protection has continually stayed outside BiH for more than six months, without notifying the Ministry;

j) if the alien has died.

(2) When assessing the requirements of paragraph (1) subparagraphs d), e) and f) above, the Ministry shall consider whether the change of circumstances on the basis of which the protection has been granted is substantial and permanent.

BOTSWANA

Refugees (Recognition and Management) Act, 2024,
https://www.refworld.org/legal/legislation/natlegbod/2024/en/149363

PART I — Preliminary

[…]

2. In this Act, unless the context otherwise requires:

refugee" means a person who has been recognised as a refugee in terms of section 5 this Act;

[…]

PART II — Application of Conventions, etc.

[…]

4. Notwithstanding any provision of this Act or any other law to the contrary, no person may be refused entry into Botswana, expelled, extradited or returned to any other country or be subject to any similar measure if, as a result of such refusal, expulsion, extradition, return or other measure, such person is compelled to return to or remain in a country where —
   a. he or she may be subjected to persecution on account of his or her race, religion, nationality, political opinion or membership of a particular social group; or
   b. his or her life, physical safety or freedom would be threatened on account of external aggression, occupation, foreign domination or other events seriously disturbing or disrupting public order in either a part or the whole of that country.
5. For the purposes of this Act, a person eligible for recognition as a refugee shall be a refugee if —
   a. owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, he or she is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country;
   b. not having a nationality and being outside the country of his or her former habitual residence, he or she is unable or, owing to a well-founded fear of being persecuted for reasons of race, religion, political opinion, membership of a particular social group or is unwilling to return to the country of his or her former habitual residence; or
   c. owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either a part or the whole of his or her country of origin or nationality, he or she is compelled to leave his or her place of habitual residence

in order to seek refuge in another place outside his or her country of origin or nationality:

Provided that, in the case of a disturbance of public order, the person was not involved in whatever caused the unrest in his or her country of origin or nationality.

6. (1) Notwithstanding the provisions of section 5, a person shall not be eligible for recognition as a refugee in terms of this Act, if such person —
   a. is considered to be a threat or a potential threat to national security;
   b. has more than one nationality and is able to avail himself or herself of the protection of one of the countries of which he or she is a national and has no valid reason, based on well-founded fear of being persecuted for any of the reasons mentioned in paragraph (a) of section 5 or on any of the reasons mentioned in paragraph (c) of that section, for not availing himself or herself of the protection of that country;
   c. has, before his or her admission to Botswana as a refugee, committed —
      i. a crime against peace, a war crime or a crime against humanity as defined in any international legal instrument dealing with any such crimes,
      ii. a serious non-political crime, or
      iii. an act contrary to the purposes and principles of the United Nations Organisation Charter or the Organisation of African Unity Charter; or
   d. belongs to a category of persons declared by the Minister, by notice published in the Gazette, to be persons who are not entitled to refugee status in terms of this Act.

   (2) The Minister may, by notice published in the Gazette, revoke or amend a declaration made in terms of subsection (1) (d).

   (3) In this section — “national security” has the same meaning assigned to it under the Intelligence and Security Service Act; “non-political offence” means an offence other than a political offence; “political offence” means an offence which is committed in the course of political disturbance and in furtherance of its objects; and “serious non-political offence” means any non-political offence which, if committed in Botswana, would be punishable with a sentence of imprisonment for a period of five years or more.

7. A refugee shall lose his or her recognition as a refugee if he or she —
   a. voluntarily returns to the country of which he or she was a national or to the country where he or she was habitually resident;
   b. has voluntarily re-availed himself or herself of the protection of the country of his or her nationality;
   c. acquires a new nationality and enjoys the protection of the country of his or her new nationality;

d. 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 his or her nationality; or
e. being a person who has no nationality he or she is, because of the circumstances in connection with which he or she has been recognised as a refugee have ceased to exist, able to return to the country of his or her former habitual residence:

Provided that paragraph (d) shall not apply to a person who is recognised as a refugee under this Act, who is able to invoke compelling reasons arising out of previous persecution for refusing to return to the country of his or her former habitual residence.

10. Departure of refugee from Botswana

[…]

(2) A recognized refugee shall on his departure from Botswana cease to be a recognized refugee.

SCHEDULE - Definition of the term "Political Refugee"

1. Subject to this Schedule, "political refugee" means a person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence is unable or, owing to such fear, is unwilling to return to it.

2. In the case of a person who has more than one nationality, the term "the country of his nationality" shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

BRAZIL

Law No. 9.474 of 1997, establishing arrangements for the implementation of the 1951 Status of Refugees and related provisions, 23 July 1997, https://www.refworld.org/legal/legislation/natlegbod/1997/en/18339

Article 1. An individual shall be recognized as a refugee if:
I - due to well-founded fears of persecution for reasons of race, religion, nationality, social group or political opinions, he or she is out of his or her country of nationality and cannot or does not wish to rely on the protection of such country;
II - having no nationality and being out of the country where he or she had previously retained permanent residence, cannot or does not wish to return to such country based on circumstances mentioned in item I above;
III - due to severe and generalized violation of human rights, he or she is compelled to leave his or her country of nationality to seek refuge in a different country.

Article 3. An individual shall not benefit from the condition of refugee if:
I - He or she already enjoys protection or assistance from a United Nations organism or institution, except the United Nations High Commissioner for Refugees --UNHCR;
II - he or she is a resident in the national territory and enjoys rights and obligations related to the condition of Brazilian nationals;
III - he or she has committed crime against peace, crime of war, crime against humankind, hideous crime, participated in terrorist acts or drug trafficking;
IV - he or she is considered guilty of acts contrary to the purposes and principles of the United Nations.

Article 38. A condition of refugee shall terminate in case the foreigner:
I - Resumes enjoying protection of his or her country of nationality;
II - recovers voluntarily his or her previous nationality;
III - acquires new nationality and comes to enjoy the protection of the country of the nationality so acquired;
IV - voluntarily settles in the country he or she has abandoned or out of which has remained for fear of persecution;
V - cannot continue refusing protection of his or her country of nationality based on the fact that the circumstances leading to his or her recognition as a refugee have ceased to exist;
VI - having no nationality, is in condition to return to his or her country of residence based on the fact that the circumstances leading to his or her recognition as a refugee have ceased to exist.

Article 39. The following facts imply loss of a refugee condition:

I - Renunciation;

II - evidence that the facts alleged for recognition of the refugee condition are false, or existence of facts which, if known at the time of recognition, would have determined its denial;

III - practice of activities contrary to national security and public order;

IV - leaving the national territory without previous authorization of the Brazilian Government

BULGARIA

Law for the Asylum and the Refugees (amended and supplemented), 1 December 2002, https://www.refworld.org/legal/legislation/natlegbod/2002/en/114146

Please note that, as of 1 July 2026, the EU Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 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, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (see European Union) entered into application. The national law should therefore be read and applied in compliance with this Regulation.

Art. 8.

(1) Refugee status in the Republic of Bulgaria shall be granted to an alien who for reasons of a well-founded fear of persecution due to his/her race, religion, nationality, political opinion or membership of a specific social group is outside his/her country of origin and who, for those reasons, is unable or unwilling to avail himself/herself of the protection of that country or return thereto.

(2) For the purposes of granting a status under paragraph (1), it shall not matter whether the alien belongs to these race, religion, nationality, social group, whether he/she expresses such political opinion or professes such political belief which are at the root of persecution. It shall be sufficient that the persecuting authority or organisation considers such alien belongs thereto.

(3) Actors of persecution can be:

1. the State;
2. parties or organisations controlling the country or a substantial part of the territory of the State;
3. non-state factors if it can be demonstrated that the factors mentioned in subparagraphs 1 and 2, including international organisations, are unable or unwilling to provide protection against persecution.

(4) Persecution shall refer to any violation of fundamental human rights or a set of actions that result in violation of fundamental human rights severe enough in their nature or recurrence .

(5) The acts of persecution can take the form of:

1. acts of physical or mental violence, including acts of sexual violence;

2. legal, administrative, police or judicial measures which are discriminatory by themselves or implemented in a discriminatory manner;

3. disproportionate or discriminatory prosecution or punishment;

4. denial of judicial redress resulting in a disproportionate or discriminatory punishment;

5. prosecution or punishment for refusal to perform military service in case of an armed conflict, where performing military service would include crimes or acts set out in Article 12, paragraph 1, subparagraphs 1-3;

6. acts against persons on the grounds of their gender or against children.

(6) The fears of persecution may be based on events which have occurred after the alien left his/her country of origin or on an activity carried out by him/her after his/her departure, in particular where it is established that this activity constitutes the expression or continuation of convictions or orientations expressed in the country of origin, unless such activity has been carried out for the sole purpose of making such alien eligible for protection under this Law.

(7) Protection against persecution may be provided by the state, parties or organisations, including international organisations, controlling the state or a significant part of its territory provided that the latter wish to provide and are able to provide effective protection whereto the alien has access and such protection is of a non- temporary nature.

(8) Refugee status may be withheld where, in a part of the country of origin, there are no grounds to fear persecution of the alien, whereby the alien can safely and legally travel to and gain admittance to that part of the country, and can reasonably be expected to settle there.

[…]

Art. 12

(1) Refugee status shall not be granted to an alien for whom:

1. there are serious grounds to assume that he/she has committed an act defined as a war crime or crime against peace and humanity under the Bulgarian legislation and under the international treaties to which the Republic of Bulgaria is a signatory;

2. there are serious grounds to assume that he/she has committed a serious non-political crime outside the territory of the Republic of Bulgaria;

3. there are serious grounds to assume that he/she commits or incites towards acts contrary to the goals and principles of the United Nations Organisation;

4. who benefits from the protection or assistance provided by bodies or organisations of the United Nations other than the United Nations High Commissioner for Refugees; where such protection or assistance has not been suspended and his/her status has not been established under a relevant resolution of the United Nations Organisation,

such individual can avail himself/herself of the benefits from the Geneva Convention regarding the Status of Refugees of 1951;

5. with respect to whom the competent authorities of his/her state of permanent residence have recognized the rights and obligations resulting from the citizenship in that country.

[…]

BURKINA FASO

Loi No. 042-2008/AN du 2008, portant statut des réfugiés au Burkina Faso, 27 November 2008, https://www.refworld.org/legal/legislation/natlegbod/2008/fr/79997

Article 3 : Est considérée comme réfugié, au sens de la présente loi :
1) toute personne qui, craignant avec raison d'être persécutée du fait :
- de sa race ;
- de sa nationalité ;
- de sa religion ;
- de son appartenance à un certain groupe social ou ;
- de ses opinions politiques ;

se trouve hors du pays dont elle a la nationalité ou, si elle ne peut se réclamer d'aucune nationalité, se trouve hors du pays dans lequel elle avait sa résidence habituelle ;
2) toute personne qui, du fait d'une agression, d'une occupation extérieure, d'une domination étrangère ou d'évènements troublant gravement l'ordre public dans une partie ou dans la totalité de son pays d'origine ou du pays dont elle a la nationalité, est obligée de quitter sa résidence habituelle pour chercher refuge dans un autre endroit à l'extérieur de son pays d'origine ou du pays dont elle a la nationalité.

Article 5 : Les dispositions de la présente loi ne sont pas applicables aux personnes à l'égard desquelles des raisons sérieuses permettent de penser :
- qu'elles ont commis un crime de génocide, un crime contre la paix, un crime contre l'humanité ou un crime de guerre ;
- qu'elles ont commis un crime grave de droit commun en dehors du pays d'accueil, avant d' y être admises comme réfugiées ;
- qu'elles se sont rendues coupables d'agissements contraires aux objectifs et aux principes de l'Union africaine ;
- qu'elles se sont rendues coupables d'agissements contraires aux buts et aux objectifs des Nations unies.

Article 18 : Le statut de réfugié cesse de s'appliquer à tout réfugié, si :
- il s'est volontairement réclamé à nouveau de la protection du pays dont il a la nationalité ;
- ayant perdu sa nationalité, il l'a volontairement recouvrée ;
- il a acquis une nouvelle nationalité et jouit de la protection du pays dont il a la nationalité ;

- il est retourné volontairement s'établir dans le pays qu'il a quitté ou hors duquel il est demeuré de crainte d'être persécuté ;
- les circonstances à la suite desquelles il a été reconnu réfugié ont cessé d'exister et qu'il ne peut plus continuer à refuser de se réclamer de la protection du pays dont il a la nationalité ;
- il a commis un crime de génocide, un crime contre la paix, un crime de guerre ou un crime contre l'humanité, au sens des instruments internationaux y relatifs ;
- une information fiable apparaissait après qu'il ait été officiellement reconnu comme réfugié et laissant penser qu'il n'aurait pas dû bénéficier du statut de réfugié ;
- s'agissant d'une personne apatride, les circonstances à la suite desquelles elle a été reconnue comme réfugié ont cessé d'exister et qu'elle est en mesure de retourner dans le pays où elle avait sa résidence habituelle.

BURUNDI

Loi No. 1/25 du 05 novembre 2021 portant règlementation des migrations au Burundi, 1/25, 5 November 2021, https://www.refworld.org/legal/legislation/natlegbod/2021/fr/147050

Article 4

[…]

Réfugié, toute personne se trouvant dans l'une quelconque des situations prévues au point 17 au sens de la Convention de Genève du 28 juillet 1951 relative au Statut des Réfugiés, au Protocole du 31 janvier 1967 relatif au Statut des Réfugiés et dans la Convention de l'Organisation de l'Unité Africaine du 10 septembre 1969 régissant les Aspects Propres aux Problèmes des Réfugiés en Afrique ;

Article 74

Est considérée comme une demande d'asile, toute manifestation de volonté par laquelle une personne demande au Burundi de la protéger contre une menace relevant de l'un des motifs suivants :

1. La crainte d'être persécutée du fait de sa race, de sa religion, de sa nationalité, de son appartenance à un certain groupe social ou de ses opinions politiques ;
2. Les menaces ou l'exposition à des traitements inhumains ou dégradants, lorsque ces menaces ou ces risques émanent des acteurs étatiques, des personnes ou des groupes organisés de son pays d'origine ou de résidence ;
3. L'agression, l'occupation extérieure, la domination étrangère ou un événement troublant l'ordre public dans une partie ou dans la totalité de son pays d'origine.

Article 113

La déchéance du statut de réfugié est prononcée à l'encontre de la personne détentrice qui ;

1. S'est volontairement déclamée à nouveau de la protection du pays dont elle a la nationalité ;
2. Ayant perdu sa nationalité, l'a volontairement recouvrée ;
3. A acquis une nouvelle nationalité et jouit de la protection du pays dont elle a acquis ladite nationalité ;
4. Est retournée volontairement s'établir dans le pays qu'elle avait quitté ;
5. Ne peut plus continuer à refuser de se réclamer de la protection du pays dont elle a la nationalité du fait que les circonstances à la suite desquelles elle a été reconnue comme réfugiée ont cessé d'exister ;

6. N’ayant pas de nationalité, les circonstances à la suite desquelles elle a été reconnue comme réfugiée ont cessé d’exister et qu’elle est en mesure de retourner dans le pays où elle avait sa résidence habituelle :
7. A porté atteinte à la sécurité intérieure ou extérieure du Burundi telles que définies par les dispositions du Code pénal ;
8. A obtenu dans un autre pays l’asile ou l’autorisation d’y résider;
9. Renonce au statut de réfugié ;
10. Fait l’objet d’une mesure d’expulsion ;
11. A obtenu la nationalité burundaise.

CAMBODIA

Sub-Decree No. 224 of 2009, on Procedure for Recognition as a Refugee or Providing Asylum Rights to Foreigners in the Kingdom of Cambodia, 17 December 2009, https://www.refworld.org/legal/decreees/natlegbod/2009/en/78128

Article 4

[…] Refugee refers to a person who fulfills all criteria below:

- is outside of the country of his or her nationality or not having a nationality and being
  outside of the country of his or her former habitual residence,
- is owing to well-founded fear of being persecuted for reasons of race, religion, nationality,
  membership of a particular social group or political opinion,
- is unable or is unwilling to avail him/herself of the protection of that country.

The country of nationality of a person who has more than one nationality refers to each of the countries of which he is a national and a person shall not be considered to be lacking protection of the country of the nationality if:

- He does not have any valid reason based on a well-founded fear.
- That person has not availed himself to the protection of one of the countries of which he is a national.

Article 11

The competent officials from the MOI can reject application for refugee status immediately based on any of the following reasons:

a) the Applicant does not cooperate with the competent official in clarifying accurate information regarding the application; or

b) the Applicant shows that his or her application is only based purely on economic needs or just wishes to benefit from the better living conditions in the Kingdom of Cambodia; or

c) during the process, the Applicant commits any activity which could endanger national security and public order.

Article 19

An Applicant shall not be included or granted refugee status if there is any of the following reasons:

- He or she has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments relating to such crimes; or
- He or she has committed a serious non-political crime outside the Kingdom of Cambodia prior to submission of the application; or
- He or she has been guilty of acts contrary to the purposes and principles of the United Nations.

Article 20

Refugee status granted under the provisions of this Sub-decree will cease if there is any of the following reasons:

- He or she has voluntarily re-availed him/herself of the protection of the country of his or her nationality; or
- Having re-acquired his or her lost nationality; or
- Having acquired a new nationality and enjoys the protection of that country; or
- He or she has voluntarily re-established him/herself in the country which he or she left owing to fear of persecution; or
- He or she 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 him/herself of the protection of the country of his or her nationality; or
- Being a person who has no nationality he or she is, because of the circumstances in connection with which he or she has been recognized as a refugee have ceased to exist, able to return to the country of his or her former habitual residence.

CAMEROON

Loi No. 2005/006 du 2005, Portant statut des réfugiés au Cameroun, 27 July 2005, https://www.refworld.org/legal/legislation/natlegbod/2005/20920

Art 2 : Est considérée comme "réfugiée" au sens de la présente loi et conformément à la Convention de Genève du 28 juillet 1951 relative au statut des réfugiés telle qu'amendée par son protocole de New York du 31 janvier 1967 et la convention de l'OUA régissant les aspects propres aux problèmes des réfugiés en Afrique signée à Addis-Abeba le 10 septembre 1969 :

- toute personne qui, craignant avec raison d'être persécutée à cause de sa race, de sa religion, de sa nationalité, de son appartenance à un certain groupe social ou de ses opinions politiques, se trouve hors du pays dont elle a la nationalité et qui ne peut ou, du fait de cette crainte, ne veut se réclamer de la protection de ce pays ; ou qui, si elle n'a pas de nationalité et se trouve hors du pays où elle avait sa résidence habituelle, à la suite de tels évènements, ne peut ou, en raison de la dite crainte, ne veut y retourner ;
- toute personne qui, du fait d'une agression, d'une occupation extérieure, d'une domination étrangère ou d'évènements troublant gravement l'ordre public dans une partie ou dans la totalité de son pays d'origine ou du pays dont elle a la nationalité, est obligée de quitter sa résidence habituelle pour chercher refuge dans un autre endroit à l'extérieur de son pays d'origine ou du pays dont elle a la nationalité.

Art 3 : Les dispositions de la présente loi ne sont pas applicables à toute personne à l'égard de laquelle des raisons sérieuses permettent de penser :

- qu'elle a commis un crime contre la paix, un crime de guerre ou un crime contre l'humanité ;
- qu'elle a commis un crime grave de caractère non politique et en dehors du pays d'accueil avant d'être admise comme réfugiée ;
- qu'elle s'est rendue coupable d'agissements contraires aux objectifs et aux principes de l'Union Africaine ;
- qu'elle s'est rendue coupable d'agissements contraires aux buts et aux objectifs des Nations Unies.

Art 4 : Une personne perd le statut de réfugié au titre des présentes dispositions, si :

- elle s'est volontairement réclamée à nouveau de la protection du pays dont elle a la nationalité ; ou
- ayant perdu la nationalité, elle l'a volontairement recouvrée ; ou

- elle a acquis une nouvelle nationalité et jouit de la protection du pays dont elle a la nationalité ; ou
- elle est retournée volontairement d'établir dans le pays qu'elle a quitté ou hors duquel elle est demeurée de crainte d'être persécutée ; ou
- les circonstances à la suite desquelles elle a été reconnue réfugiée ayant cessé d'exister, elle ne peut plus continuer à refuser de se réclamer de la protection du pays dont elle a la nationalité ou
- elle a commis un crime grave de caractère non politique en dehors du pays d'accueil après y avoir été admise comme réfugiée ; ou
- s'agissant d'une personne apatride, les circonstances à la suite desquelles elle a été reconnue comme réfugiée ayant cessé d'exister, elle est en mesure de retourner dans le pays où elle avait sa résidence habituelle.

CANADA

Immigration and Refugee Protection Act (IRPA), SC 2001, c. 27, 1 November 2001, https://www.refworld.org/legal/legislation/natlegbod/2001/115535

Convention refugee.

96 A Convention refugee is a person who, by reason of a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion,

(a) is outside each of their countries of nationality and is unable or, by reason of that fear, unwilling to avail themself of the protection of each of those countries; or

(b) not having a country of nationality, is outside the country of their former habitual residence and is unable or, by reason of that fear, unwilling to return to that country.

[…]

Exclusion — Refugee Convention

98 A person referred to in section E or F of Article 1 of the Refugee Convention is not a Convention refugee or a person in need of protection.

[…]

Serious criminality

(2) A claim is not ineligible by reason of serious criminality under paragraph (1)(f) unless

(a) in the case of inadmissibility by reason of a conviction in Canada, the conviction is for an offence under an Act of Parliament punishable by a maximum term of imprisonment of at least 10 years; or

(b) in the case of inadmissibility by reason of a conviction outside Canada, the conviction is for an offence that, if committed in Canada, would constitute an offence under an Act of Parliament punishable by a maximum term of imprisonment of at least 10 years.

Cessation of Refugee Protection

Rejection

108 (1) A claim for refugee protection shall be rejected, and a person is not a Convention refugee or a person in need of protection, in any of the following circumstances:

(a) the person has voluntarily reavailed themself of the protection of their country of nationality;

(b) the person has voluntarily reacquired their nationality;

(c) the person has acquired a new nationality and enjoys the protection of the country of that new nationality;
(d) the person has voluntarily become re-established in the country that the person left or remained outside of and in respect of which the person claimed refugee protection in Canada; or
(e) the reasons for which the person sought refugee protection have ceased to exist.

[…]

Exception

(4) Paragraph (1)(e) does not apply to a person who establishes that there are compelling reasons arising out of previous persecution, torture, treatment or punishment for refusing to avail themselves of the protection of the country which they left, or outside of which they remained, due to such previous persecution, torture, treatment or punishment.

CABO VERDE

Law No. 99/V/99 of 19 April, 19 April 1999,
https://www.refworld.org/legal/legislation/govt/1999/pt/147135

Artigo 2

[…]

b) Refugiado – qualquer pessoa que, receando com razão, ser perseguida em virtude da sua raça, religião**,** nacionalidade, sua pertença a um certo grupo social e suas opiniões políticas, se encontre fora do país de nacionalidade e não possa, ou, em virtude daquele receio, não queira pedir a proteção daquele país ou que, se não tiver nacionalidade e estiver fora daquele país no qual tinha a sua residência habitual após aqueles acontecimentos não possa ou em virtude do referido receio, à ele não queira voltar.

Ou ainda a qualquer pessoa que, 'em virtude de uma agressão, de uma ocupação exterior, guerra civil, de uma dominação estrangeira ou de acontecimentos que perturbem grave-o, mente a ordem publica, numa parte ou totalidade do seu país de origem ou do país de nacionalidade, é obrigada a abandonar a sua residência habitual para procurar refúgio num outro, fora do seu país de origem ou do país de sua nacionalidade.

Artigo 5

1. Não podem beneficiar de asilo:

a) Aqueles que tenham praticado actos contrários aos interesses fundamentais ou à sobera de Cabo Verde;

b) Aqueles que tenham cometido crimes contra paz, crimes de guerra ou crimes contra a humanidade, tal como são definidos nos instrumentos internacionais, destinados a prevê-los;"

c) Aqueles que tenham cometido. crimes dolo de direito comum puníveis~ com pena superior a três anos;

d) Aqueles que tenham praticado actos contra aos fins e princípios das Nações Unidas, [...]

2. O asilo pode ser recusado se da sua concessão sultar perigo comprovado ou fundada ameaça para segurança interna ou externa; ordem pública, ou 9.1 quando a protecção da população assim o exija, designadamente em razão da situação social ou economico país.

Artigo 12

Constituem causa de perda do direito de asilo:

a) A renúncia expressa;

b) A prática de actos ou actividades proibidas, de acordo com o disposto no artigo 9º;
c) A prova da falsidade dos fundamentos invocados para a concessão do asilo ou a existencia de factos que, se fossem conhecidos aquando da concessão, teriam implicado uma decisão negativa;
d) O pedido e obtenção pelo asilado da protecção do país de que é nacional;
e) A reaquisição voluntária de nacionalidade que tenha perdido;
f) A aquisição voluntária pelo asilado de nova nacionalidade, desde que goze da protecção do respectivo país;
g) A reinstalação voluntária no país que deixou ou fora do qual permaneceu por receio de ser perseguido;
h) A cessação das razões que justificaram a concessão do direito de asilo;
i) A decisão de expulsão do asilado proferida pelo tribunal competente;
j) O abandono pelo asilado do território nacional, fixando-se noutro país.

CENTRAL AFRICAN REPUBLIC (THE)

Loi no 07.019 du 28 décembre 2007 portant statut des réfugiés en république centrafricaine, 28 December 2007,
https://www.refworld.org/legal/legislation/natlegbod/2007/147584

Art. 1er : Aux termes de la présente Loi et conformément à l'article 1er de la Convention de Genève du 28 juillet 1951 relative au Statut des Réfugiés, complétée par le Protocole du 31 janvier 1967 et à l'article 1er de la Convention de l'Organisation de l'Union Africaine du 10 septembre 1969, régissant les Aspects Propres aux Problèmes des Réfugiés en Afrique, est reconnue réfugiée en République Centrafricaine, sauf application de l'article 2 de la présente Loi :
Toute personne qui, craignant avec raison d'être persécutée du fait de sa race, de sa nationalité, de sa religion, de son appartenance à un certain groupe social ou de ses opinions politiques, se trouve hors du pays dont elle a la nationalité, et qui ne peut ou, du fait de cette crainte, ne veut se réclamer de la protection de ce pays; ou qui, si elle n'a pas de nationalité et se trouve hors du pays dans lequel elle avait sa résidence habituelle à la suite de tels évènements, ne peut ou, en raison de ladite crainte, ne veut y retourner.
Toute personne qui, du fait d'une agression, d'une occupation extérieure, d'une domination étrangère ou d'un évènement troublant gravement l'ordre public dans une partie ou dans la totalité de son pays d'origine ou du pays dont elle a la nationalité, est obligée de quitter sa résidence habituelle pour chercher refuge dans un autre endroit à l'extérieur de son pays d'origine ou du pays dont elle a la nationalité.

Art. 2. Le statut de réfugié ne sera pas applicable à une personne au sujet de laquelle il y a des raisons sérieuses de penser que :

- Elle a commis un crime contre la paix, un crime de guerre ou un crime contre l'humanité, au sens des instruments internationaux y relatifs ;
- Elle a commis un crime grave de droit commun en dehors du pays d'accueil avant d'y être admise comme réfugiée ;
- Elle s'est rendue coupable d'agissements contraires aux buts et aux principes des Nations Unies ou de l'Union Africaine.

Art. 4. Le statut de réfugié reconnu à une personne prend fin lorsque celle-ci :

- s'est volontairement réclamée à nouveau de la protection du pays dont elle a la nationalité ;
- ayant perdu sa nationalité, l'a volontairement recouvrée ;

- a acquis une nouvelle nationalité et jouit de la protection du pays dont elle a la nationalité ;
- est retournée volontairement s'établir dans le pays qu'elle a quitté ou hors duquel elle est demeurée de crainte d'être persécutée ;
- du fait que les circonstances à la suite desquelles elle a été reconnue réfugiée ont cessé d'exister, ne peut plus continuer à refuser valablement de se réclamer de la protection du pays dont elle a la nationalité ou, si elle est sans nationalité, du pays où elle avait sa résidence habituelle ;
- s'agissant d'une personne qui n'a pas de nationalité, si les circonstances à la suite desquelles elle a été reconnue comme réfugiée ayant cessé d'exister, elle est en mesure de retourner dans le pays dans lequel elle avait sa résidence habituelle.

Art. 5 : Les dispositions de l'article 4 alinéa 5 ci-dessus ne s'appliquent pas à tout réfugié ainsi reconnu qui refuse de se réclamer de la protection du pays dont il a la nationalité pour des raisons impérieuse, tenant à des persécutions antérieures.

CHAD

Loi No 027/PR/2020 Portant Asile en Republique du Tchad, 31 December 2020, https://www.refworld.org/legal/legislation/natlegbod/2020/124254

CHAPITRE II : DE L'INCLUSION

Article 3 : Est reconnu «réfugié» toute personne qui, craignant avec raison d'être persécutée du fait de sa race, de sa religion, de sa nationalité, de son appartenance à un certain groupe social ou de ses opinions politiques, se trouve hors du pays dont elle a la nationalité, et qui ne peut ou, du fait de cette crainte, ne veut se réclamer de la protection de ce pays; ou qui, si elle n'a pas de nationalité et se trouve hors du pays dans lequel elle avait sa résidence habituelle, ne peut ou, en raison de ladite crainte, ne veut y retourner.
Est également reconnu comme « réfugié » toute personne qui, du fait d'une agression, d'une occupation extérieure, d'une domination étrangère ou d'événements troublant gravement l'ordre public dans une partie ou dans la totalité de son pays d'origine ou du pays dont elle a la nationalité, est obligée de quitter sa résidence habituelle pour chercher refuge dans un autre endroit à l'extérieur de son pays d'origine ou du pays dont elle a la nationalité.
Dans le cas d'une personne qui a plusieurs nationalités, l'expression u du pays dont elle a la nationalité » vise chacun des pays dont cette personne a la nationalité ; on ne considère pas qu'une personne ne jouit pas de la protection du pays dont elle a la nationalité si, sans raison valable, fondée sur une crainte justifiée, elle ne se réclame pas de la protection de 1 'un des pays dont elle a la nationalité.

CHAPITRE III : DE L'EXCLUSION

Article 6: Toute personne remplissant les critères énoncés à 1 'article 3 bénéficie du statut de réfugié à moins qu'il n'y ait de raisons sérieuses de penser :

- qu'elle a commis un crime contre la paix, un crime de guerre ou génocide ou un crime contre l'humanité, au sens des instruments juridiques internationaux et du droit national;
- qu'elle a commis un crime grave de droit commun en dehors du pays d'accueil avant d'y être admise comme réfugiée;
- qu'elle s'est rendue coupable d'agissements contraires aux buts et aux principes de l' Union Africaine et des Nations Unies.

[…]

Article 8 : La présente loi n'est pas applicable aux personnes qui bénéficient actuellement d'une protection de la part d'un organisme ou d'une institution des Nations Unies autre que le Haut Commissariat des Nations Unies pour les réfugiés.

Lorsque cette protection ou cette assistance cesse pour une raison quelconque, sans que le sort de ces personnes ait été définitivement réglé, conformément aux résolutions y relatives adoptées par l'Assemblée Générale des Nations Unies, elles bénéficient de plein droit du régime de cette loi.

Article 9: La présente loi n'est pas applicable à une personne considérée par les autorités compétentes du Tchad comme ayant les droits et les obligations attachés à la possession de la nationalité tchadienne.

CHAPITRE IV: DE LA CESSATION

Article 10 : Le bénéfice du statut de réfugié prévu par la présente loi prend fin dans les cas suivants:

- si le réfugié s'est volontairement réclamé à nouveau de la protection du pays dont il a la nationalité;
- si, ayant perdu sa nationalité, il l'a volontairement recouvrée ;
- s'il a acquis une nouvelle nationalité et jouit de la protection du pays dont il a acquis la nationalité;
- s'il est retourné volontairement s'établir dans le pays qu'il a quitté ou hors duquel il est demeuré de crainte d'être persécuté ;
- si, les circonstances à la suite desquelles il a été reconnu comme réfugié ayant cessé d'exister, il ne peut plus continuer à refuser de se réclamer de la protection du pays dont il a la nationalité ; étant entendu que les dispositions de la présente loi ne s'appliquent pas à tout réfugié qui peut invoquer, pour refuser de se réclamer de la protection du pays dont il a la nationalité, des raisons impérieuses tenant à des persécutions antérieures.

CHILE

Ley No. 20.430 de 2010, Establece disposiciones sobre Protección de Refugiados, 8 April 2010, https://www.refworld.org/legal/legislation/natlegbod/2010/es/72695

Artículo 2°.- Concepto de Refugiado. Tendrán derecho a que se les reconozca la condición de refugiado las personas que se encuentren en alguna de las siguientes situaciones:

1. Quienes, por fundados temores de ser perseguidos por motivos de raza, religión, nacionalidad, pertenencia a determinado grupo social u opiniones políticas, se encuentren fuera del país de su nacionalidad y no puedan o no quieran acogerse a la protección de aquél debido a dichos temores.
2. Los que hayan huido de su país de nacionalidad o residencia habitual y cuya vida, seguridad o libertad han sido amenazadas por la violencia generalizada, la agresión extranjera, los conflictos internos, la violación masiva de los derechos humanos u otras circunstancias que hayan perturbado gravemente el orden público en dicho país.
3. Quienes, careciendo de nacionalidad y por los motivos expuestos en los numerales anteriores, se encuentren fuera del país en que tenían su residencia habitual y no puedan o no quieran regresar a él.
4. Los que, si bien al momento de abandonar su país de nacionalidad o residencia habitual no poseían la condición de refugiado, satisfacen plenamente las condiciones de inclusión como consecuencia e acontecimientos ocurridos con posterioridad a su salida.

Artículo 16.- Cláusula de Exclusión. No obstante cumplir con las condiciones para ser reconocido como refugiado, será excluida del régimen de protección, la persona respecto de la cual existan fundados motivos de haber cometido alguno de los actos siguientes:

1. Delito contra la paz, de guerra, o cualquier otro delito contra la humanidad definido en algún instrumento internacional, ratificado por Chile.
2. Grave delito común, fuera del territorio nacional y antes de ser admitido como refugiado.
3. Actos contrarios a los principios y finalidades de la Carta de Naciones Unidas.

Artículo 17.- Cláusula de Cesación.

Cesará la condición de refugiado de una persona en los siguientes casos:

1. Si se ha acogido, voluntariamente, a la protección del país del cual es nacional.
2. Si, habiendo perdido su nacionalidad con anterioridad, la ha recuperado por propia decisión.

3. Si ha obtenido una nueva nacionalidad y goza de la protección del país cuya nacionalidad adquirió.
4. Si ha decidido establecerse nuevamente, de manera voluntaria, en el país que abandonó o fuera del cual permanecía por temor a ser perseguido.
5. Si no es posible continuar rechazando la protección del país del cual es nacional, por haber dejado de existir las circunstancias por las cuales fue reconocido como refugiado.
6. Si aquélla que no tiene nacionalidad, está en condiciones de volver al país en el cual tenía su residencia habitual, una vez que hayan dejado de existir las circunstancias a consecuencia de las cuales fue reconocida como refugiado.

No cesará la condición de refugiado respecto de aquella persona comprendida en los números 5 y 6 precedentes que pueda invocar razones imperiosas, derivadas de la persecución singularmente grave por la que originalmente dejó su país de nacionalidad o residencia habitual o que, en su caso particular, y a pesar del cambio de circunstancias en general, mantenga un fundado temor de persecución por motivos de raza, religión, nacionalidad, pertenencia a determinado grupo social u opiniones políticas.

Artículo 18.- Renuncia, Cancelación y Revocación del Estatuto de Refugiado. Se perderá el estatuto de refugiado por cualquiera de las siguientes circunstancias:

1. Renuncia individual, expresa, voluntaria e informada a tal condición.
2. Por cancelación, si se acreditase la falsedad de los fundamentos invocados para el reconocimiento de la condición de refugiado o la existencia de hechos que, de haber sido conocidos cuando se otorgó tal reconocimiento, hubiesen implicado una decisión negativa.
3. Por revocación, si luego de otorgado dicho estatuto, la persona realiza actividades descritas en los números 1 ó 3 del artículo 16 de la presente ley.

Decreto No. 837 de 2011, Aprueba Reglamento de La Ley No. 20.430, que establece disposiciones sobre protección de refugiados, 17 February 2011 https://www.refworld.org/legal/decreees/natlegbod/2011/es/86502

Artículo 2º.- Concepto de refugiado.

Son refugiados aquellos extranjeros a los que se hubiese reconocido dicha condición, por encontrarse en alguna de las siguientes situaciones:

1. Tener fundado temor de ser perseguido por motivos de raza, religión, nacionalidad, pertenencia a determinado grupo social u opiniones políticas, que se encuentren fuera del país de su nacionalidad y no puedan o no quieran acogerse a la protección de aquél, debido a dichos temores.

2. Haber huido de su país de nacionalidad o residencia habitual y cuya vida, seguridad o libertad han sido amenazadas por la violencia generalizada, la agresión extranjera, los conflictos internos, la violación masiva de los derechos humanos u otras circunstancias que hayan perturbado gravemente el orden público en dicho país.
3. Carecer de nacionalidad, y que por los motivos expuestos en los numerales anteriores se encuentren fuera del país en que tenían su residencia habitual y no puedan o no quieran regresar a él.
4. Los que si bien al momento de abandonar su país de nacionalidad o residencia habitual no poseían la condición de refugiado, satisfacen plenamente las condiciones de inclusión como consecuencia de acontecimientos ocurridos con posterioridad a su salida.

Artículo 3º.- Condiciones especiales.
En la interpretación de cada uno de los elementos del concepto de refugiado establecido en el artículo precedente, se aplicará una perspectiva sensible al género, a la edad u otras condiciones especiales de vulnerabilidad.

Artículo 22.- Cláusula de exclusión.
No obstante cumplir con las condiciones para ser reconocido como refugiado, será excluida del régimen de protección, la persona respecto de la cual existan fundados motivos de haber cometido alguno de los actos siguientes:
1. Delito contra la paz, de guerra, o cualquier otro delito contra la humanidad definido en algún instrumento internacional, ratificado por Chile.
2. Grave delito común, fuera del territorio nacional y antes de ser admitido como refugiado.
3. Actos contrarios a los principios y finalidades de la Carta de Naciones Unidas.

Artículo 23.- Cláusula de cesación.
Cesará la condición de refugiado de una persona en los siguientes casos:
1. Si se ha acogido, voluntariamente, a la protección del país del cual es nacional.
2. Si, habiendo perdido su nacionalidad con anterioridad, la ha recuperado por propia decisión.
3. Si ha obtenido una nueva nacionalidad y goza de la protección del país cuya nacionalidad adquirió.
4. Si voluntariamente se ha establecido de nuevo en el país que había abandonado o fuera del cual había permanecido por temor de ser perseguido.

5. Si no es posible continuar rechazando la protección del país del cual es nacional, por haber dejado de existir las circunstancias por las cuales fue reconocido como refugiado.

6. Si aquella que no tiene nacionalidad, está en condiciones de volver al país en el cual tenía su residencia habitual, una vez que hayan dejado de existir las circunstancias a consecuencia de las cuales fue reconocida como refugiado.

No cesará la condición de refugiado respecto de aquella persona comprendida en los números 5 y 6 precedentes que pueda invocar razones imperiosas, derivadas de la persecución singularmente grave por la que originalmente dejó su país de nacionalidad o residencia habitual o que, en su caso particular, y a pesar del cambio de circunstancias en general, mantenga un fundado temor de persecución por motivos de raza, religión, nacionalidad, pertenencia a determinado grupo social u opiniones políticas.

La cesación de la condición de refugiado implica la caducidad del permiso de residencia permanente otorgado de conformidad al artículo 47 del presente reglamento.

Contra las resoluciones del Subsecretario del Interior que resuelvan la cesación del estatuto de refugiado, procederán los recursos establecidos en el artículo 43 de la ley Nº 20.430.

COLOMBIA

Ley 2136 de 2021. Por medio de la cual se establecen las definiciones, principios y lineamientos para la reglamentación y orientación de la política integral migratoria del Estado colombiano - PIM, y se dictan otras disposiciones, 4 August 2021, https://www.refworld.org/es/leg/legis/pleg/2021/es/147128

ARTÍCULO 7. DEFINICIONES. Para la aplicación de la presente Ley, se consideran dentro de la Política Integral Migratoria - PIM, las siguientes definiciones:
[…]
20- Refugiado en Colombia: Persona que:
a) Que debido a fundados temores de ser perseguida por motivos de raza, religión, nacionalidad, pertenencia a determinado grupo social u opiniones políticas, se encuentre fuera del país de su nacionalidad y no pueda o, a causa de dichos temores, no quiera acogerse a la protección de tal país; o que, careciendo de nacionalidad y hallándose, a consecuencia de tales acontecimientos, fuera del país donde antes tuviera su residencia habitual, no pueda o, a causa de dichos temores, no quiera regresar a él;
b) Que se hubiera visto obligada a salir de su país porque su vida, seguridad o libertad han sido amenazadas por violencia generalizada, agresión extranjera, conflictos internos, violación masiva de los derechos humanos u otras circunstancias que hayan perturbado gravemente al orden público;
c) Que haya razones fundadas para creer que estaría en peligro ser sometida a tortura u otros tratos o penas crueles, inhumanos o degradantes en caso de que se procediera a la expulsión, devolución o extradición al país su nacionalidad o, en el caso que carezca de nacionalidad, al país de residencia habitual.

ARTÍCULO 62. Refugio. A efectos de la presente Ley, el término refugiado se aplicará a toda persona que reúna las siguientes condiciones:
1. Que debido a fundados temores de ser perseguida por motivos de raza, religión, nacionalidad, pertenencia a determinado grupo social u opiniones políticas, se encuentre fuera del país de su nacionalidad y no pueda o, a causa de dichos temores, no quiera acogerse a la protección de tal país; o que, careciendo. de nacionalidad y hallándose, a consecuencia de tales acontecimientos, fuera del país donde antes tuviera su residencia habitual, no pueda o, a causa de dichos temores, no quiera regresar a él o;
2. Que se hubiera visto obligada a salir de su país porque su vida, seguridad o libertad han sido amenazadas por violencia generalizada, agresión extranjera, conflictos internos, violación masiva de los derechos humanos u otras circunstancias que hayan perturbado gravemente al orden público.

3. Que haya razones fundadas para creer que estaría en peligro de ser sometida a tortura u otros tratos o penas crueles, inhumanos o degradantes en caso de que se procediera a la expulsión, devolución o extradicíón al país de su nacionalidad o, en el caso que carezca de nacionalidad, al país de residencia habitual.
La solicitud de reconocimiento de esta condición se hará únicamente con la presencia del solicitante en el territorio nacional.

Decreto 1067 de 2015. Por medio del cual se expide el Decreto Único Reglamentario del Sector Administrativo de Relaciones Exteriores, 26 May 2015, https://www.refworld.org/es/leg/decre/pejec/2015/es/128611

ARTÍCULO 2.2.3.1.1.1. Definición. A efectos del presente capítulo, el término refugiado se aplicará a toda persona que reúna las siguientes condiciones:

a) Que debido a fundados temores de ser perseguida por motivos de raza, religión, nacionalidad, pertenencia a determinado grupo social u opiniones políticas, se encuentre fuera del país de su nacionalidad y no pueda o, a causa de dichos temores, no quiera acogerse a la protección de tal país; o que, careciendo de nacionalidad y hallándose, a consecuencia de tales acontecimientos, fuera del país donde antes tuviera su residencia habitual, no pueda o, a causa de dichos temores, no quiera regresar a él;

b) Que se hubiera visto obligada a salir de su país porque su vida, seguridad o libertad han sido amenazadas por violencia generalizada, agresión extranjera, conflictos internos, violación masiva de los derechos humanos u otras circunstancias que hayan perturbado gravemente al orden público, o

c) Que haya razones fundadas para creer que estaría en peligro de ser sometida a tortura u otros tratos o penas crueles, inhumanos o degradantes en caso de que se procediera a la expulsión, devolución o extradición al país de su nacionalidad o, en el caso que carezca de nacionalidad, al país de residencia habitual.

ARTÍCULO 2.2.3.1.7.1. Exclusión de la condición de refugiado. No le será reconocida la condición de refugiado a persona alguna respecto de la cual existan motivos fundados para considerar:

1. Que ha cometido un delito contra la paz, un delito de guerra o un delito contra la humanidad, de los definidos en los instrumentos internacionales elaborados para adoptar disposiciones respecto de tales delitos.
2. Que ha cometido un grave delito común, fuera del país de refugio, antes de ser admitida en él como refugiado.

3. Que se ha hecho culpable de actos contrarios a las finalidades y a los principios de las Naciones Unidas.

[…]

ARTÍCULO 2.2.3.1.8.1. Revocación de la condición de refugiado. Si después de que una persona ha sido reconocida como refugiado comete actos contemplados en las cláusulas de exclusión señalados en el artículo 2.2.3.1.7.1 del presente decreto, su condición como refugiado podrá ser revocada, con sujeción a las normas procedimentales del debido proceso. (Decreto 2840 de 2013, art. 35)

ARTÍCULO 2.2.3.1.8.2. Cesación de la condición de refugiado. La condición de refugiado cesará de ser aplicable a toda persona que:

1. Se ha acogido de nuevo, voluntariamente, a la protección del país de su nacionalidad.
2. Habiendo perdido su nacionalidad, la ha recobrado voluntariamente.
3. Ha adquirido una nueva nacionalidad y disfruta de la protección del país de su nueva nacionalidad.
4. Voluntariamente se ha establecido de nuevo en el país que había abandonado o fuera del cual había permanecido por temor de ser perseguida.
5. Por haber desaparecido las circunstancias en virtud de las cuales fue reconocida como refugiado, no puede continuar negándose a acogerse a la protección del país de su nacionalidad.
6. Si se trata de una persona que no tiene nacionalidad y, por haber desaparecido las circunstancias en virtud de las cuales fue reconocida como refugiada, está en condiciones de regresar al país donde antes tenía su residencia habitual.
7. Si renuncia voluntariamente y por escrito a su condición de refugiado.
8. Si posteriormente se descubre que obtuvo la condición de refugiado en virtud de una presentación inexacta de los hechos, tales como el ocultamiento o falsedad de los hechos materiales sobre los que fundamentó su solicitud.

[…]

CONGO (THE)

Loi No. 41-2021 du 29 septembre 2021 fixant le droit d'asile et le statut de réfugié, 29 September 2021, https://www.refworld.org/legal/legislation/natlegbod/2021/147139

Article 2 : Est considérée comme réfugié, toute personne qui, dans sa fuite du pays dont elle a la nationalité ou dans lequel il avait sa résidence habituelle, accède à la frontière du territoire congolais et y demande protection aux autorités compétentes.

Article 3 : Toute personne qui, craignant avec raison d'être persécuté du fait de sa race, de sa religion, de sa nationalité, de son appartenance à un certain groupe social ou de ses opinions politiques, se trouve hors du pays dont elle a la nationalité et qui ne peut, ou du fait de cette crainte, ne veut se réclamer de la protection de ce pays, ou qui, si elle n'a pas de nationalité et se trouve hors du pays dans lequel elle avait sa résidence habituelle à la suite de tels événements, ne peut ou, en raison de ladite crainte, ne veut y retourner est un réfugié.
Est également réfugié, toute personne qui est obligée de quitte son pays d'origine ou dont elle a la nationalité, du fait d'une agression, d'une occupation extérieure, d'une domination étrangère ou d'événements troublant gravement l'ordre public dans une partie ou dans la totalité de ce pays.

Article 4 : Est considérée comme réfugié « prima facie », toute personne dont la qualité de réfugié est reconnue par une procédure dite de « détermination collective » ou « de groupe », selon laquelle, sauf preuve contraire, chaque membre du groupe, s'étant déplacé dans les mêmes circonstances, est considéré, à première vue, comme un réfugié, dans le cas où une détermination au cas par cas de la qualité de réfugié de chaque membre du groupe n'est pas possible.

Article 5 : Est considérée comme réfugié « sur place », toute personne qui, par suite d'événements survenus dans son pays d'origine ou dans lequel elle avait sa résidence habituelle, pendant son absence est obligée de demander la protection du Congo dès lors qu'elle s'y trouvait au moment du déroulement de ces événements.

Article 34 : Peut être exclu du bénéfice du statut de réfugié, tout demandeur d'asile poursuivi ou condamné pour crime de génocide, crime de guerre, crime contre l'humanité au sens des instruments internationaux ou s'étant rendu coupable d'agissements contraires aux buts et principes des Nations Unies, de l'Union africaine.

Article 36 : Le statut de réfugié cesse de produire ses effets dans les cas ci-après :

- si une personne s'est volontairement réclamée à nouveau de la protection du pays dont elle a la nationalité ;
- si, ayant perdu sa nationalité, une personne l'a volontairement recouvrée ou a acquis une nouvelle nationalité et jouit de sa protection ;
- si une personne est retournée volontairement s'établir dans son pays d'origine hors duquel elle est demeurée, par crainte d'être persécutée ;
- si les circonstances à la suite desquelles une personne a été reconnue comme réfugié ont cessé d'exister ;
- si les circonstances à la suite desquelles une personne qui n'a pas de nationalité a été reconnue réfugié ont cessé d'exister ;
- si la personne reconnue réfugié décède.

Les dispositions du précédent alinéa ne s'appliquent pas au réfugié qui peut l'invoquer pour refuser de se réclamer de la protection du pays dont il a la nationalité ou du pays dans lequel il avait sa résidence habituelle, pour des raisons impérieuses tenant à des persécutions antérieures.

COSTA RICA

Ley No. 8764 de 2009, Ley General de Migración y Extranjería, 1 March 2010, https://www.refworld.org/legal/legislation/natlegbod/2010/70115

ARTÍCULO 106.-

El reconocimiento de la condición de refugiado estará sujeto a las normas estipuladas en los instrumentos internacionales aprobados, ratificados y vigentes por el Gobierno de Costa Rica sobre la materia. A efectos de la presente Ley, el término refugiado se aplicará a toda persona extranjera a quien la Dirección General le reconozca tal condición. Se entenderá como refugiado a la persona que:

1) Debido a fundados temores de ser perseguida por motivos de raza, religión, nacionalidad, género, pertenencia a determinado grupo u opiniones políticas, se encuentre fuera del país de su nacionalidad y no pueda o, por causa de dichos temores, no quiera acogerse a la protección de tal país.

2) Al carecer de nacionalidad y por hallarse fuera del país donde antes tenía su residencia habitual, no pueda o, por causa de dichos temores, no quiera regresar a él.

Toda persona refugiada que se encuentre en el territorio nacional tiene la obligación de acatar las leyes y los reglamentos vigentes, así como las medidas que adopte el país para el mantenimiento del orden público; además de las disposiciones de la Convención sobre el Estatuto de los Refugiados de 1951 y su Protocolo de 1967. […]

ARTÍCULO 114.-

Las disposiciones de la Convención sobre el Estatuto de los Refugiados de 1951 no serán aplicables a persona alguna respecto de la cual existan motivos fundados para considerar lo siguiente:

1) Que ha cometido un delito contra la paz, un delito de guerra o un delito contra la humanidad, de los definidos en los instrumentos internacionales elaborados para adoptar disposiciones respecto de tales delitos, debidamente ratificados por Costa Rica.

2) Que ha cometido un grave delito común, fuera del país de refugio, antes de ser admitida como refugiada.

3) Que se ha hecho culpable de actos contrarios a las finalidades y los principios de las Naciones Unidas.

ARTÍCULO 119.-

En los casos que se enumeran a continuación, las disposiciones de la Convención sobre el Estatuto de los Refugiados de 1951 cesarán de ser aplicables a toda persona comprendida en los siguientes supuestos:

1) Si se ha acogido de nuevo, voluntariamente, a la protección del país de su nacionalidad.

2) Si, habiendo perdido su nacionalidad, la ha recobrado voluntariamente.

3) Si ha adquirido una nueva nacionalidad y disfruta la protección del país de su nueva nacionalidad.

4) Si voluntariamente se ha establecido de nuevo en el país que había abandonado o fuera del cual había permanecido por temor de ser perseguida.

5) Si por haber desaparecido las circunstancias en virtud de las cuales fue reconocida como refugiada, queda entendido que no puede continuar negándose a acogerse a la protección del país de su nacionalidad.

6) Si se trata de una persona que no tiene nacionalidad y, por haber desaparecido las circunstancias en virtud de las cuales fue reconocida como refugiada, está en condiciones de regresar al país donde antes tenía su residencia habitual. Queda entendido, sin embargo, que las disposiciones del presente párrafo no se aplicarán a los refugiados que puedan invocar, para negarse a acogerse a la protección del país donde tenían residencia habitual, razones imperiosas derivadas de las persecuciones anteriores.

Decreto No. 36831-G de 2011, Reglamento de Personas Refugiadas, 28 September 2011, https://www.refworld.org/legal/decreees/natlegbod/2011/87450

Artículo 4º-Para los efectos del presente Reglamento se entenderá por:

[…]

CLÁUSULA DE EXCLUSIÓN: Contienen las disposiciones en virtud de las cuales quedan excluidas de la condición de refugiado, aunque por demás reúnen las características de refugiado. Comprende las personas que no están consideradas como necesitadas de la protección internacional, las personas a las que no se consideran merecedoras de la protección internacional y a las personas que reciben protección y asistencia de las Naciones Unidas.

[…]

PAÍS DE ORIGEN: País o zona geográfica en la que nace un individuo.

[…]

REFUGIADO: Toda persona extranjera a quien la Comisión de Visa Restringidas y Refugio le reconoce tal condición, debido a fundados temores de ser perseguida por motivos de

raza, religión, nacionalidad, género, pertenencia a un determinado grupo social, u opiniones políticas, que se encuentre fuera del país de su nacionalidad o de residencia y no pueda o, a causa de dichos temores, no quiera acogerse a la protección de tal país. Al carecer de nacionalidad y por hallarse fuera del país donde antes tenía su residencia habitual, no pueda o por causa de dichos temores, no quiera regresar a él.
[…]

Artículo 12.-A los efectos del presente Reglamento, el término refugiado se aplicará a toda persona extranjera a quien la Comisión de Visas Restringidas y Refugio le reconoce tal condición y que debido a fundados temores de ser perseguida por motivos de raza, religión, nacionalidad, género, pertenencia a determinado grupo social u opiniones políticas, se encuentre fuera del país de nacionalidad o residencia habitual y no pueda o a causa de dichos temores, no quiera acogerse a la protección de tal país; o que, careciendo de nacionalidad y hallándose, a consecuencia de tales acontecimientos, fuera del país donde antes tuviera residencia habitual, no pueda o, a causa de dichos temores, no quiera regresar a él.

Artículo 13.-La persona extranjera que solicite el estatus de refugiado al amparo de la legislación nacional e internacional, y para lo cual alegue violencia basada en género, deberá demostrar mediante todos los medios posibles y fehacientes, el agotamiento de las instancias administrativas y/ o judiciales, en su país de origen o de residencia habitual, o en su defecto prueba que demuestre que el Estado en el cual residía no ha actuado con la diligencia debida o no tiene la voluntad o la capacidad de brindarle protección.

Artículo 24.-Las disposiciones de la Ley General de Migración y Extranjería referente a las personas refugiadas y lo contemplado en la Convención sobre el Estatuto de los Refugiados de 1951 y su Protocolo de 1967, no serán aplicables a persona alguna respecto a la cual existan motivos fundados para considerar:

a) Que ha cometido un delito contra la paz, un delito de guerra o un delito contra la humanidad, de los definidos en los instrumentos internacionales elaborados para adoptar disposiciones respecto a tales delitos, debidamente ratificados por Costa Rica.
b) Que ha cometido un grave delito común, fuera del país de refugio, antes de ser admitida como persona refugiada.
c) Que se ha hecho culpable de actos contrarios a las finalidades y los principios de las Naciones Unidas.

Artículo 25.-En el contexto de la aplicación de las cláusulas de exclusión, se entiende por grave delito común un acto típico, antijurídico y culpable que revierte especial gravedad,

de conformidad con estándares internacionales en el cual predominan motivaciones de carácter no político. A efectos de calificar la gravedad del delito, se debe considerar el daño efectivamente causado, el procedimiento utilizado para procesar tal delito, la naturaleza de la pena y valorar si el delito es considerado como grave en la mayoría de las jurisdicciones. El carácter común del delito deberá ser analizado de conformidad con el motivo, el contexto, los métodos y la proporcionalidad de los actos respecto a sus objetivos.

Artículo 27.-De conformidad con la Convención, cesará de ostentar la condición de persona refugiada de las comprendidas en los siguientes supuestos:

a) Si expresamente manifiesta su voluntad de acogerse a la protección del país de su nacionalidad, residencia habitual o país de origen.

b) Si, habiendo perdido su nacionalidad, la ha recobrado voluntariamente.

c) Si ha adquirido una nueva nacionalidad y disfruta de la protección del país de su nueva nacionalidad.

d) Si voluntariamente se ha establecido de nuevo en el país que había abandonado, fuera del cual había permanecido por temor de ser perseguido.

e) Si por haber desaparecido las circunstancias en virtud de las cuales fue reconocido como persona refugiada, queda entendido que no puede continuar negándose a acogerse a la protección del país de su nacionalidad.

f) Si se trata de una persona que no tiene nacionalidad y por haber desaparecido las circunstancias en virtud de las cuales fue reconocida como persona refugiada, está en condiciones de regresar al país donde antes tenía su residencia habitual. Queda entendido, sin embargo, que las disposiciones del presente párrafo no se aplicarán a las personas refugiadas que puedan invocar, para negarse acogerse a la protección del país donde tenían residencia habitual, razones imperiosas derivadas de las persecuciones anteriores.

CÔTE D'IVOIRE

Loi no. 2023-590 du 7 juin 2023 portant Statut de Réfugié, 7 June 2023, https://www.refworld.org/legal/legislation/natlegbod/2023/147561

Art. 3. - Au terme de la présente loi, bénéficie du statut de réfugié:
1. toute personne qui, craignant avec raison d'être persécutée du fait de sa race, de sa religion, de sa nationalité, de son appartenance à un certain groupe social ou de ses opinions politiques, se trouve hors du pays dont elle a la nationalité et qui ne peut, ou du fait de cette crainte, ne veut se réclamer de la protection de ce pays, ou qui, si elle n •a pas de nationalité, se trouve hors du pays dans lequel elle avait sa résidence habituelle, ne peut ou en raison de cette crainte, ne veut y retourner;
2. toute personne qui, du fait d'une agression, d'une occupation extérieure, d'une domination étrangère ou d'évènements troublant gravement l'ordre public dans une partie ou dans la totalité de son pays d'origine ou du pays dont elle a la nationalité, est obligée de quitter sa résidence habituelle pour chercher refuge dans un autre endroit à l'extérieur de son pays d'origine ou du pays dont elle a la nationalité ;
3. toute personne qui, dans les conditions définies à l'article 1, se trouvant sur le territoire national ou à l'entrée du territoire par voie terrestre, maritime ou aérienne, a manifesté expressément aux autorités ivoiriennes sa volonté de bénéficier de l'asile en Côte d'ivoire

Art. 4. - Est exclu du bénéfice du statut de réfugié:
1. tout demandeur d'asile contre lequel il existe des raisons sérieuses de penser qu'il a commis:
   - un crime de génocide, un crime contre la paix, un crime de guerre ou un crime contre l'humanité, au sens des instruments internationaux pertinents ;
   - un crime grave de droit commun en dehors du territoire national avant d'y être admis comme réfugié ou demandeur d'asile;
2. tout demandeur d'asile contre lequel il existe des raisons sérieuses de penser qu'il s'est rendu coupable d'agissements contraires aux buts et principes de !'Organisation des Nations unies ou de l'Union africaine.

[…]

Art. 29. - Le statut de réfugié en Côte d'ivoire cesse de s'appliquer si la personne bénéficiaire:
   - s'est volontairement réclamée à nouveau de la protection effective du pays dont elle a la nationalité ;

- ayant perdu sa nationalité, l'a volontairement et effectivement recouvrée ;
- a acquis une nouvelle nationalité et jouit de la protection du pays dont elle a acquis la nationalité ;
- est retournée volontairement s'établir dans le pays qu'elle a quitté ou hors duquel elle est demeurée, de crainte d'être persécutée.

Art. 30. - L'asile prend fin lorsque les circonstances à la suite desquelles une personne a été reconnue comme réfugiée ont cessé d'exister. Celle-ci ne peut continuer à refuser de se réclamer de la protection du pays dont elle a la nationalité ou dans lequel elle avait sa résidence habituelle.
Toutefois, les dispositions de l'alinéa précédent ne s'appliquent pas au réfugié qui, pour des raisons tenant à des persécutions antérieures, refuse de se réclamer de la protection du pays dont il a la nationalité ou dans lequel il avait sa résidence habituelle.

CROATIA

Act on International and Temporary Protection, 1 January 2007, https://www.refworld.org/legal/legislation/natlegbod/2007/en/120705

Please note that, as of 1 July 2026, the EU Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 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, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (see European Union) entered into application. The national law should therefore be read and applied in compliance with this Regulation.

Article 4

Particular terms used in this Act shall have the following meanings:

[…]

6.An asylee means a refugee within the meaning of the Convention relating to the Status of Refugees of 1951 (hereinafter: the 1951 Convention) under which asylum is granted, as referred to in point 2 of this paragraph.

[…]

10. Country of origin means the country whose nationality is held by a third-country national or the country in which a stateless person previously had habitual residence. If the third-country national has more than one nationality, the country of origin shall be each of the countries whose national he/she is.

11. The habitual residence of a third-country national or a stateless person means the place where he/she stays under circumstances on the basis of which it may be concluded that he/she is not staying in that place or in that area on a temporary basis.

Asylum - Article 20

Asylum shall be granted to applicants who are outside the country of their nationality or habitual residence and have a well-founded fear of persecution owing to their race, religion, nationality, affiliation to a certain social group or political opinion, as a result of which they are not able or do not wish to accept the protection of that country.

Reasons for persecution - Article 22

The reasons for persecution referred to in Article 20 of this Act are assessed by taking the following elements into account:

1. race, in particular including skin colour, descent, and membership of a specific ethnic group;
2. religion, in particular including theistic, non-theistic and atheistic beliefs, participation in or abstention from formal worship in private or public, either alone or in community with others, other religious acts or expressions of faith, or forms of personal or communal conduct founded on religious beliefs or which stem from them;
3. nationality, in particular including membership of a group that is specific in terms of its culture, ethnic or linguistic identity, common geographical or political origins, or its relationship with the population of another state, which may also include citizenship;
4. political opinion, in particular including an opinion, thought or belief about matters related to the potential persecutors referred to in Article 25 of this Act and their policies or methods, irrespective of whether the applicant acted upon that opinion, thought or belief;
5. a specific social group, in particular including members who share innate characteristics or a common background that cannot be changed, or characteristics or beliefs that are so fundamental to identity or conscience that these persons should not be forced to renounce them, and where that group has a distinct identity in their country of origin because it is perceived as being different by the surrounding society. Depending on the circumstances in the country of origin, a particular social group may also include a group based on the common characteristics of sexual orientation. Sexual orientation cannot be deemed to include acts considered to be criminal pursuant to the legislation of the Republic of Croatia. Aspects related to gender, including gender identity, shall be given due consideration for the purpose of determining membership of a specific social group or identifying the characteristics of such a group.

Acts of persecution - Article 23

1) Acts regarded as persecution pursuant to Article 20 of this Act must be:
1. sufficiently serious in nature or repetition that they constitute a serious violation of fundamental human rights, in particular the rights from which derogation cannot be made under Article 15, paragraph 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or
2. an accumulation of various measures, including violations of human rights, which is sufficiently severe as to affect an individual in a similar manner as referred to in point 1 of this paragraph.

(2) Acts of persecution referred to in paragraph 1 of this Article may, amongst other things, be:
1. acts of physical or emotional violence, including sexual violence;

2. legal, administrative, police and/or judicial measures which are discriminatory or are implemented in a discriminatory manner;
3. judicial prosecution or punishment which is disproportionate or discriminatory;
4. denial of judicial redress which leads to disproportionate or discriminatory punishment;
5. court prosecution or punishment for refusal to undertake military service during conflicts, where performance of military service would include criminal offences or acts which fall within the grounds for exclusion as set out in Articles 30 and 31 of this Act;
6. acts of a gender-specific or child-specific nature.

(3) A connection must exist between the reasons for persecution and the acts of persecution and/or the absence of protection against such acts.

(4) In assessing whether an applicant has a well-founded fear of being persecuted, it is immaterial whether the applicant actually possesses the racial, religious, national, social or political characteristics which cause the persecution, provided that such characteristics are attributed to the applicant by the perpetrator of persecution.

Principle of "sur place" - Article 24

(1) A well-founded fear of being persecuted or a real risk of suffering serious harm may be based on:

1. events which took place after the applicant left the country of origin;
2. the activities the applicant has engaged in after he/she left the country of origin, in particular where it is established that they constitute the expression and continuation of beliefs and/or orientation held in the country of origin.

(2) If the applicant submits a subsequent application, the well-founded fear of persecution or the real risk of suffering serious harm cannot be founded exclusively on the circumstances which the applicant created in order to meet the conditions for the approval of international protection.

Actors of persecution or serious harm - Article 25

Persecution referred to in Article 20 and the serious harm referred to in Article 21 of this Act, may be committed by:

1. state bodies;
2. parties or organisations that control the state or a significant part of the state territory;
3. non-state actors, if it is shown that state bodies or parties, or organisations that control a significant part of the state territory, including international organisations, are unable or unwilling to provide protection against persecution or serious harm.

Providers of protection in the country of origin - Article 26

(1) Protection from persecution and serious harm in the country of origin, within the meaning of Articles 20 and 21 of this Act, provided they are able and willing, may be provided by:

1. state bodies; or
2. parties and national or international organisations that control the state or a significant part of the state territory.

(2) When assessing whether parties and national or international organisations control a significant part of the state territory, official guidance provided in European Union acts shall be taken into account.

(3) The protection referred to in paragraph 1 of this Article presumes the existence of an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, as well as the possibility of providing that protection for the complete removal of the grounds on which the applicant bases his/her fear of persecution or serious harm.

Internal resettlement - Article 27

(1) When assessing the application, the possibility of internal resettlement to a specific part of the country of origin is also established, where the applicant:

1. does not have a well-founded fear of persecution or of suffering serious harm; or
2. may receive effective protection from persecution or from suffering serious harm.

(2) The internal resettlement of the applicant referred to in paragraph 1 of this Article is possible if the applicant:

1. is able to travel to that part of the country safely and lawfully;
2. can gain admittance to that part of the country; and
3. can be reasonably expected to settle there.

Article 30

(1) Asylum shall not be granted to an applicant who meets the conditions under Article 20 of this Act if:

1. he/she enjoys the protection of or is receiving assistance from an organ or agency of the United Nations, other than the UNHCR;
2. he/she already has approval of stay in a state in which on the basis of that approval he/she has the same rights and obligations as the nationals of that state;
3. there are serious reasons for considering that he/she committed, incited or in some other way participated in committing:
    - 1. a crime against peace, a war crime or a crime against humanity as defined by the provisions of international instruments;

- 2. a serious non-political crime outside the Republic of Croatia, before his/her arrival in the Republic of Croatia, also including particularly cruel acts, even if committed with an allegedly political objective;
- 3. acts contrary to the purposes and principles of the United Nations as set out in the Preamble and in Articles 1 and 2 of the Charter of the United Nations.

(2) If the protection or assistance referred to in paragraph 1, point 1 of this Article has ceased for any reason over which the applicant has no control and his/her status has not been finally resolved pursuant to the relevant resolutions adopted by the General Assembly of the United Nations, he/she shall be granted asylum.

Article 49

(1) Asylum shall be withdrawn if:

1. the asylee voluntarily accepts the protection of the country of which he/she is a national;
2. the asylee acquires the citizenship of the country whose protection he/she may enjoy;
3. the asylee voluntarily returns and resides in the country he/she left or outside of which he/she has resided due to fear of persecution;
4. the circumstances in the asylee's country of origin, on the basis of which international protection was approved, cease to exist;
5. the asylee voluntarily re-acquires the nationality of his/her country of origin, which he/she had previously lost.

[…]

(6) International protection shall cease by force of law:

1. when an asylee or foreigner under subsidiary protection acquires Croatian citizenship;
2. on the death of the asylee or foreigner under subsidiary protection.

CYPRUS

Refugee Law of 2000, No. 6(I) of 2000, 28 January 2000
https://www.refworld.org/legal/legislation/natlegbod/2000/en/92142

Please note that, as of 1 July 2026, the EU Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 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, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (see European Union) entered into application. The national law should therefore be read and applied in compliance with this Regulation.

2. For the purpose of this Law, unless the context otherwise requires […]
Refugee. 3 of 112(I) of 2007.
3.–(1) A person is recognised as a refugee where, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality or membership of a particular social group or political opinion, is outside his country of nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside and being outside of the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is not willing to return to it, and to whom section 5 does not apply.
(2) In the case of a person who has more than one nationality, the term "country of nationality" referred to in subsection (1) shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.
3A. Actors of persecution or serious harm include:
(a) the State,
(b) groups or organisations controlling the State or a substantial part of the territory of the State;
(c) non-State actors, if it can be demonstrated that the actors mentioned in paragraphs (a) and (b), including international organisations, are unable or unwilling to provide protection against persecution or serious harm as defined in Section 3B.
3B.–(1) Protection may be provided by:
(a) the State, or

(b) parties or organisations, including international organisations, controlling the State or a substantial part of the territory of the State; provided they are willing and able to offer protection in accordance with sub section 2

(2) Protection against persecution or serious harm must be effective and of a non-temporary nature. Such protection is generally provided when the actors mentioned in subsection (1) 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 when the applicant has access to such protection.

(3) When the Head is assessing whether an international organisation controls a State or a substantial part of its territory and provides protection as described in subsection (2), he takes into account any guidance which may be provided in relevant acts of the European Union.

3C. –(1) Acts of persecution within the meaning of Article 1A of the Convention must:

(a) be sufficiently serious by their nature or repetition as to constitute a severe violation of fundamental human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or

(b) be an accumulation of various measures, including violations of human rights, which is sufficiently severe as to affect an individual in a similar manner as mentioned in paragraph (a).

(2) The following is a non-exhaustive list of acts of persecution within the meaning of subsection (1):

(a) acts of physical or mental violence, including acts of sexual violence;

(b) legal, administrative, police, and/or judicial measures which are in themselves discriminatory or which are implemented in a discriminatory manner;

(c) prosecution or imposition of a disproportionate or discriminatory penalty;

(d) denial of judicial redress resulting in the imposition of a disproportionate or discriminatory penalty;

(e) prosecution or imposition of a penalty for refusal to do military service in a conflict, where such military service would involve a crime, an offence or an act referred to in section 5(1)(c);

(f) acts of a gender-specific or child-specific nature.

(3) In accordance with section 3(1), there must be a connection between the reasons mentioned in section 3D and the act of persecution within the meaning of subsection (1) of this section or the lack of protection against such acts.

3D. –(1) When assessing the reasons for persecution, the Asylum Service takes the following into account:

(a) The concept of race includes considerations of colour, descent or membership of a particular ethnic group.

(b) The concept of religion includes the holding of theistic, non-theistic or atheistic beliefs, the participation in formal worship in a private or in public space, either alone or in community with others, abstention from such worship, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief.

(c) The concept of nationality is not confined to citizenship or lack of it but includes in particular the membership of a group determined by its cultural, ethnic, or linguistic identity, common geographical or political background or its relationship with the population of another country.

(d) A group is considered a be a particular social group where, inter alia:

(i) the members of such group share innate characteristics, or a common background that cannot be changed, or share characteristics or beliefs so fundamental to identity or conscience that a person should not be forced to renounce them, and

(ii) that group has a distinct identity in the relevant country, because it is perceived as being different by the surrounding society.

Depending on the circumstances in the country of origin, a particular social group may include a group based on the common characteristic of sexual orientation.

Sexual orientation may not be understood to include acts considered to be criminal in accordance with Cyprus law. Gender-related aspects, including gender identity, are given due consideration for the purpose of determining membership of a particular social group or identifying a characteristic of such a group.

(e) The concept of political beliefs opinion includes in particular the holding of an opinion, idea or belief on a matter related to the potential actors of persecution specified in Section 3A and to their policies or methods, whether or not that opinion, thought or belief has been acted upon by the applicant.

(2) When assessing if an applicant has a well-founded fear of being persecuted it is immaterial whether the applicant actually possesses racial, religious, national, social or political characteristic which attracts the persecution, provided that such a characteristic is attributed to the applicant by the actor of persecution.

[…]

5.--(1) An applicant is excluded from refugee status if-

(a) he is already receiving international protection or assistance from organs or organisations or agencies of the United Nations other than the United Nations High Commissioner for Refugees; when such protection or assistance has ceased for any reason, without the position of such a person being definitely settled in accordance with

the relevant resolutions adopted by the General Assembly of the United Nations, such a person is ipso facto entitled to the benefits of this Law; or

(b) he is recognised 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 or rights and obligations equivalent to those; or

(c) there are serious reasons for considering that-

(i) he has committed a crime against peace, a war crime or a crime against humanity as defined in the international instruments drawn up to make provision in respect of such crimes, or

(ii) he has committed a serious non-political crime in another country prior to the issuance of a residence permit based on the granting of refugee status; for the purposes of this subparagraph, the meaning of a serious non-political crime includes particularly cruel actions, even if committed with an allegedly political objective, or

(iii) he has been found guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations, or

(iv) he is an instigator or otherwise participates in the commission of any of the crimes or acts foreseen in subparagraphs (i) to (iii).

[…]

6.–(1) The status of a refugee ceases to be valid if –

(a) he has voluntarily re-availed himself of the protection of the country of his nationality; or

(b) having lost his nationality, he has voluntarily re-acquired it; or

(c) he has acquired a new nationality, and enjoys the protection of the country of his new nationality; or

(d) he has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or

(e) he can no longer, because the circumstances in connection with which he was recognised as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of nationality; or

(f) being a stateless person, he is able to return to the country of former habitual residence because the circumstances in connection with which he was recognized as a refugee have ceased to exist.

(1A) In applying subsections 1(e) and (f), it is examined whether the change of circumstances is of such a significant and non-temporary nature that the refugee's fear of persecution can no longer be regarded as well-founded.

(1Asecond) Subsection (1)(e) and (f) do not apply to a refugee who satisfies the Head that, due to his previous persecution, there are compelling reasons for refusing to avail himself of the protection of the country of nationality or, in the case of a stateless person, of the country of former habitual residence.

CZECHIA

Act No. 325/1999 Coll. on Asylum, 11 November 1999,
https://www.refworld.org/legal/legislation/natlegbod/1999/en/115506

Please note that, as of 1 July 2026, the EU Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 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, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (see European Union) entered into application. The national law should therefore be read and applied in compliance with this Regulation.

Section 2
1) For the purposes of this Act […]

4) Persecution means serious violation of human rights, as well as measures inflicting psychological pressure or any other similar act, or acts that, when combined, constitute persecution in their intensity, if carried out, supported or tolerated by actors of persecution.
(5) Protection against persecution or serious harm means adequate steps by the responsible government authorities, party or organisation, including an international organisation controlling the country or a substantial part of its territory, focused towards preventing persecution or infliction of serious harm particularly by establishing an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, provided that such protection is effective and is not merely temporary and that the foreign national has access to such protection.
(6) An actor of persecution or serious harm means the state body, party or organisation controlling a state or a substantial part of its territory of the state of which the foreign national is a citizen or in which the stateless person had his/her last permanent residence. An actor of persecution or serious harm also means a private person, if it can be proved that the state, party or organisation, including any international organisation, controlling the state or a substantial part of its territory are unable or unwilling to provide adequate protection against persecution or serious harm.
(7) Persecution or serious harm is not constituted by a situation in which the foreign national's fear of persecution or serious harm applies only to a part of the territory of the country of which the foreign national is a citizen or, if the foreign national is a stateless person, the country of his/her last permanent residence, and if the foreign national can safely and legitimately travel to another part of the country, enter that part of the country

and settle in that part of the country, and if, considering the situation in that part of the country and his/her personal situation in that part of the country:

a) the foreign national's fear of persecution is unfounded and there exist no legitimate concerns that the foreign national would be exposed to an actual risk of serious harm there, or

b) the foreign national has access to effective protection from persecution or serious harm.

Section 12

Asylum will be granted to a foreign national if it is established in the course of international protection proceedings that the foreign national

a) is persecuted for exercising political rights and freedoms, or

b) has legitimate fear of being persecuted on the grounds of race, gender, religion, nationality, belonging to a particular social group or for holding certain political opinions in the state of which he/she is a citizen or, if the foreign national is a stateless person, in the state of his/her last permanent residence.

Section 15

(1) Asylum cannot be granted if there exist reasonable grounds for suspicion that a foreign national who has made an application for international protection

a) has committed a crime against peace, a war crime or a crime against humanity within the meaning of international documents which contain provisions on such crimes,

b) has committed a serious non-political crime outside the Territory prior to the issuance of a decision of the Ministry in matters of international protection, even if it was allegedly committed with a political goal, or

c) has committed acts that are contrary to the principles and goals of the United Nations Organisation.

(2) Subsection 1 applies mutatis mutandis to a foreign national inciting another person to commit the crimes listed in subsection 1 or participating in committing such crimes.

(3) Furthermore, asylum cannot be granted if

a) the foreign national is enjoying the protection or support of bodies or professional organisations of the United Nations Organisation other than the Office of the High Commissioner; if, for any reason, protection or support ceases to be granted to persons for whom a final decision on their status has not yet been made pursuant to the provisions of the relevant resolutions made by the United Nations General Assembly, the provisions of this Act shall apply to him/her,

b) the foreign national is recognized by the relevant authorities of the country in which he/she has settled as the place of permanent residence to be a person who has been granted the rights and obligations equivalent to the citizenship of such state; this shall not apply in the case of a state in which he/she faces the threat of persecution pursuant to Section 12.

Section 17

(1) Asylum shall be withdrawn if

a) before it was granted, the recognised refugee submitted untrue information and/or concealed any facts of substantial relevance to determination of grounds for issuance of the decision,

b) the recognised refugee has voluntarily re-availed him/herself of the protection of the state of which he/she is a citizen or the state of his/her last permanent residence,

c) the recognised refugee has voluntarily regained the citizenship of the state he/she had left for legitimate fear of persecution,

d) the recognised refugee has obtained a new citizenship and therefore has the option to avail himself/herself of the protection of the state concerned,

e) the recognised refugee is voluntarily staying in the country which he/she had left for reasons referred to in Section 12,

f) 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, or

g) the recognised refugee is 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,

h) the recognised refugee should have been or has been excluded from the possibility of being granted asylum for the reasons defined in Section 15,

i) legitimate reasons why the recognised refugee should be considered to be a threat to national security exist, or

j) the recognised refugee has been lawfully convicted of an extremely serious crime and therefore poses a threat to national security.

(2) When assessing the reasons referred to in subsection 1 letters f) and g) 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.
(3) If the reason for which asylum had been granted for the purpose of family reunification ceases to exist and no other reason for continuation of the asylum warranting special consideration is found, asylum granted for the purpose of family reunification shall be withdrawn.
(4) If the reason for which humanitarian asylum had been granted ceases to exist and no other reason for continuation of the asylum warranting special consideration is found, humanitarian asylum shall be withdrawn.

DEMOCRATIC REPUBLIC OF THE CONGO (THE)

Loi No. 021/2002 du 2002 portant statut des réfugiés en République Démocratique du Congo, 16 October 2002,
https://www.refworld.org/legal/legislation/natlegbod/2002/fr/18572

Art. 1er : Aux termes de la présente Loi et conformément à l'article 1er de la Convention de Genève du 28 juillet 1951 relative au Statut des Réfugiés, complétée par le Protocole du 31 janvier 1967 et à l'article 1er de la Convention de l'OUA du 10 septembre 1969, régissant les Aspects Propres aux Problèmes des Réfugiés en Afrique, est reconnu réfugié en République Démocratique du Congo:
Toute personne qui, craignant avec raison d'être persécutée du fait de sa race, de sa nationalité, de sa religion, de son appartenance à un certain groupe social ou de ses opinions politiques, se trouve hors du pays dont elle a la nationalité, et qui ne peut ou, du fait de cette crainte, ne veut se réclamer de la protection de ce pays, ou qui si elle n'a pas de nationalité et se trouve hors du pays dans lequel elle avait sa résidence habituelle à la suite de tels évènements, ne peut ou, en raison de ladite crainte, ne veut y retourner.
Toute personne qui, du fait d'une agression, d'une occupation extérieure, d'une domination étrangère ou d'un évènement troublant gravement l'ordre public dans une partie ou dans la totalité de son pays d'origine ou du pays dont elle a la nationalité, est obligée de quitter sa résidence habituelle pour chercher refuge dans un autre endroit à l'extérieur de son pays d'origine ou du pays dont elle a la nationalité.

Art. 2: Les dispositions de la présente loi ne sont pas applicables à toute personne dont on a des raisons sérieuses de penser que :

- Elle a commis un crime contre la paix, un crime de guerre ou un crime contre l'humanité, au sens des instruments internationaux y relatifs ;
- Elle a commis un crime grave de droit commun en dehors du pays d'accueil avant d'y être admise comme réfugiée ;
- Elle s'est rendue coupable d'agissements contraires aux buts et aux principes des Nations Unies ou de l'Union Africaine.

Art. 4:Le statut de réfugié reconnu à une personne prend fin lorsque celle-ci :

- s'est volontairement réclamée à nouveau de la protection du pays dont elle a la nationalité ;
- ayant perdu sa nationalité, l'a volontairement recouvrée ;
- a acquis une nouvelle nationalité et jouit de la protection du pays dont elle a la nationalité ;

- est retournée volontairement s'établir dans le pays qu'elle a quitté ou hors duquel elle est demeurée de crainte d'être persécutée ;
- du fait que les circonstances à la suite desquelles elle a été reconnue comme réfugiée ont cessé d'exister, ne peut plus continuer à refuser valablement de se réclamer de la protection du pays dont elle a la nationalité ou, si elle est sans nationalité, du pays où elle avait sa résidence habituelle ;

Art. 5: Les dispositions de l'article 4, e) ci-dessus ne s'appliquent pas à tout réfugié ainsi reconnu qui refuse de se réclamer de la protection du pays dont il a la nationalité pour des raisons impérieuse, tenant à des persécutions antérieures. […]

Art 6: Le statut de réfugié peut être révoqué par la Commission Nationale pour les Réfugiés lorsque des éléments graves et concordants portés à sa connaissance indiquent que le statut de réfugié a été reconnu sur base d'informations fausses ou erronées.

DENMARK

Udlændingeloven (Aliens Act (2024)), LBK nr 1009 af 02/09/2024, 2 September 2024, https://www.refworld.org/legal/legislation/natlegbod/2024/149422

7. Efter ansøgning gives der opholdstilladelse med henblik på midlertidigt ophold til en udlænding, hvis udlændingen er omfattet af flygtningekonventionen af 28. juli 1951. […]

§ 10. En udlænding kan ikke gives opholdstilladelse efter §§ 7-9 f, 9 i-9 n, 9 p eller 9 q, hvis […]
3) udlændingen anses for omfattet af artikel 1 F i flygtningekonventionen af 28. juli 1951.
[…]

§ 17. En opholdstilladelse bortfalder, når udlændingen opgiver sin bopæl i Danmark. Tilladelsen bortfalder endvidere, når udlændingen har opholdt sig uden for landet i mere end 6 på hinanden følgende måneder. Er udlændingen meddelt opholdstilladelse med mulighed for varigt ophold, og har udlændingen lovligt boet mere end 2 år her i landet, eller er udlændingen meddelt tidsubegrænset opholdstilladelse, bortfalder opholdstilladelsen dog først, når udlændingen har opholdt sig uden for landet i mere end 12 på hinanden følgende måneder. I de nævnte tidsrum medregnes ikke fravær på grund af værnepligt eller tjeneste, der træder i stedet herfor.
[…]
Stk. 4. En opholdstilladelse, der er givet i medfør af §§ 7-8, ophører først efter stk. 1, når udlændingen frivilligt har taget bopæl uden for landene som omhandlet i § 29 a, stk. 1, eller når udlændingen i de i stk. 1 nævnte tidsrum har taget ophold uden for landene som omhandlet i § 29 a, stk. 1, jf. dog § 17 b. Hvis udlændingen har opnået beskyttelse uden for Danmark, finder 1. pkt. ikke anvendelse.

[…]
§ 17 b. En afgørelse om bortfald af en opholdstilladelse efter § 7 og § 8, stk. 1 og 2, skal tillige indeholde en stillingtagen til, om udlændingen i henhold til internationale forpligtelser skal bevare sin opholdstilladelse eller meddeles en ny opholdstilladelse efter § 7.

DJIBOUTI

Loi No. 159/AN/16/7ème L portant statut des réfugiés en République de Djibouti, 5 January 2017 https://www.refworld.org/legal/legislation/natlegbod/2017/fr/147068

Article 3 : Définition du terme de réfugié

Aux termes de la présente loi et conformément à la Convention de Genève du 28 juillet 1951 relative au Statut des Réfugiés et de son Protocole du 31 janvier 1967 et à la Convention de l'OUA du 10 septembre 1969 régissant les aspects propres aux problèmes de réfugiés en Afrique, le terme de réfugié s'appliquera à toute personne :

a. qui craignant avec raison d'être persécutée du fait de sa race, de sa religion, de sa nationalité, de son appartenance à un certain groupe social ou de ses opinions politiques, se trouve hors du pays dont elle a la nationalité, et qui ne peut ou, du fait de cette crainte, ne veut se réclamer de la protection de ce pays ; ou qui, si elle n'a pas de nationalité et se trouve hors du pays dans lequel elle avait sa résidence habituelle à la suite de tels évènements, ne peut ou, en raison de ladite crainte, ne veut y retourner ;

b. qui, du fait d'une agression, d'une occupation extérieure, d'une domination étrangère ou d'un évènement troublant gravement l'ordre public dans une partie ou dans la totalité de son pays d'origine ou du pays dont elle a la nationalité, est obligée de quitter sa résidence habituelle pour chercher refuge dans un autre endroit à l'extérieur de son pays d'origine ou du pays dont elle a la nationalité.

Article 4 : **Cas d'exclusion au statut de réfugié**

Les dispositions de la présente loi ne sont pas applicables à toute personne au sujet de laquelle il y a des raisons sérieuses de penser :

a. qu'elle a commis un crime contre la paix, un crime de guerre ou un crime contre l'humanité, au sens des instruments internationaux y relatifs ;

b. qu'elle a commis un crime grave de droit commun en dehors du pays d'accueil avant d'y être admise comme réfugiée ;

c. qu'elle s'est rendue coupable d'agissements contraires aux buts et aux principes des Nations Unies ou de l'UA.

Article 5 : Cas de cessation du statut de réfugié

1. Le statut de réfugié reconnu à une personne, conformément à la présente loi, prend fin dans les cas ci-après :

a. si elle s'est volontairement réclamée à nouveau de la protection du pays dont elle a la nationalité; ou

b. si, ayant perdu sa nationalité, elle l'a volontairement recouvrée; ou

c. si elle a acquis une nouvelle nationalité et jouit de la protection du pays dont elle a acquis la nationalité ; ou

d. si elle y a librement renoncé ;

e. si elle est retournée volontairement s'établir dans le pays qu'elle a quitté ou hors duquel elle est demeurée de crainte d'être persécutée ; ou

f. si, les circonstances à la suite desquelles elle a été reconnue comme réfugiée ayant cessé d'exister, elle ne peut plus continuer à refuser de se réclamer de la protection du pays dont elle a la nationalité ou si elle est sans nationalité, du pays où elle avait sa résidence habituelle ; ou

g. s'agissant d'une personne qui n'a pas de nationalité, si les circonstances à la suite desquelles elle a été reconnue comme réfugié ayant cessé d'exister, elle est en mesure de retourner dans le pays dans lequel elle avait sa résidence habituelle.

La décision de cessation du statut de réfugié du chef de famille ne saurait affecter automatiquement les autres membres de la famille tels que définis à l'alinéa 3 de l'article 8. En outre, elle est sans préjudice du droit de ces derniers de déposer une demande indépendante de statut de réfugié.

DOMINICAN REPUBLIC (THE)

Decreto presidencial No. 2330 de 1984, reglamento de la Comisión Nacional para los Refugiados, 10 September 1984,
https://www.refworld.org/legal/decreees/natlegbod/1984/es/20970

Artículo 6

Se considerará refugiado, para los fines de la aplicación de este reglamento, a toda persona que debido a fundados temores de ser perseguida por motivos de raza, religión, nacionalidad, opiniones políticas o pertenencia a determinado grupo social, se encuentre fuera del país de su nacionalidad y no pueda o a causa de dichos temores, no quiera acogerse a la protección de tal país; o, que careciendo de nacionalidad, y hallándose a consecuencia de tales acontecimientos, fuera del país donde antes tuviere residencia habitual no pueda o, a cause de dichos temores, no quiera regresas a él.

Artículo 11

La Comisión Nacional para los Refugiados decidirá sobre la cesación y exclusión de la condición de refugiado, según los términos de los Párrafos C y F del Artículo 1ro. de la Convención de 1951, que copiado a la letra dice:

> "C. En los casos que se enumeran a continuación, esta Convención cesará de ser aplicable a toda persona comprendida en las disposiciones de la Sección A precedente:
>
> (1) Si se ha acogido de nuevo, voluntariamente, a la protección del país de su nacionalidad; o
>
> (2) Si, habiendo perdido su nacionalidad, la ha recobrado voluntariamente;
>
> (3) Si, ha adquirido una nueva nacionalidad y disfruta de la protección del país de su nueva nacionalidad; o
>
> (4) Si voluntariamente se ha establecido de nuevo en el país que había abandonado o fuera del cual había permanecido por temor a ser perseguida; o
>
> (5) Si por haber desaparecido las circunstancias en virtud de las cuales fue reconocida como refugiada, no puede continuar negándose a acogerse a la protección del país de su nacionalidad;
>
> Queda entendido, sin embargo, que las disposiciones del presente Párrafo no se aplicarán a los refugiados comprendidos en el Párrafo I de la Sección A del presente Artículo que puedan invocar, para negarse a acogerse a la protección del país de su nacionalidad, razones imperiosas derivados de persecuciones anteriores;

(6) Si se trata de una persona que no tiene nacionalidad y, por haber desaparecido las circunstancias en virtud de las cuales fue reconocida como refugiada, estén en condiciones de regresar al país donde antes tenía su residencia habitual;

Queda entendido, sin embargo, que las disposiciones del presente Párrafo no se aplicarán a los refugiados comprendidos en el Párrafo 1ro. de la Sección A del presente Artículo que puedan invocar, para negarse a acogerse a la protección del país donde tenía su residencia habitual, razones imperiosas derivadas de persecuciones anteriores;

F. Las disposiciones de esta Convención no serán aplicables a persona alguna respecto de la cual existan motivos fundados para considerar:

(a) Que ha cometido un delito contra la humanidad, de los definidos en los instrumentos internacionales elaborados para adoptar disposiciones respecto de tales delitos;

(b) Que ha cometido un grave delito común, fuera del país de refugio, antes de ser admitida en él como refugiada;

(c) Que se ha hecho culpable de actos contrarios a las finalidades y a los principios de las Naciones Unidas".

ECUADOR

Ley Orgánica de Movilidad Humana, 6 February 2017, https://www.refworld.org/es/leg/legis/pleg/2017/es/126954

Art. 95.- Definición de asilo.- El asilo es el amparo o protección que el Estado ecuatoriano otorga a una persona extranjera cuya vida, libertad o integridad se encuentre en peligro inminente por razones de persecución política y delitos comunes conexos con los políticos! generada desde su Estado de origen o en cualquier otro Estado; el cual puede ser solicitado por vía diplomática o territorial.

Art. 98.- Persona Refugiada.- Será reconocida como refugiada en el Ecuador toda persona que:

1. Pudiese ser perseguida, debido a temores fundados, por motivos de etnia, género, religión, nacionalidad, pertenencia a determinado grupo social u opiniones políticas, que se encuentre fuera de su país de nacionalidad y no pueda o quiera, a causa de dichos temores, acogerse a la protección de su país, o que, careciendo de nacionalidad y hallándose fuera del país donde antes tuvo su residencia habitual, no pueda o no quiera regresar a él.
2. Ha huido o no pueda retornar a su país porque su vida, seguridad o libertad ha sido amenazada por la violencia generalizada, agresión extranjera, los conflictos internos, violación masiva de los derechos humanos u otras circunstancias que hayan perturbado gravemente el orden público y no pueda acogerse a la protección de su país de nacionalidad o residencia habitual.

Aquella persona que al momento de abandonar su país de nacionalidad o residencia habitual no reúna los elementos mencionados en los números que anteceden pero que, como consecuencia de acontecimientos ocurridos con posterioridad a su salida, su situación se haya ajustado a los mismos, será reconocido como refugiado sur place. El reconocimiento de la condición dé refugiado tiene naturaleza declarativa, civil, humanitaria, apolítica y confiere un estatuto de protección internacional a la persona refugiada.

Art. 104.- Reconocimiento del refugiado. Para el reconocimiento de la condición de persona refugiada será necesario:

1. Haber sido identificado por la autoridad de movilidad humana
2. No haber retornado a su país de origen desde que presentó la solicitud, salvo las excepciones debidamente fundamentadas y autorizadas por la autoridad de movilidad humana.

3. No encontrarse en trámite una solicitud de refugio, con identidad objetiva y subjetiva, en otro país.
4. No ser considerado una amenaza o riesgo para la seguridad pública y estructura del Estado del país conforme las disposiciones establecidas en esta Ley.

La resolución de reconocimiento de persona refugiada o la negativa a la solicitud serán debidamente motivadas.

Art. 106.- Causales de exclusión de la condición de refugiado.- Será excluida de la protección de refugio aquella persona respecto de la cual existan motivos fundados para considerar que la persona:

1. Ha cometido un delito contra la paz, un delito de guerra o un delito contra la humanidad de los definidos en los instrumentos internacionales suscritos por el Estado ecuatoriano.
2. Ha cometido un grave delito común fuera del Estado ecuatoriano, antes de ser admitida como persona refugiada. Para efectos de este numeral, se entenderá como grave delito cuando el ordenamiento jurídico ecuatoriano prevea una sanción superior a cinco años de privación de la libertad.

Art. 107.- Cesación.- La autoridad de movilidad humana cesará la condición de persona refugiada cuando la persona sujeta a protección internacional:

1. Se ha acogido voluntariamente a la protección del país de su nacionalidad.
2. Si habiendo perdido su nacionalidad, la ha recobrado voluntariamente.
3. Si ha adquirido una nueva nacionalidad y disfruta de la protección del país de su nueva nacionalidad.
4. Si voluntariamente se ha establecido de nuevo en el país que había abandonado o fuera del cual había permanecido por temor de ser perseguida.
5. Si por haber desaparecido las circunstancias en virtud de las cuales fue reconocida como refugiada, no puede continuar negándose a acogerse a la protección del país de su nacionalidad. Esto, siempre y cuando, no existan razones imperiosas derivadas de persecuciones anteriores por las cuales se reconoció su condición de persona refugiada.
6. Si se trata de una persona que no tiene nacionalidad y por haber desaparecido las circunstancias en virtud de las cuales fue reconocida como refugiada, está en condiciones de regresar al país donde antes tenía su residencia habitual. Esto siempre y cuando no existan razones imperiosas derivadas de persecuciones anteriores por las cuales se reconoció su condición de refugiada.

Art. 108.- Cancelación y revocación de la condición de refugiado.- La autoridad de movilidad humana iniciara el procedimiento de cancelación de la condición de refugiado cuando se verifique que la misma no debió ser reconocida debido a la inexistencia de los elementos que configuran tal condición; o, debido a alguna de las causales de exclusión previstas por esta Ley o los instrumentos internacionales, prexistente fecha de reconocimiento de la condición de a la refugiado.

La autoridad de movilidad humana procederá a revocar la condición de refugiado cuando la persona protegida, con posterioridad al reconocimiento de dicha condición, hubiese cometido delitos contra la paz, delitos de guerra o delitos contra la humanidad, según lo dispuesto en los instrumentos internacionales elaborados para adoptar disposiciones respecto de tales delitos; o, actos contrarios a las finalidades y a los principios de las Naciones Unidas.

También será revocada la protección internacional de una persona refugiada cuando exista sentencia condenatoria ejecutoriada por el cometimiento de un delito previsto en la Ley penal ecuatoriana.

EGYPT

الأجانب لجوء قانون بإصدار 2024 لسنة 164 رقم قانون (Asylum Law No. 164 of 2024), 16 December 2024, https://www.refworld.org/legal/legislation/natlegbod/2024/149388

مـــــادة (1)

يُقصـــد فى تطبيق أحكام هـــذا القانون بالكلمـــات والعبارات التالية:

المعنى المبين قرين كل منها:

[...]

اللاجئ : كل أجنبى وجد خارج الدولة التى يحمل جنســيتها أو خارج دولة إقامته المعتـــادة بســـبب معقـــول مبنى على خوف جدى له ما يبرره مـــن التعرض للاضطهاد بســـبب عرقه ، أو دينه ، أو جنســـيته ، أو انتمائه إلى فئة اجتماعية معينة أو بســـبب آرائه السياسية ، أو بسبب عدوان أو احتلال خارجى ، أو غيرها من الأحداث التى تهدد بشكل خطير الأمن العام فى الدولة التى يحمل جنسيتها أو دولة إقامته المعتادة، ولا يســـتطيع أو لا يرغب بســـبب ذلك الخوف الجدى أن يستظل بحماية تلك الدولة ، وكل شخص ليست له جنسية وجد خارج دولة إقامته المعتادة نتيجة لأى من تلك الظروف ، ولا يســـتطيع أو لا يرغب بســـبب ذلك الخوف الجدى أن يعود إلى تلك الدولة ، والتى أسبغت عليه اللجنة المختصة ذلك الوصف وفقًا لأحكام هذا القانون.

[...]

مـــــادة (8) لا يكتسب طالب اللجوء وصف اللاجئ فى أى من الأحوال الآتية:

1. إذا توافـــرت بحقـــه أســـباب جديـــة للاعتقاد بأنه ارتكب جريمة ضد الســـلام أو الإنسانية أو جريمة حرب
2. إذا ارتكب جريمة جسيمة قبل دخوله جمهورية مصر العربية.
3. إذا ارتكب أى أعمال مخالفة لأهداف ومبادئ الأمم المتحدة.
4. إذا كان مدرجـــا علـــى قوائم الكيانات الإرهابيـــة والإرهابيين داخل جمهورية مصر العربية وفقًا لأحكام القانون رقم 8 لســـنة 2015 فى شـــأن تنظيم قوائم الكيانات الإرهابية والإرهابيين
5. إذا ارتكب أى أفعال من شأنها المساس بالأمن القومى أو النظام العام.

[...]

مـــــادة (33)

ينتهى اللجوء فى أى من الأحوال الآتية:

1- عـــودة اللاجـــئ طواعية إلى الدولـــة التى يحمل جنســـيتها ، أو دولة إقامته المعتادة إذا كان لا يحمل جنسيتها
2- إعادة توطين اللاجئ فى دولة أخرى ، بخلاف التى خرج منها.
3- -تجنس اللاجئ بجنسية جمهورية مصر العربية
4- تذرع اللاجئ الطوعى بحماية الدولة التى يحمل جنسيتها.
5- اســـتعادة اللاجـــئ الطوعية للجنســـية التى فقدهـــا ، والتمتـــع بحماية دولة تلك الجنسية
6- اكتساب اللاجئ جنسية جديدة ، والتمتع بحماية دولة تلك الجنسية.

7- إذا أصبح متعذرًا الاستمرار فى رفض حماية دولة الجنسية أو الإقامة بسبب زوال الأسباب التى أدت إلى اللجوء.

8- مغـــادرة جمهوريـــة مصـــر العربية لمدة ســـتة أشـــهر متصلة دون عـــذر تقبله اللجنة المختصة.

[...]

El SALVADOR

Decreto Legislativo Nº 918 de 2002 - Ley para la determinación de la condición de personas refugiadas, 18 July 2002**,**
https://www.refworld.org/es/leg/legis/pleg/2002/es/130941

Art. 3.- Las disposiciones de la presente Ley no serán aplicables a persona alguna respecto de la cual existan motivos fundados para considerar:

a) Que ha cometido un delito contra la paz, un delito de guerra o un delito contra la humanidad, de los definidos en las leyes secundarias de la República de El Salvador y en los instrumentos internacionales elaborados para adoptar disposiciones respecto de tales delitos;

b) Que ha cometido un grave delito común, fuera del país de refugio, antes de ser admitida en él como refugiada; y,

c) Que sea culpable de actos contrarios a las finalidades y a los principios de la Naciones Unidas.

Art. 4.- Para los efectos de aplicación de la presente Ley, se considera refugiado:

a) A toda persona que debido a fundados temores de ser perseguida por motivos de raza, etnia, género, religión o creencia, nacionalidad, pertenencia a determinado grupo social u opiniones políticas, se encuentre fuera del país de su nacionalidad, y no pueda, a causa de dichos temores, o no quiera acogerse a la protección de tal país;

b) Que careciendo de nacionalidad y hallándose fuera del país de su residencia habitual, por fundados temores a ser perseguido por motivos de raza, etnia, género, religión o creencia, pertenencia a determinado grupo social u opiniones políticas, no pueda o, a causa de dichos temores no quiera regresar a él; y,

c) Al que ha huido de su país de origen porque su vida, seguridad o libertad han sido amenazadas por la violencia generalizada, la agresión extranjera, los conflictos internos, la violación masiva de los derechos humanos u otras circunstancias que hayan perturbado gravemente el orden público.

Art. 40.- La Comisión decidirá sobre la cesación de la condición de persona refugiada, cuando le sea aplicable uno de los casos enumerados en la Sección “C” del artículo 1 de la Convención sobre el Estatuto de los Refugiados de 1951, que dice:

a) Si se ha acogido de nuevo, voluntariamente, a la protección del país de su nacionalidad;

b) Si habiendo perdido su nacionalidad, la ha recobrado voluntariamente;

c) Si se ha adquirido una nueva nacionalidad y disfruta de la protección del país de su nueva nacionalidad;
d) Si voluntariamente se ha establecido de nuevo en el país que había abandonado o fuera del cual había permanecido por temor de ser perseguida;
e) Si por haber desaparecido las circunstancias en virtud de las cuales fue reconocida como refugiada, no puede continuar negándose a acogerse a la protección del país de su nacionalidad; queda entendido, sin embargo, que las disposiciones del presente párrafo no se aplicarán a los refugiados comprendidos en el párrafo 1 de la sección "A" del artículo 1, de la Convención sobre el Estatuto de los Refugiados, que puedan invocar, para negarse a acogerse a la protección del país de su nacionalidad, razones imperiosas derivadas de persecuciones anteriores; o
f) Si se trata de una persona que no tiene nacionalidad y, por haber desaparecido las circunstancias en virtud de las cuales fue reconocida como refugiada, está en condiciones de regresar al país donde antes tenía su residencia habitual; queda entendido, sin embargo, que las disposiciones del presente párrafo no se aplicarán a los refugiados comprendidos en el párrafo 1 de la sección "A" del artículo 1, de la Convención sobre el Estatuto de los Refugiados que puedan invocar, para negarse a acogerse a la protección del país de su nacionalidad, razones imperiosas derivadas de persecuciones anteriores. […]

ESTONIA

Act on Granting International Protection to Aliens, 14 December 2005, https://www.refworld.org/legal/legislation/natlegbod/2005/en/147182

Please note that, as of 1 July 2026, the EU Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 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, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (see European Union) entered into application. The national law should therefore be read and applied in compliance with this Regulation.

§ 4. Refugee and refugee status, person eligible for subsidiary protection and subsidiary protection status

(1) A refugee is an alien who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country and with regard to whom no circumstance exists precluding recognition as a refugee. Upon assessing persecution it does not matter whether the alien has a real basis for persecution specified in this subsection or only the circumstance of persecution.

(2) Refugee status is the status granted to an alien who is recognised as a refugee.

[…]

§ 19. Bases for establishing persecution and serious risk

(1) Persecution specified in subsection 4 (1) of this Act must be: serious or continuous, violating human rights except in the case provided for in point 2 of Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms (RT II 1996, 11/12, 34), or a set of different acts, including violation of human rights which may affect a person in the same manner as specified in point 1.

(2) Among others, the following circumstances observable in a state shall be considered to be persecution:

1) physical or mental violence, including sexual abuse;
2) discriminatory measures of legislative, executive or judicial power or implementation of measures by the said powers in a discriminatory manner;
3) discriminatory or disproportional prosecution or punishment;

4) dismissal of a claim for compensation for acts specified in clause 3) of this section;
5) convicting or punishment for refusal to perform military service in a situation which results in commission of criminal offences or acts specified in § 22 of this Act;
6) gender-specific acts and acts directed against minors;
7) absence of access to legal remedy.

(3) When assessing the reasons for persecution, the Police and Border Guard Board shall take into account the concepts of race, religion and nationality recognised in a country and discrimination on the basis of political opinions or membership of a particular social group.
(4) Fear of persecution and serious risk may be based on events which have taken place in the country of origin of the applicant after the applicant left the country.
(5) The sources of persecution and serious risk shall be considered:
1) a state;
2) political parties or organisations leading the state or a part thereof; non-governmental associations if the state, international organisations or political parties or organisations leading the state or a part thereof are unable or unwilling to offer protection against persecution or serious risk.

(6) International protection may only be granted by a state, or an organisation or association controlling the state or an essential part of the territory of the state if such state or association expresses willingness to provide protection and is able to do so. The protection shall be efficient, stable and accessible to applicant.

§ 22. Circumstances precluding recognition as refugee or person eligible for subsidiary protection

(1) An alien shall not be recognised as a refugee if:
1) he or she falls within the scope of Article 1 D) of the Geneva Convention;
2) he or she is a permanent resident of Estonia;
3) there is good reason to believe that he or she has committed a crime against peace or humanity or a war crime as defined in international instruments;
4) there is good reason to believe that he or she has committed a serious non-political crime outside Estonia before arrival in Estonia;
5) there is good reason to believe that he or she is guilty of committing an act contrary to the purposes and principles of the United Nations.

(2) Amongst other acts, a particularly cruel act committed with an allegedly political objective shall be deemed to be a serious non-political crime as specified in clause (1) 4) of this section.
[…]

§ 48. End of refugee status and subsidiary protection status

(1) Refugee status shall end if:

1) an alien has voluntarily re-availed himself or herself of the protection of the country of his or her nationality;

2) having lost his or her nationality, an alien is voluntarily applying for restoration thereof;

3) an alien applies for the citizenship of a country other than Estonia and receives protection from that country;

4) an alien voluntarily returns to his or her country of origin;

5) circumstances for recognition as a refugee have ceased to exist;

6) an alien refuses, without reason, to return to the country of origin where he or she is no longer faced with persecution;

[…]

ESWATINI

The Refugees Act of 2017, 22 December 2017,
https://www.refworld.org/legal/legislation/natlegbod/2017/en/122681

4-(1) For the purposes of this Act the term refugee means-

(a) a person who -

(i) owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of the nationality of that person and is unable, or owing to such fear, is unwilling to avail oneself of the protection of that country; or

(ii) not having a nationality and being outside the country of the former habitual residence of that person, is unable or, owing to the fear referred to in subparagraph (i), is unwilling to return to that country;

(b) a person, who owing to external aggression, occupation, foreign domination or events seriously disturbing public order in a part or the whole of the country of origin or nationality of that person, is compelled to leave the place of habitual residence of that person in order to seek refuge in another place outside the country of origin or nationality of that person; or

(c) a person belonging to a class of persons determined by the Minister to be a refugee as provided in this Act.

(2) A person shall not be considered a refugee under this Act if there are serious reasons to believe that –

(a) the person has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes; or

(b) the person has committed a serious non-political crime outside Swaziland prior to the admission to Swaziland of that person as a refugee.

(3) A person shall cease to be a refugee under this Act where –

(a) the person has voluntarily re-availed oneself of the protection of the country of nationality of that person;

(b) having lost nationality, that person has voluntarily re-acquired that nationality;

(c) the person has acquired Swazi nationality or the nationality of some other country, and enjoys the protection of Swaziland or the protection of that other country;

(d) the person has voluntarily re-established oneself in the country which that person left or outside of which that person remained owing to fear of persecution;

(e) the person can no longer be recognized as a refugee because the circumstances in connection with which that person has been recognised as a refugee have ceased to exist;
(f) being a person who has no nationality that person is, because the circumstances in connection with which that person has been recognised as a refugee have ceased to exist and that person has been able to return to the country of the former habitual residence of that person.

ETHIOPIA

Proclamation No. 1110/2019, Refugees Proclamation, 27 February 2019, https://www.refworld.org/legal/decreees/natlegbod/2019/30352

2-Definition

6/ "Country of Former Habitual Residence" means the country in which the person established himself permanently and which enjoyed its protection; […]

5. Refugee Criteria

1/ Any person shall be considered as a refugee where:

a) owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion he is outside his country of nationality and is unable or, owing to such fear, is unwilling, to avail himself of the protection of that country;

b) not having a nationality and being outside the country of his former habitual residence, he is unable, or owing to a well-founded fear of being persecuted for reasons of race, religion, membership of a particular social group or political opinion, he is unwilling to return to it; or

c) owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, he is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.

2/ In the case of a person who has more than one nationality, a person shall not be deemed to be lacking the protection of the country of which he is a national if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

6. Recognizing Refugee Status Sur Place

A person shall be considered as a refugee where the conditions stipulated under Sub Article (1)(a), (b) or (c) of Article 5 of this Proclamation have taken place after he has left the country of his nationality or habitual residence.

7. Exclusion from Refugee Status

Notwithstanding the provisions of Article 5 and 6 of this Proclamation a person shall not be considered as a refugee if there are serious reasons for considering that:

1/ he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instrument drawn up to make provision in respect of such crimes;

2/ he has committed a serious, non-political crime prior to his entry into Ethiopia as a refugee; or

3/ he has been guilty of acts contrary to the purposes and principles of the United Nations or the African Union as embodied in their respective Charters.

8. Cancellation and Revocation of Refugee Status

1/ The Agency may:

a) cancel the refugee status of a person, if he should not have been considered to be a refugee because the inclusion criteria provided by Article 5 of the Proclamation was not met at the time of the initial decision;

b) cancel the refugee status of a person, if he should not have been considered to be a refugee because the exclusion criteria provided under Article 7 of the Proclamation had not been applied at the time of the initial decision.

2/ The Agency may revoke the refugee status of a person recognized in Ethiopia if it is established that, after he is granted refugee status, the exclusion criteria provided by Article 7 (1) or (3) of this Proclamation applies to the person.

[…]

9. Cessation of Refugee Status

1/ Any person shall cease to be considered as refugee if:

a) he has voluntarily re-availed himself of the protection of the country of his nationality;

b) having lost his nationality, he has voluntarily re-acquired it;

c) he has voluntarily re-established himself in the country which he left or outside of which he remained owing to fear of persecution;

d) he has acquired the nationality of Ethiopia, or that of another country and enjoys the protection of his new country of nationality; or

e) he can no longer, because the circumstances in connection with which he was recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality: or if he has lost his nationality or has no nationality and is able to return to his country of former habitual residence but continue to refuse to do so.

2/ The provision of Sub-Article (1) (e) of this Article shall not apply, however, to a refugee who is able to invoke compelling reasons arising out of previous persecution as set out in Article 5 of this Proclamation, for refusing to avail himself of the protection of the country of his nationality or country of his former habitual residence.

3/ Any person aggrieved by the decision of the Agency made in accordance with this Article may appeal within sixty days of receiving written notification of the decision to the Appeal Hearing Council established in accordance with this Proclamation.
4/ Notwithstanding the provision of sub-Article (3) of this Article, the Appeal Hearing Council may hear an appeal filed after the expiry of sixty days if the appellant has justifiable cause for having filed a late appeal.

EUROPEAN UNION

Council of the European Union, European Union: European Parliament, Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 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, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council "Qualification Regulation", 32024R1347, 14 May 2024, https://www.refworld.org/legal/reglegislation/council/2024/148003

Whereas:

[…]

(28) The determining authority should not conclude that the applicant lacks credibility merely because the applicant did not rely on his or her declared sexual orientation on the first occasion he or she was given to set out the ground for persecution, unless it is evident that the applicant merely intends to delay or frustrate the enforcement of a decision resulting in his or her return.

(29) Convictions, beliefs or orientations of the applicant giving rise to activities which could be a basis for a well-founded fear of being persecuted or a real risk of suffering serious harm should be taken into account even if they were fully or partially concealed while in the country of origin.

[…]

(32) Protection can be provided either by the State or by stable, established non-State authorities, including international organisations, that control the State or a substantial part of the territory of the State and that meet the conditions set out in this Regulation, provided that they are able and willing to offer protection. Such protection should be effective and of a non-temporary nature.

(33) Where the State or agents of the State are not the actors of persecution or serious harm, the determining authority should examine, as part of the assessment of the application for international protection, whether an internal protection alternative exists once it has been established that the qualification criteria set out in this Regulation would otherwise apply to an applicant. An internal protection alternative against persecution or serious harm should be effectively available to applicants in a part of the country of origin to which they can safely and legally travel and gain admittance and in which they can reasonably be expected to settle. The burden of demonstrating the availability of internal protection alternative should fall on the determining authority. Where the determining

authority demonstrates that an internal protection alternative is available, applicants should be entitled to present evidence and submit elements at their disposal.

(34) When considering whether applicants can be reasonably expected to settle in another part of their country of origin, the determining authority should also take into account whether applicants would be able to cater for their own basic needs in relation to access to food, hygiene and shelter in the context of local circumstances in their country of origin.

(35) Where the State or agents of the State are the actors of persecution or serious harm, there should be a presumption that effective protection is not available to the applicant and the determining authority need not examine whether an internal protection alternative exists. The determining authority should be able to examine whether an internal protection alternative exists only where it is clearly established that the risk of persecution or serious harm stems from an actor whose power is clearly limited to a specific geographical area or where the State itself only has control over certain parts of the country concerned.

(36) When assessing a sur place application, the fact that the risk of persecution or serious harm is based on circumstances that do not constitute an expression or continuation of convictions or orientations held in the country of origin could serve as an indication that the sole or main purpose of the applicant was to create the necessary conditions for applying for international protection.

(37) Depending on the circumstances, acts of persecution of a gender-specific or child-specific nature might include, inter alia, under-age recruitment, genital mutilation, forced marriage, child trafficking and child labour, and trafficking for sexual exploitation.

(38) Acts of persecution might take the form of disproportionate or discriminatory prosecution or punishment. Such disproportionate or discriminatory prosecution or punishment might arise, inter alia, in situations where an applicant refuses to perform military service on moral, religious or political grounds or due to belonging to a particular ethnic group or holding a particular citizenship.

(39) One of the conditions for qualification for refugee status within the meaning of Article 1(A) of the Geneva Convention is the existence of a causal link between the reasons for persecution, namely race, religion or belief, nationality, political opinion or membership of a particular social group, and the acts of persecution or the absence of protection against such acts.

(40) It is equally necessary to introduce a common concept of the persecution ground ‘membership of a particular social group’. For the purpose of defining a particular social group, issues arising from an applicant’s sexual orientation or gender, including gender identity and gender expression, which could be related to certain legal traditions and customs, resulting in, for example, genital mutilation, forced sterilisation or forced abortion, should be given due consideration in so far as they are related to the applicant’s well-

founded fear of being persecuted. Depending on the circumstances, disability could be a characteristic for the purpose of defining a particular social group.

(41) The circumstances in the country of origin, including, for example, the existence and application of criminal laws which specifically target lesbian, gay, bisexual, transgender and intersex persons, can mean that those persons are to be regarded as forming a particular social group.

[…]

(43) The purposes and principles of the United Nations are set out in the Preamble to and Articles 1 and 2 of the Charter of the United Nations and embodied in its resolutions relating to measures countering terrorism. Those resolutions declare, inter alia, that 'acts, methods and practices of terrorism are contrary to the purposes and principles of the United Nations' and that 'knowingly financing, planning and inciting terrorist acts are also contrary to the purposes and principles of the United Nations'.

(44) For the purpose of applying the provisions of this Regulation on exclusion from international protection where there are reasonable grounds to assume that an applicant has committed an act or acts contrary to the purposes and principles set out in Articles 1 and 2 of the Charter of the United Nations, it is not a prerequisite to establish that such an applicant has been convicted of one of the terrorist offences referred to in Article 3(1) of Directive (EU) 2017/541 of the European Parliament and of the Council (11).

45) For the purpose of applying the provisions of this Regulation on exclusion from international protection to an applicant for having committed acts constituting participation in the activities of a terrorist group, the fact that it has not been established that such an applicant committed, attempted to commit or threatened to commit a terrorist act as defined in the resolutions of the United Nations Security Council does not preclude Member States' authorities from regarding the conduct of the applicant as contrary to the purposes and principles of the United Nations.

(46) For the purposes of the individual assessment of facts that might constitute serious reasons for considering that an applicant has been guilty of acts contrary to the purposes and principles of the United Nations, has instigated such acts or has otherwise participated in such acts, the fact the applicant was convicted by the courts of a Member State of participating in the activities of a terrorist group is of particular importance, as is a finding of a court or tribunal that the applicant was a member of the leadership of such a group, and there should be no requirement to establish that the applicant instigated a terrorist act or otherwise participated in it.

(47) Committing a political crime is not, in principle, a ground justifying exclusion from refugee status. However, particularly cruel actions, where the action in question is disproportionate to the alleged political objective, and terrorist acts which are characterised by their violence, even if committed with a purportedly political objective, should be

regarded as serious non-political crimes and therefore can give rise to exclusion from refugee status.

[…]

(53) Depending on the circumstances, including the length and purpose of the stay, travel to the country of origin could serve as an indication that beneficiaries of refugee status have re-availed themselves of the protection of the country of origin or re-established themselves in their country of origin or that, for beneficiaries of subsidiary protection status, the grounds for granting that status have ceased to exist.

[…]

(60) When assessing a change of circumstances in a third country, the competent authorities of the Member States should verify, having regard to the individual situation of a beneficiary of international protection, that the actor or actors of protection in that country have taken reasonable steps to prevent the persecution or serious harm, that they therefore operate, inter alia, an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm and that the beneficiary of international protection will have access to such protection if the refugee status or the subsidiary protection status is withdrawn.

(61) When assessing whether the grounds on which the granting of international protection was based have ceased to exist, the determining authority should take into account all relevant and available national, Union and international sources of information and guidance, including recommendations issued by the UNHCR.

(62) Where an applicant falls within the scope of Article 1(D) of the Geneva Convention relating to the provision of protection or assistance by organs or agencies of the United Nations other than the UNHCR, when considering whether that protection or assistance has ceased to exist for reasons beyond the control, and independent of the volition, of the applicant, the determining authority should ascertain whether the applicant was forced to leave the area of operations of the relevant organ or agency, whether the applicant's personal safety was at serious risk and whether the relevant organ or agency was unable to ensure the applicant's living conditions in accordance with its mandate.

[…]

Article 3 Definitions

For the purposes of this Regulation, the following definitions apply:

[…]

(5) 'refugee' means a third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless

person, who, being outside of the country of former habitual residence for the same reasons as mentioned, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 does not apply;
[…]

Article 5 International protection needs arising sur place

1. A well-founded fear of being persecuted or a real risk of suffering serious harm may be based on:
   (a) events which have taken place since the applicant left the country of origin; or
   (b) activities which the applicant has engaged in since the applicant left the country of origin, in particular where it is established that the activities relied upon constitute the expression and continuation of convictions, beliefs or orientations held in the country of origin.
2. Where the risk of persecution or serious harm is based on circumstances which the applicant has created since leaving the country of origin for the sole or main purpose of creating the necessary conditions for applying for international protection, the determining authority may refuse to grant international protection, provided that any decision taken on the application for international protection respects the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as supplemented by the New York Protocol of 31 January 1967 (the 'Geneva Convention'), the European Convention on Human Rights (ECHR) and the Charter of Fundamental Rights of the European Union.

Article 6 Actors of persecution or serious harm

Actors of persecution or serious harm can be:
   (a) the State;
   (b) parties or organisations controlling the State or a substantial part of the territory of the State;
   (c) non-State actors, if it can be demonstrated that the actors referred to in Article 7(1) are unable or unwilling to provide protection against persecution or serious harm.

Article 7 Actors of protection

1. Only the following actors can provide protection against persecution or serious harm, provided that they are able and willing to provide effective and non-temporary protection in accordance with paragraph 2:
   (a) the State;
   (b) stable, established non-State authorities, including international organisations, which control the State or a substantial part of the territory of the State.

2. Protection against persecution or serious harm shall be effective and of a non-temporary nature. That protection shall be considered to be provided where the actors referred to in paragraph 1 take reasonable steps to prevent persecution or the 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 where an applicant has access to that protection.

3. When assessing whether stable, established non-State authorities, including international organisations, control a State or a substantial part of its territory and provide protection within the meaning of paragraph 2, the determining authority shall take into account precise and up-to-date information on countries of origin obtained from relevant and available national, Union and international sources and, where available, the common analysis on the situation in specific countries of origin and the guidance notes referred to in Article 11 of Regulation (EU) 2021/2303.

Article 8 Internal protection alternative

1. Where the State or agents of the State are not the actors of persecution or serious harm, the determining authority shall examine, as part of the assessment of the application for international protection, whether an applicant is not in need of international protection because the applicant can safely and legally travel to and gain admittance to a part of the country of origin and can reasonably be expected to settle there and whether, in that part of the country, the applicant:

(a) has no well-founded fear of being persecuted or does not face a real risk of suffering serious harm; or

(b) has access to effective and non-temporary protection against persecution or serious harm.

2. Where the State or agents of the State are the actors of persecution or serious harm, the determining authority shall presume that effective protection is not available to the applicant and no examination as referred to in paragraph 1 need be carried out.

The determining authority may only carry out an examination as referred to in paragraph 1 where it is clearly established that the risk of persecution or serious harm stems from an actor whose power is clearly limited to a specific geographical area or where the State itself only has control over certain parts of the country.

3. The determining authority shall carry out an examination as referred to in paragraph 1 once it has established that the qualification criteria set out in this Regulation would otherwise apply to an applicant. The burden of demonstrating that an internal protection alternative is available to the applicant shall fall on the determining authority. The applicant shall be entitled to present evidence and submit any element which indicates that such an

alternative is not available to him or her. The determining authority shall take into account the evidence presented and elements submitted by the applicant.

4. In examining whether an applicant has a well-founded fear of being persecuted or faces a real risk of suffering serious harm, or has access to protection against persecution or serious harm in a part of the country of origin concerned in accordance with paragraph 1, the determining authority shall, at the time of taking the decision on the application for international protection, have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the applicant set out in Article 4. To that end, the determining authority shall take into account precise and up-to-date information obtained from relevant and available national, Union and international sources and, where available, the common analysis on the situation in specific countries of origin and the guidance notes referred to in Article 11 of Regulation (EU) 2021/2303.

5. For the purposes of paragraph 1, the determining authority shall take into account:

(a) the general circumstances prevailing in the relevant part of the country of origin, including the accessibility, effectiveness and durability of the protection referred to in Article 7;

(b) the personal circumstances of the applicant in relation to factors such as health, age, gender, including gender identity, sexual orientation, ethnic origin and membership of a national minority; and

(c) whether the applicant would be able to cater for his or her own basic needs.

6. Where the applicant is an unaccompanied minor, the determining authority shall take into account the best interests of the minor and, in particular, the availability of sustainable and appropriate care and custodial arrangements.

CHAPTER III QUALIFICATION FOR BEING A REFUGEE

Article 9 Acts of persecution

1. An act shall be regarded as an act of persecution within the meaning of Article 1(A) of the Geneva Convention where it is:

(a) sufficiently serious by its nature or repetition as to constitute a severe violation of basic human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the ECHR; or

(b) an accumulation of various measures, including violations of human rights, which is sufficiently severe as to affect an individual in a similar manner to an act referred to in point (a).

2. Acts of persecution as qualified in paragraph 1 may, inter alia, take the form of:

(a) acts of physical or mental violence, including acts of sexual violence;

(b) legal, administrative, police or judicial measures which are in themselves discriminatory or which are implemented in a discriminatory manner;

(c) prosecution or punishment which is disproportionate or discriminatory;

(d) denial of judicial redress resulting in a disproportionate or discriminatory punishment;

(e) prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts falling within the scope of the grounds for exclusion as set out in Article 12(2);

(f) acts of a gender-specific or child-specific nature.

3. For an applicant to meet the definition of 'refugee' as set out in Article 3, point (5), there shall be a connection between the reasons for persecution referred to in Article 10 and the acts of persecution as qualified in paragraph 1 of this Article or the absence of protection against such acts.

Article 10 Reasons for persecution

1. The following elements shall be taken into account when assessing the reasons for persecution:

(a) the concept of race shall, in particular, include considerations of colour, descent, or membership of a particular ethnic group;

(b) the concept of religion shall, in particular, include the holding of theistic, non-theistic and atheistic beliefs, the participation in, or abstention from, formal worship in private or in public, either alone or in community with others, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief;

(c) the concept of nationality shall not be confined to citizenship or lack thereof but shall, in particular, include membership of a group determined by its cultural, ethnic, or linguistic identity, common geographical or political origins or its relationship with the population of another State;

(d) the concept of membership of a particular social group shall include, in particular, membership of a group:

(i) whose members share or are perceived to share an innate characteristic or a common background that cannot be changed, or a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it; and

(ii) which has a distinct identity in the relevant country, because it is perceived as being different by the surrounding society;

(e) the concept of political opinion shall, in particular, include the holding of an opinion, thought or belief on a matter related to the potential actors of persecution mentioned in Article 6 and to their policies or methods, whether or not that opinion, thought or belief has been acted upon by the applicant.

Depending on the circumstances in the country of origin, the concept of membership of a particular social group as referred to in point (d) of the first subparagraph shall include membership of a group based on a common characteristic of sexual orientation. Gender related aspects, including gender identity and gender expression, shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group.

2. When assessing if an applicant has a well-founded fear of being persecuted, it is irrelevant whether the applicant actually possesses the racial, religious, national, social or political characteristic which attracts the persecution, provided that such a characteristic is attributed to the applicant by the actor of persecution.

3. When assessing if an applicant has a well-founded fear of being persecuted, the determining authority cannot reasonably expect that applicant to adapt or change his or her behaviour, convictions or identity, or to abstain from certain practices, where such behaviour, convictions or practices are inherent to his or her identity, to avoid the risk of persecution in his or her country of origin.

Article 11 Cessation

1. A third-country national or a stateless person shall cease to be a refugee where one or more of the following apply:

(a) the third-country national has voluntarily re-availed himself or herself of the protection of the country of nationality;

(b) having lost his or her nationality, the third-country national or stateless person has voluntarily re-acquired it;

(c) the third-country national or stateless person has acquired a new nationality and enjoys the protection of the country of that new nationality;

(d) the third-country national or stateless person has voluntarily re-established himself or herself in the country which he or she left or outside which he or she remained owing to a fear of being persecuted;

(e) the third-country national 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;

(f) the stateless person 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.

Points (e) and (f) of the first subparagraph 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 the country of nationality or, being a stateless person, of the country of former habitual residence.

2. In order to assess whether points (e) and (f) of paragraph 1, first subparagraph, apply, the determining authority shall:

(a) take into account precise and up-to-date information obtained from relevant and available national, Union and international sources and, where available, the common analysis on the situation in specific countries of origin and the guidance notes referred to in Article 11 of Regulation (EU) 2021/2303;

(b) have regard to whether the change of circumstances is of such a significant and non-temporary nature that the refugee's fear of being persecuted can no longer be regarded as well-founded.

Article 12 Exclusion

1. A third-country national or a stateless person shall be excluded from being a refugee where that third-country national or stateless person:

(a) falls within the scope of Article 1(D) of the Geneva Convention, relating to protection or assistance from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees; when such protection or assistance has ceased for any reason, without the position of that third-country national or stateless person being definitely settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, that third-country national or stateless person shall ipso facto be entitled to the benefits of this Regulation;

(b) is recognised by the competent authorities of the country in which third-country national or stateless person has taken up residence as having the rights and obligations which are attached to the possession of the nationality of that country, or equivalent rights and obligations.

2. A third-country national or a stateless person shall be excluded from being a refugee where there are serious reasons for considering that that third-country national or stateless person:

(a) has committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(b) has committed a serious non-political crime outside the country of refuge prior to that third-country national or stateless person's admission as a refugee, which means the time of granting refugee status; particularly cruel actions, even if committed with an allegedly political objective, may be classified as serious non-political crimes;

(c) has been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble to and Articles 1 and 2 of the Charter of the United Nations.

3. Paragraph 2 shall apply to persons who incite or otherwise participate in the commission of the crimes or acts referred to therein.

4. Once the determining authority has established, based on an assessment of the seriousness of the crimes or acts committed by the person concerned and of that person's individual responsibility, taking into account all the circumstances surrounding those crimes or acts and the situation of that person, that one or more of the relevant exclusion grounds laid down in paragraph 2 or 3 apply, the determining authority shall exclude the applicant from refugee status without performing a proportionality assessment linked to the fear of being persecuted.
5. As part of the assessment referred to in paragraph 4, when carrying out an examination under paragraphs 2 and 3 in relation to a minor, the determining authority shall take into account, inter alia, the minor's capacity to be considered responsible under criminal law had the minor committed the crime on the territory of the Member State examining the application for international protection in accordance with national law on the age of criminal responsibility.

FINLAND

Act No. 301/2004 of 2004, Aliens Act, 30 April 2004,
https://www.refworld.org/legal/legislation/natlegbod/2004/en/114147

Please note that, as of 1 July 2026, the EU Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 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, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (see European Union) entered into application. The national law should therefore be read and applied in compliance with this Regulation.

Section 3 Definitions

[…]

11) refugee means an alien who meets the criteria laid down in Article 1 of the Refugee Convention;

12) refugee status means status granted to an alien recognised as a refugee;

[…]

Section 87 Asylum

Aliens residing in the country are granted asylum if they reside outside their home country or country of permanent residence owing to a well-founded fear of being persecuted for reasons of ethnic origin, religion, nationality, membership in a particular social group or political opinion and if they, because of this fear, are unwilling to avail themselves of the protection of that country.

Asylum is not granted to aliens if they have committed, or if there are reasonable grounds to suspect that they have committed:

1) a crime against peace, war crime or crime against humanity as defined by international treaties concerning such crimes;
2) a serious non-political crime outside Finland before entering Finland as refugees; or
3) an act which violates the purposes and principles of the United Nations.

Asylum is not granted to persons who are eligible for protection or help from bodies or offices of the United Nations other than the United Nations High Commissioner for Refugees (UNHCR). Once such protection or help has ceased without final regulation of

the status of the person in accordance with the valid resolutions adopted by the United Nations General Assembly, the person is entitled to refugee status. If the person has voluntarily relinquished the protection specified above by leaving the safe area for reasons other than those related to a need for protection, his or her right of residence is examined under this Act.

Aliens are refused asylum if the competent authorities in the country where they have settled have granted them the rights and obligations attached to the citizenship of this country. (323/2009)

Section 87a (323/2009) Acts of persecution

Acts are considered as persecution if they are sufficiently serious by their nature or repetition as to constitute a severe violation of fundamental human rights. An accumulation of various measures of the same level of seriousness, including violations of human rights, is also considered persecution.

Acts of persecution may take the form of:

1) acts of physical or mental violence, including acts of sexual violence;
2) legal or administrative measures or police or judicial measures which are in themselves discriminatory or which are implemented in a discriminatory manner;
3) prosecution or punishment which is disproportionate or discriminatory;
4) absence or denial of judicial redress resulting in a disproportionate or discriminatory punishment;
5) prosecution or punishment for refusal to perform military service in a conflict where performing military service would include acts under section 87, subsection 2;
6) acts of gender-specific or child-specific nature.

Section 87b (422/2014) Reasons for persecution

When assessing the reasons for persecution, account shall be taken at least of factors related to origin, religion, nationality and political opinion, or membership of a particular social group, as provided later in this section.

As reasons for persecution:

1) origin means, in particular colour, descent or membership of a particular ethnic group;
2) religion includes, in particular the holding of theistic, non-theistic and atheistic beliefs, the participation in, or abstention from, formal worship in private or in public,

either alone or in community with others, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief;
3) nationality includes citizenship of a State, or lack thereof and membership of a group determined by its cultural, ethnic or linguistic identity, common geographical or political origins or its relationship with the population of another State;
4) political opinion means, in particular an opinion, thought or belief on potential actors of persecution and on their policies or methods.

When assessing the reasons for persecution, a group can be considered to form a particular social group if:
1) the members of the group share a common background or an innate characteristic or belief that is so fundamental to identity or conscience that they cannot be forced to renounce it; and
2) the group is perceived as being different by the surrounding society.
A common characteristic of a social group may also be sexual orientation, which, when assessing reasons for persecution, cannot be understood to include acts considered to be criminal. When determining membership of a social group or the characteristics of such a group, gender identity and other gender-related aspects shall also be taken into account.

When assessing if the applicant has a well-founded fear of being persecuted, it is immaterial whether the applicant actually possesses the origin-specific, religious, national, social or political characteristic which attracts the persecution, provided that such a characteristic is attributed to the applicant by the actor of persecution.
[…]

Section 88b (323/2009) Need for international protection after departure
The well-founded fear of being persecuted referred to in section 87, subsection 1 or the real risk of being subjected to serious harm referred to in section 88, subsection 1 may be based on incidents after the applicant's departure from his or her home country or country of permanent residence or on acts that the applicant has participated in after his or her departure.

Section 88c (323/2009) Actors of persecution or serious harm
Actors of persecution or serious harm include:
1) the State;
2) parties or organisations controlling the State or a substantial part of the territory of the State; or

3) non-State actors, if it can be demonstrated that the actors under section 88d are unable or unwilling to provide protection against persecution or serious harm.

Section 88d (422/2014) Providing protection

Protection can be provided by a State or by an international organisation controlling a State or a substantial part of the territory of a State that is willing and able to provide protection. Protection shall be effective and of a permanent nature.

Section 88e (422/2014) Internal protection alternative

An alien may be refused asylum or a residence permit under section 88 or 88a, if he or she, in a part of his or her home country or country of permanent residence, does not have a well-founded reason to fear to be persecuted or face a real risk of being subjected to serious harm, or if he or she has access to protection in that part of the country as referred to in section 88d. He or she shall also be able to get safely and legally to the part of the country in question and reasonably be expected to reside there.

When assessing if a part of the country is in accordance with subsection 1, account shall be taken of the general circumstances prevailing in that part of the country and of the applicant's personal circumstances.

[…]

Section 107 (422/2014) Ending refugee status and subsidiary protection status

A person’s refugee status is ended if he or she

1) voluntarily re-avails him or herself of the protection of his or her country of nationality;
2) having lost his or her citizenship, regains it of his or her own free will;
3) acquires citizenship of another State and may avail him or herself of the protection of the new country of nationality;
4) voluntarily settles in the country from which he or she fled and outside which he or she stayed for fear of persecution; or
5) is no longer in need of protection as the circumstances under which he or she became a refugee no longer exist.

[…]

The change of circumstances referred to in subsection 1, paragraph 5 and subsection 2 shall be significant and non-temporary. However, the provisions of subsection 1, paragraph 5 and subsection 2 do not apply to persons who may, on the basis of compelling grounds arising from persecution or serious harm previously experienced, refuse to avail

themselves of the protection of their country of nationality or former country of permanent residence.

When considering the ending of refugee status or subsidiary protection status, an individual investigation shall be conducted.

FRANCE

Code de l'entrée et du séjour des étrangers et du droit d'asile (CESEDA), 22 February 2005, https://www.refworld.org/legal/legislation/natlegbod/2005/45417

Please note that, as of 1 July 2026, the EU Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 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, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (see European Union) entered into application. The national law should therefore be read and applied in compliance with this Regulation.

Article L511-1

La qualité de réfugié est reconnue :

1° A toute personne persécutée en raison de son action en faveur de la liberté ;

2° A toute personne sur laquelle le Haut-Commissariat des Nations unies pour les réfugiés exerce son mandat aux termes des articles 6 et 7 de son statut tel qu'adopté par l'Assemblée générale des Nations unies le 14 décembre 1950 ;

3° A toute personne qui répond aux définitions de l'article 1er de la convention de Genève du 28 juillet 1951 relative au statut des réfugiés.

Ces personnes sont régies par les dispositions applicables aux réfugiés en vertu de la convention de Genève susmentionnée.

Article L511-2

Les actes de persécution et les motifs de persécution, au sens de la section A de l'article 1er de la convention de Genève du 28 juillet 1951, sont appréciés dans les conditions prévues aux paragraphes 1 et 2 de l'article 9 et au paragraphe 1 de l'article 10 de la directive 2011/95/UE du Parlement européen et du Conseil, du 13 décembre 2011, concernant les normes relatives aux conditions que doivent remplir les ressortissants des pays tiers ou les apatrides pour pouvoir bénéficier d'une protection internationale, à un statut uniforme pour les réfugiés ou les personnes pouvant bénéficier de la protection subsidiaire, et au contenu de cette protection.

Article L511-3

S'agissant des motifs de persécution, les aspects liés au sexe, à l'identité de genre et à l'orientation sexuelle sont pris en considération aux fins de la reconnaissance de

l'appartenance à un certain groupe social ou de l'identification d'une caractéristique d'un tel groupe.

Article L511-4
Pour que la qualité de réfugié soit reconnue à un demandeur, il doit exister un lien entre l'un des motifs de persécution qu'il allègue et les actes de persécution ou l'absence de protection contre de tels actes.

Article L511-5
Lorsque l'autorité compétente évalue si un demandeur craint avec raison d'être persécuté, il est indifférent que celui-ci possède effectivement les caractéristiques liées au motif de persécution ou que ces caractéristiques lui soient seulement attribuées par l'auteur des persécutions.

Article L511-6
Le statut de réfugié n'est pas accordé à une personne qui relève de l'une des clauses d'exclusion prévues aux sections D, E ou F de l'article 1er de la convention de Genève du 28 juillet 1951.

La même section F s'applique également aux personnes qui sont les instigatrices ou les complices des crimes ou des agissements mentionnés à ladite section ou qui y sont personnellement impliquées.

Article L511-7
Le statut de réfugié est refusé ou il y est mis fin dans les situations suivantes :

1° Il y a des raisons sérieuses de considérer que la présence en France de la personne concernée constitue une menace grave pour la sûreté de l'Etat ;

2° La personne concernée a été condamnée en dernier ressort en France, dans un Etat membre de l'Union européenne ou dans un Etat tiers figurant sur la liste, fixée par décret en Conseil d'Etat, des Etats dont la France reconnaît les législations et juridictions pénales au vu de l'application du droit dans le cadre d'un régime démocratique et des circonstances politiques générales soit pour un crime, soit pour un délit constituant un acte de terrorisme ou une apologie publique d'un acte de terrorisme ou puni de dix ans d'emprisonnement, et sa présence constitue une menace grave pour la société française.

Article L511-8

L'Office français de protection des réfugiés et apatrides met fin, de sa propre initiative ou à la demande de l'autorité administrative, au statut de réfugié lorsque la personne concernée relève de l'une des clauses de cessation prévues à la section C de l'article 1er de la convention de Genève, du 28 juillet 1951. Pour l'application des 5 et 6 de la même section C, le changement dans les circonstances ayant justifié la reconnaissance de la qualité de réfugié doit être suffisamment significatif et durable pour que les craintes du réfugié d'être persécuté ne puissent plus être considérées comme fondées.

L'office met également fin à tout moment, de sa propre initiative ou à la demande de l'autorité administrative, au statut de réfugié dans les cas suivants :

1° Le réfugié aurait dû être exclu du statut de réfugié en application des sections D, E ou F de l'article 1er de la convention de Genève du 28 juillet 1951 ;

2° La décision de reconnaissance de la qualité de réfugié a résulté d'une fraude ;

3° Le réfugié doit, compte tenu de circonstances intervenues après la reconnaissance de cette qualité, en être exclu en application des sections D, E ou F de l'article 1er de la convention de Genève du 28 juillet 1951.

Article L513-2

Les persécutions ou menaces de persécutions prises en compte dans la reconnaissance de la qualité de réfugié et les atteintes graves ou menaces d'atteintes graves pouvant donner lieu au bénéfice de la protection subsidiaire peuvent être le fait des autorités de l'Etat, de partis ou d'organisations qui contrôlent l'Etat ou une partie substantielle du territoire de l'Etat, ou d'acteurs non étatiques dans les cas où les autorités définies au premier alinéa de l'article L. 513-3 refusent ou ne sont pas en mesure d'offrir une protection.

Article L513-3

Les autorités susceptibles d'offrir une protection peuvent être les autorités de l'Etat ou des partis ou organisations, y compris des organisations internationales, qui contrôlent l'Etat ou une partie importante de son territoire de celui-ci. Cette protection doit être effective et non temporaire.

Une telle protection est en principe assurée lorsque les autorités définies au premier alinéa prennent des mesures appropriées pour empêcher les persécutions ou les atteintes graves, en particulier lorsqu'elles disposent d'un système judiciaire effectif permettant de déceler, de poursuivre et de sanctionner les actes constituant de telles persécutions ou de telles atteintes, et lorsque le demandeur a accès à cette protection.

Article L513-4

Les craintes de persécutions prises en compte dans la reconnaissance de la qualité de réfugié et le risque réel de subir des atteintes graves pouvant donner lieu au bénéfice de la protection subsidiaire peuvent être appréciés sur le fondement d'événements survenus après que le demandeur d'asile a quitté son pays d'origine ou à raison d'activités qu'il a exercées après son départ du pays, notamment s'il est établi que les activités invoquées constituent l'expression et la prolongation de convictions ou d'orientations affichées dans son pays.

Article L513-5

Peut être rejetée la demande d'asile d'une personne qui aurait accès à une protection sur une partie du territoire de son pays d'origine si elle n'a aucune raison de craindre d'y être persécutée ou d'y être exposée à une atteinte grave, si elle peut se rendre vers cette partie du territoire légalement et en toute sécurité et si on peut raisonnablement s'attendre à ce qu'elle s'y établisse.

Il est tenu compte des conditions générales prévalant dans la partie du territoire concernée, de la situation personnelle du demandeur ainsi que de l'identité ou de la qualité de l'auteur de la persécution au moment où il est statué sur la demande d'asile.

GABON

Loi No. 5/98 du 1998, Portant statut des réfugiés en République gabonaise, 5 March 1998 https://www.refworld.org/legal/legislation/natlegbod/1998/fr/18482

Article 1er. La présente loi prise en application de la convention des nations Unies du 28 juillet 1951 complétée par le protocole du 31 janvier 1967 et de la convention de l'Organisation de l'unité africaine du 10 septembre 1969 régissant les aspects propres aux problèmes des réfugiés en Afrique porte statut des réfugiés en République gabonaise.

Article 2. Le présent statut s'applique à toute personne qui répond à la définition de "réfugié" telle que mentionnée dans les articles premiers des conventions des Nations Unies et de l'Organisation de l'unité africaine à l'article premier ci-dessus.

Article 3. Le statut de réfugié […] cesse de s'appliquer dans les cas prévus au paragraphe C de l'article premier de la convention du 28 juillet 1951 ou au paragraphe quatrième de l'article premier de la convention de l'Organisation de l'unité africaine de 1969 régissant les aspects propres aux réfugiés en Afrique.

GAMBIA (THE)

Refugee Act, 2008, 23 October 2008
https://www.refworld.org/legal/legislation/natlegbod/2008/en/69286

22. (1) A refugee is a person who

(a) owing to well-founded fear of being persecuted for reasons of race, ethnic origin, religion, nationality, membership of a particular social group or the holding of different political opinion-

(i) is outside the country of which he or she is a national, and

(ii) is unable or, owing to such fear is unwilling, to avail himself or herself of the protection of that country;

(b) not having a nationality and being outside the country of his or her former habitual residence owing to such· fear as is specified in paragraph (a) of this subsection, is unable or is unwilling to return to that country; or

(c) owing to external aggression, occupation, foreign domination or events seriously affecting public order in either the whole or part of his or her country of origin or nationality, is forced to leave his or her place of habitual residence in order to seek refuge in another place outside of his or her country of origin or nationality.

(2) A person is not considered as lacking the protection of any of the countries of which he or she is a national if, without any valid reason based on well-founded fear of persecution, he or she has not availed himself or herself of the protection of one of those countries.

(3) In the case of a person who has several nationalities, "a country of which he or she is a national" means each of the countries of which he. or she is a national.

23. (1) This Act does not apply to a person who is recognized by The Gambia as having the rights and obligations which are attached to the possession of the nationality of The Gambia.

(2) A person is not eligible for the grant of refugee status under this Act, if there are serious reasons for considering that the person-

(a) committed a serious non-political crime outside The Gambia prior to his or her entry into The Gambia;

(b) committed a crime against peace or humanity or a war crime; or

(c) violated the purposes and principles of the Charter of the African Union or the United Nations.

24. A person ceases to be a refugee under this Act if the person-

(a) has voluntarily re-availed himself or herself of the protection of the country-

(i) of his or her nationality, or

(ii) of his or her previous habitual residence. in the case of a refugee without a nationality as specified under section 22 of this Act;

(b) having lost his or her nationality, he or she has voluntarily re-acquired it; .

(c) has acquired Gambian nationality or the nationality of a third country and enjoys the protection of The Gambia or of that third country;

(d) has voluntarily re-established himself or herself in the country which he or she left or outside of which he or she remained owing to fear of persecution;

(e) can no longer, because the circumstances in connection with which he or she was recognized as a refugee have ceased to exist, continue to refuse to avail himself or herself of the protection of the country of his or her nationality;

(f) being a person who has no nationality he or she is, because the circumstances in connection with which he or she was recognized as a refugee have ceased to exist, able to return to the country of his or her former habitual residence;

(g) he or she has committed a serious non-political crime outside after his or her admission to The Gambia as a refugee, or

(h) he or she has seriously infringed the purposes and objectives of the Convention.

[…]

34. (1) If the Office of the United Nations High Commissioner for Refugees, in consultation with the Government of The Gambia and other interested States, apply the general cessation provisions of the Convention in respect of any refugee of a particular class or nationality or of any group of refugees in The Gambia and elsewhere, a person affected by those cessation provisions shall cease to be refugee.

(2) The Commission may exempt a person from the provisions of subsection (1) of this section if it is satisfied that the person continues to have compelling reasons, arising out of the previous persecution, for refusing to-

(a) avail himself or herself of the protection of the country of his or her nationality;

(b) return to the country of his or her nationality; or

(c) return to the country of his or her former habitual residence.

[…]

GEORGIA

Law on International Protection, 1 December 2016,
https://www.refworld.org/legal/legislation/natlegbod/2016/en/122649

Article 3 - Definition of terms

[…]

q) internal displacement alternative - an opportunity for an asylum seeker to move to a certain territory within the country of origin, where he/she has no reasonable fear of being persecuted, or he/she does not face a risk of serious damage, or where he/she has access to efficient and long-term protection from the state agencies of the said country against persecution or serious damage, and where he/she can arrive safely, be legally admitted to and settled, and where, at the same time, he/she has access to opportunities for the respect of human rights and economic survival;

[…]

Article 15 - Grounds for granting refugee status

1. Refugee status shall be granted to an alien or a stateless person, who is outside the country of origin, and has a well-grounded fear that he/she may become a victim of persecution on the grounds of his/her race, religion, nationality, affiliation to a certain social group or political views, and who does not wish to, or cannot, return to his/her country of origin or enjoy the right to be protected from such country due to such fear.

2. With regard to the mass entry of people, who meet the conditions defined by paragraph 1 of this Article, the Ministry shall make a decision on recognising refugees on the basis of the group principle (prima facie), taking into consideration the general situation existing in the country of their origin.

Article 16 - The right to request sur place international protection

1. The need for international protection may be caused by virtue of a substantial change of circumstances in the country of origin of an alien or a stateless person staying in Georgia, or by virtue of an action which he/she carries out after the leaving of the country of origin.

2. If a person repeatedly applies to the Ministry for international protection, he/she may be refused the status provided for by this Law without violating the 1951 UN Convention Relating to the Status of Refugees, where the risk of persecution regarding such person had arisen due to circumstances which he/she created intentionally and by artificial means after the leaving of the country of origin.

Article 17 - Grounds for refusing to grant refugee status

1. An alien or a stateless person shall not be granted refugee status, if:

a) he/she does not comply with the conditions provided for by Article 15(1) of this Law;

b) there are sufficient grounds to believe that he/she will endanger the state security of Georgia, its territorial integrity or public order;

c) he/she has been convicted of committing a grave crime in Georgia by a court judgement having entered into legal force ; […]

2. An alien or a stateless person shall not require refugee status and he/she shall be refused the status, if:

a) he/she is recognised as a refugee by another country and has no grounded fear of being persecuted in such country in accordance with Article 15 of this Law;

b) he/she is a citizen of two or more countries and may enjoy the right to be protected by either country;

c) he/she has an alternative of internal displacement;

d) he/she does not require legal protection under Article 1(D) of the 1951 UN Convention Relating to the Status of Refugees;

e) he/she has been recognised by an authorised agency of another country of residence as a person with such rights and obligations, which are exercised by the citizens of that country, and, consequently, there is no need for him/her to request international protection.

Article 18 - Exclusion from refugee status

An alien or a stateless person shall not be granted refugee status (shall be excluded from refugee status), even though he/she meets the requirements of Article 15 of this Law, if there are sufficient grounds to believe that:

a) he/she has committed a crime against peace, a war crime or a crime against humanity, in accordance with the definitions assigned to such actions by international acts created for such purpose;

b) he/she committed a serious or a grave crime of non-political character outside Georgia before he/she was granted refugee status ;

c) he/she has been accused of carrying out actions that contravene the aims and principles of the United Nations Organisation.

Article 31 - Assessment of reasonable fear of persecution or the possibility of inflicting serious damage

When assessing reasonable fear of persecution or the possibility of inflicting serious damage, an authorised official shall rely on the circumstances which arose in the country of origin of an asylum seeker prior to or after the asylum seeker left the country.

Article 32 - Persecution […]

1. For the purposes of Article 15 of this Law, an action shall be deemed persecution, if:

a) it is so serious by its nature or has such repeated character that fundamental human rights continue to be violated;

b) it is one of a unity of various actions, which are so severe that fundamental human rights continue to be violated.

2. The persecution provided for by paragraph 1 of this Article may be expressed in the following forms:

a) an act of physical or psychological violence, including an act of sexual violence;

b) legal, administrative and/or judiciary acts and measures, which are discriminatory in themselves or are performed in a discriminatory manner;

c) criminal persecution or punishment, which is disproportionate or discriminatory;

d) refusal by a court to restore a violated right, which is followed by a disproportionate or discriminatory punishment;

e) criminal persecution or punishment during a conflict due to the refusal to perform actions provided for by Article 18 of this Law;

f) an act, which, by its nature, is related to gender identity, sex or a minor.

[…]

Article 33 - Entity(ies) carrying out persecution and inflicting serious damage

Entity(ies) carrying out persecution and inflicting serious damage may be:

a) the State;

b) a group or an organisation, which controls the entire territory of the State or a significant part of the territory;

c) non-governmental entities, if the entities provided for by sub-paragraphs (a) and (b) of this paragraph, including international organisations, cannot or do not desire to protect a person from persecution or serious damage as provided for by Article 32 of this Law.

Article 34 - Entity(ies) performing protection

1. A person may be protected from persecution or serious damage by:

a) the State; in addition, the State shall manifest a desire and be able to protect a person from persecution or serious damage efficiently and continuously;

b) a group or an organisation, which controls the entire territory of the State or a significant part of its territory; in addition, such group or organisation shall manifest a desire and be able to protect a person from persecution or serious damage efficiently and continuously;

2. Protection from persecution or serious damage shall be deemed efficient if the entities carrying out the protection perform relevant actions for preventing and eliminating persecution or serious damage, and an asylum seeker has access to such entities and actions.

Article 50 - Grounds for termination of refugee status

1. The refugee status of a person may be terminated, if:

a) he/she has been granted citizenship of Georgia;

b) he/she has voluntarily enjoyed protection by his/her country of origin;

c) he/she has voluntarily regained citizenship of his/her country of origin after its losing;

d) he/she has acquired citizenship of another country and enjoys protection from that country;

e) he/she has voluntarily settled in the country which he/she had left, or out of which he/she had stayed due to fear of being persecuted;

f) he/she cannot be refused protection from his/her country of origin, due to the non-existence of circumstances on the basis of which he/she has been granted refugee status;

g) he/she applies to the Ministry with an application to terminate refugee status;

h) he/she cannot be contacted in accordance with the procedure provided for by Article 35(5) of this Law, or, he/she has crossed the state border of Georgia;

i) he/she has passed away.

2. Article 50(1)(f) shall not apply to a person with refugee status, if, by taking into account the previous persecution, he/she is able to submit reasonable grounds as to why he/she does not enjoy protection from the country of origin.

[…]

Article 52 - Basis for terminating or revoking status granted to an internationally protected person

1. The status granted to an internationally protected person shall be terminated if it is revealed that he/she has failed to meet the requirements under Articles 15, 19 and 21 of this Law, or that he/she has submitted wrong information or false documents, in particular:

[…]

c) he/she was recognised by another country of residence to have such rights and obligations as the citizens of that country enjoy, and consequently there was no need for international protection;

[…]

GERMANY

Asylum Act (Asylgesetz - AsylG), 2 September 2008,
https://www.refworld.org/legal/legislation/natlegbod/2008/de/114402

Please note that, as of 1 July 2026, the EU Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 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, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (see European Union) entered into application. The national law should therefore be read and applied in compliance with this Regulation.

§ 3 Zuerkennung der Flüchtlingseigenschaft

(1) Ein Ausländer ist Flüchtling im Sinne des Abkommens vom 28. Juli 1951 über die Rechtsstellung der Flüchtlinge (BGBl. 1953 II S. 559, 560), wenn er sich

1. aus begründeter Furcht vor Verfolgung wegen seiner Rasse, Religion, Nationalität, politischen Überzeugung oder Zugehörigkeit zu einer bestimmten sozialen Gruppe
2. außerhalb des Landes (Herkunftsland) befindet,
   a) dessen Staatsangehörigkeit er besitzt und dessen Schutz er nicht in Anspruch nehmen kann oder wegen dieser Furcht nicht in Anspruch nehmen will oder
   b) in dem er als Staatenloser seinen vorherigen gewöhnlichen Aufenthalt hatte und in das er nicht zurückkehren kann oder wegen dieser Furcht nicht zurückkehren will.

(2) Ein Ausländer ist nicht Flüchtling nach Absatz 1, wenn aus schwerwiegenden Gründen die Annahme gerechtfertigt ist, dass er

1. ein Verbrechen gegen den Frieden, ein Kriegsverbrechen oder ein Verbrechen gegen die Menschlichkeit begangen hat im Sinne der internationalen Vertragswerke, die ausgearbeitet worden sind, um Bestimmungen bezüglich dieser Verbrechen zu treffen,
2. vor seiner Aufnahme als Flüchtling eine schwere nichtpolitische Straftat außerhalb des Bundesgebiets begangen hat, insbesondere eine grausame Handlung, auch wenn mit ihr vorgeblich politische Ziele verfolgt wurden, oder
3. den Zielen und Grundsätzen der Vereinten Nationen zuwidergehandelt hat.

Satz 1 gilt auch für Ausländer, die andere zu den darin genannten Straftaten oder Handlungen angestiftet oder sich in sonstiger Weise daran beteiligt haben.

(3) Ein Ausländer ist auch nicht Flüchtling nach Absatz 1, wenn er

1. den Schutz oder Beistand einer Organisation oder einer Einrichtung der Vereinten Nationen mit Ausnahme des Hohen Kommissars der Vereinten Nationen für Flüchtlinge nach Artikel 1 Abschnitt D des Abkommens über die Rechtsstellung der Flüchtlinge genießt oder
2. von den zuständigen Behörden des Staates, in dem er seinen Aufenthalt genommen hat, als Person anerkannt wird, welche die Rechte und Pflichten, die mit dem Besitz der Staatsangehörigkeit dieses Staates verknüpft sind, beziehungsweise gleichwertige Rechte und Pflichten hat.

Wird der Schutz oder Beistand nach Satz 1 Nummer 1 nicht länger gewährt, ohne dass die Lage des Betroffenen gemäß den einschlägigen Resolutionen der Generalversammlung der Vereinten Nationen endgültig erklärt worden ist, sind die Absätze 1 und 2 anwendbar.

(4) Einem Ausländer, der Flüchtling nach Absatz 1 ist, wird die Flüchtlingseigenschaft zuerkannt, es sei denn, er erfüllt die Voraussetzungen des § 60 Absatz 8 Nummer 2 oder 3 des Aufenthaltsgesetzes oder das Bundesamt hat nach § 60 Absatz 8a oder 8b des Aufenthaltsgesetzes von der Anwendung des § 60 Absatz 1 des Aufenthaltsgesetzes abgesehen.

§ 3a Verfolgungshandlungen

(1) Als Verfolgung im Sinne des § 3 Absatz 1 gelten Handlungen, die

1. auf Grund ihrer Art oder Wiederholung so gravierend sind, dass sie eine schwerwiegende Verletzung der grundlegenden Menschenrechte darstellen, insbesondere der Rechte, von denen nach Artikel 15 Absatz 2 der Konvention vom 4. November 1950 zum Schutze der Menschenrechte und Grundfreiheiten (BGBl. 1952 II S. 685, 953) keine Abweichung zulässig ist, oder
2. in einer Kumulierung unterschiedlicher Maßnahmen, einschließlich einer Verletzung der Menschenrechte, bestehen, die so gravierend ist, dass eine Person davon in ähnlicher wie der in Nummer 1 beschriebenen Weise betroffen ist.

(2) Als Verfolgung im Sinne des Absatzes 1 können unter anderem die folgenden Handlungen gelten:

1. die Anwendung physischer oder psychischer Gewalt, einschließlich sexueller Gewalt,
2. gesetzliche, administrative, polizeiliche oder justizielle Maßnahmen, die als solche diskriminierend sind oder in diskriminierender Weise angewandt werden,
3. unverhältnismäßige oder diskriminierende Strafverfolgung oder Bestrafung,

4. Verweigerung gerichtlichen Rechtsschutzes mit dem Ergebnis einer unverhältnismäßigen oder diskriminierenden Bestrafung,
5. Strafverfolgung oder Bestrafung wegen Verweigerung des Militärdienstes in einem Konflikt, wenn der Militärdienst Verbrechen oder Handlungen umfassen würde, die unter die Ausschlussklauseln des § 3 Absatz 2 fallen,
6. Handlungen, die an die Geschlechtszugehörigkeit anknüpfen oder gegen Kinder gerichtet sind.

(3) Zwischen den in § 3 Absatz 1 Nummer 1 in Verbindung mit den in § 3b genannten Verfolgungsgründen und den in den Absätzen 1 und 2 als Verfolgung eingestuften Handlungen oder dem Fehlen von Schutz vor solchen Handlungen muss eine Verknüpfung bestehen.

§ 3b Verfolgungsgründe

(1) Bei der Prüfung der Verfolgungsgründe nach § 3 Absatz 1 Nummer 1 ist Folgendes zu berücksichtigen:

1. der Begriff der Rasse umfasst insbesondere die Aspekte Hautfarbe, Herkunft und Zugehörigkeit zu einer bestimmten ethnischen Gruppe;
2. der Begriff der Religion umfasst insbesondere theistische, nichttheistische und atheistische Glaubensüberzeugungen, die Teilnahme oder Nichtteilnahme an religiösen Riten im privaten oder öffentlichen Bereich, allein oder in Gemeinschaft mit anderen, sonstige religiöse Betätigungen oder Meinungsäußerungen und Verhaltensweisen Einzelner oder einer Gemeinschaft, die sich auf eine religiöse Überzeugung stützen oder nach dieser vorgeschrieben sind;
3. der Begriff der Nationalität beschränkt sich nicht auf die Staatsangehörigkeit oder das Fehlen einer solchen, sondern bezeichnet insbesondere auch die Zugehörigkeit zu einer Gruppe, die durch ihre kulturelle, ethnische oder sprachliche Identität, gemeinsame geografische oder politische Herkunft oder ihre Verwandtschaft mit der Bevölkerung eines anderen Staates bestimmt wird;
4. eine Gruppe gilt insbesondere als eine bestimmte soziale Gruppe, wenn
   a) die Mitglieder dieser Gruppe angeborene Merkmale oder einen gemeinsamen Hintergrund, der nicht verändert werden kann, gemein haben oder Merkmale oder eine Glaubensüberzeugung teilen, die so bedeutsam für die Identität oder das Gewissen sind, dass der Betreffende nicht gezwungen werden sollte, auf sie zu verzichten, und
   b) die Gruppe in dem betreffenden Land eine deutlich abgegrenzte Identität hat, da sie von der sie umgebenden Gesellschaft als andersartig betrachtet wird;

als eine bestimmte soziale Gruppe kann auch eine Gruppe gelten, die sich auf das gemeinsame Merkmal der sexuellen Orientierung gründet; Handlungen, die nach deutschem Recht als strafbar gelten, fallen nicht darunter; eine Verfolgung wegen der Zugehörigkeit zu einer bestimmten sozialen Gruppe kann auch vorliegen, wenn sie allein an das Geschlecht oder die geschlechtliche Identität anknüpft;

5. unter dem Begriff der politischen Überzeugung ist insbesondere zu verstehen, dass der Ausländer in einer Angelegenheit, die die in § 3c genannten potenziellen Verfolger sowie deren Politiken oder Verfahren betrifft, eine Meinung, Grundhaltung oder Überzeugung vertritt, wobei es unerheblich ist, ob er auf Grund dieser Meinung, Grundhaltung oder Überzeugung tätig geworden ist.

(2) Bei der Bewertung der Frage, ob die Furcht eines Ausländers vor Verfolgung begründet ist, ist es unerheblich, ob er tatsächlich die Merkmale der Rasse oder die religiösen, nationalen, sozialen oder politischen Merkmale aufweist, die zur Verfolgung führen, sofern ihm diese Merkmale von seinem Verfolger zugeschrieben werden.

§ 3c Akteure, von denen Verfolgung ausgehen kann

Die Verfolgung kann ausgehen von

1. dem Staat,
2. Parteien oder Organisationen, die den Staat oder einen wesentlichen Teil des Staatsgebiets beherrschen, oder
3. nichtstaatlichen Akteuren, sofern die in den Nummern 1 und 2 genannten Akteure einschließlich internationaler Organisationen erwiesenermaßen nicht in der Lage oder nicht willens sind, im Sinne des § 3d Schutz vor Verfolgung zu bieten, und dies unabhängig davon, ob in dem Land eine staatliche Herrschaftsmacht vorhanden ist oder nicht.

§ 3d Akteure, die Schutz bieten können

(1) Schutz vor Verfolgung kann nur geboten werden

1. vom Staat oder
2. von Parteien oder Organisationen einschließlich internationaler Organisationen, die den Staat oder einen wesentlichen Teil des Staatsgebiets beherrschen,

sofern sie willens und in der Lage sind, Schutz gemäß Absatz 2 zu bieten.

(2) Der Schutz vor Verfolgung muss wirksam und darf nicht nur vorübergehender Art sein. Generell ist ein solcher Schutz gewährleistet, wenn die in Absatz 1 genannten Akteure geeignete Schritte einleiten, um die Verfolgung zu verhindern, beispielsweise durch wirksame Rechtsvorschriften zur Ermittlung, Strafverfolgung und Ahndung von

Handlungen, die eine Verfolgung darstellen, und wenn der Ausländer Zugang zu diesem Schutz hat.

(3) Bei der Beurteilung der Frage, ob eine internationale Organisation einen Staat oder einen wesentlichen Teil seines Staatsgebiets beherrscht und den in Absatz 2 genannten Schutz bietet, sind etwaige in einschlägigen Rechtsakten der Europäischen Union aufgestellte Leitlinien heranzuziehen.

§ 3d Akteure, die Schutz bieten können

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sofern sie willens und in der Lage sind, Schutz gemäß Absatz 2 zu bieten.

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(3) Bei der Beurteilung der Frage, ob eine internationale Organisation einen Staat oder einen wesentlichen Teil seines Staatsgebiets beherrscht und den in Absatz 2 genannten Schutz bietet, sind etwaige in einschlägigen Rechtsakten der Europäischen Union aufgestellte Leitlinien heranzuziehen.

§ 72 Erlöschen

(1) Die Anerkennung als Asylberechtigter und die Zuerkennung des internationalen Schutzes erlöschen, wenn der Ausländer

1. eindeutig, freiwillig und schriftlich gegenüber dem Bundesamt auf sie verzichtet oder
2. auf seinen Antrag die deutsche Staatsangehörigkeit erworben hat.

Satz 1 Nummer 2 gilt entsprechend für die Feststellung eines Abschiebungsverbots nach § 60 Absatz 5 oder 7 des Aufenthaltsgesetzes.

(2) Der Ausländer hat einen Anerkennungs-, Zuerkennungs- oder Feststellungsbescheid und einen Reiseausweis unverzüglich bei der Ausländerbehörde abzugeben.

§ 73 Widerrufs- und Rücknahmegründe

(1) Die Anerkennung als Asylberechtigter oder die Zuerkennung der Flüchtlingseigenschaft ist zu widerrufen, wenn die Voraussetzungen für sie nicht mehr vorliegen. Dies ist insbesondere der Fall, wenn der Ausländer

1. sich freiwillig erneut dem Schutz des Staates, dessen Staatsangehörigkeit er besitzt, unterstellt,
2. nach dem Verlust seiner Staatsangehörigkeit diese freiwillig wiedererlangt hat,
3. auf Antrag eine neue Staatsangehörigkeit erworben hat und den Schutz des Staates, dessen Staatsangehörigkeit er erworben hat, genießt,
4. freiwillig in das Land, das er aus Furcht vor Verfolgung verlassen hat oder außerhalb dessen er sich aus Furcht vor Verfolgung befindet, zurückgekehrt ist und sich dort niedergelassen hat,
5. nach Wegfall der Umstände, die zur Anerkennung als Asylberechtigter oder zur Zuerkennung der Flüchtlingseigenschaft geführt haben, es nicht mehr ablehnen kann, den Schutz des Landes in Anspruch zu nehmen, dessen Staatsangehörigkeit er besitzt, oder
6. als Staatenloser nach Wegfall der Umstände, die zur Anerkennung als Asylberechtigter oder zur Zuerkennung der Flüchtlingseigenschaft geführt haben, in der Lage ist, in das Land zurückzukehren, in dem er seinen gewöhnlichen Aufenthalt hatte.

Die Veränderung der Umstände nach Satz 2 Nummer 5 und 6 muss erheblich und nicht nur vorübergehend sein, sodass die Furcht des Ausländers vor Verfolgung nicht länger als begründet angesehen werden kann.

[…]

(3) Absatz 1 Satz 2 Nummer 5 und 6 und Absatz 2 gelten nicht, wenn sich der Ausländer auf zwingende, auf früheren Verfolgungen beruhende Gründe oder auf früher erlittenen ernsthaften Schaden berufen kann, um die Inanspruchnahme des Schutzes des Landes, dessen Staatsangehörigkeit er besitzt, oder wenn er staatenlos ist, des Landes, in dem er seinen gewöhnlichen Aufenthalt hatte, abzulehnen.

[…]

(7) Reist der Ausländer in den Staat, dessen Staatsangehörigkeit er besitzt oder wenn er staatenlos ist, in den Staat, in dem er seinen gewöhnlichen Aufenthalt hatte, wird vermutet, dass die Voraussetzungen für die Asylberechtigung, die Zuerkennung des internationalen Schutzes oder die Feststellung eines Abschiebungsverbotes nach § 60 Absatz 5 oder Absatz 7 des Aufenthaltsgesetzes nicht mehr vorliegen. Die Vermutung nach Satz 1 gilt nicht, wenn die Reise sittlich zwingend geboten ist.

GHANA

Refugee Law of 1992, 27 August 1993,
https://www.refworld.org/legal/legislation/natlegbod/1993/en/20876

17. Cessation of refugee status

A person shall cease to be a refugee for the purposes of this Law if -

(a) he voluntarily re-avails himself of the protection of the country of his nationality;

(b) he becomes a Ghanaian citizen or acquires the nationality of another country and enjoys the protection of the country of his new nationality;

(c) voluntarily re-establishes himself in the country which he left, or outside which he remained owing to his fear of persecution;

(d) he can no longer, because the circumstances in connection with which he was granted a refugee status have ceased to exist, continue to refuse to avail himself of the protection of his country of nationality; except that this paragraph shall not apply to a person who satisfies the Board that he has compelling reasons arising out of previous persecution, for refusing to avail himself of the protection of his country of nationality or refusing to return to his country of habitual residence; or

(e) his refugee status is withdrawn.

26. Interpretation

"refugee" means a person who -

(a) falls within the definition provided in -

(i) Article 1 of the 1951 United Nations Convention set out in Part 1 of the Schedule to this Law; or

(ii) Article 1 of the 1967 Protocol Relating to the Status of Refugee, set out in Part II of the Schedule to this Law; or

(iii) Article 1 of the 1969 Organisation of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa set out in Part III of the Schedule to this Law; or

(b) belongs to a class of persons declared by the P.N.D.C. as refugees.

(2) A person shall not be considered to be a refugee under this Law -

(a) when there are serious reasons to believe that he has committed a crime against peace, a war crime or a crime against humanity, as defined in any international instrument to which Ghana is a party and which has been drawn up to make provisions in respect of such crimes; or

(b) if he has been guilty of acts contrary to the purposes and principles of the Organisation of African Unity.

GREECE

ΑΡΙΘΜ. 4939 Κύρωση Κώδικα Νομοθεσίας για την υποδοχή, τη διεθνή προστασία πολιτών τρίτων χωρών και ανιθαγενών και την προσωρινή προστασία σε περίπτωση μαζικής εισροής εκτοπισθέντων αλλο- δαπών., 4939/2022, 10 June 2022, https://www.refworld.org/legal/legislation/natlegbod/2022/147218

Please note that, as of 1 July 2026, the EU Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 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, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (see European Union) entered into application. The national law should therefore be read and applied in compliance with this Regulation.

Άρθρο 1 Ορισμοί

Για την εφαρμογή του Κώδικα, οι παρακάτω όροι έχουν την εξής έννοια:

[…]

ε) «χώρα καταγωγής» είναι η χώρα της ιθαγένειας ή για τους ανιθαγενείς, η χώρα της προηγούμενης συνήθους διαμονής τους,

[…]

κστ) «πρόσφυγας» είναι ο πολίτης τρίτης χώρας ο οποίος, συνεπεία βάσιμου φόβου δίωξης λόγω φυλής, θρησκείας, εθνικότητας, πολιτικών πεποιθήσεων ή συμμετοχής σε ιδιαίτερη κοινωνική ομάδα, βρίσκεται εκτός της χώρας της ιθαγένειάς του και δεν μπορεί ή, λόγω του φόβου αυτού, δεν επιθυμεί να θέσει εαυτόν υπό την προστασία της εν λόγω χώρας ή ο ανιθαγενής ο οποίος, βρισκόμενος εκτός της χώρας της προηγούμενης συνήθους διαμονής του για τους ίδιους προαναφερθέντες λόγους, δεν μπορεί ή, λόγω του φόβου αυτού, δεν επιθυμεί να επιστρέψει σε αυτήν και στον οποίο δεν έχει εφαρμογή το άρθρο 11,

[…]

Άρθρο 4 Ανάγκες παροχής διεθνούς προστασίας οι οποίες ανακύπτουν επιτόπου

1. Ο βάσιμος φόβος δίωξης ή ο πραγματικός κίνδυνος σοβαρής βλάβης μπορεί να στηρίζεται σε:

α) γεγονότα τα οποία επήλθαν μετά την αναχώρηση του αιτούντος από τη χώρα καταγωγής του,

β) δραστηριότητες στις οποίες ο αιτών επιδόθηκε μετά την αναχώρηση του από τη χώρα καταγωγής, ιδίως αν αποδεικνύεται ότι οι δραστηριότητες τις οποίες επικαλείται αποτελούν εκδήλωση και προέκταση πεποιθήσεων ή προσανατολισμών, τις οποίες ο αιτών είχε ήδη στη χώρα καταγωγής του.

2. Με την επιφύλαξη των διατάξεων της Σύμβασης της Γενεύης, δεν αναγνωρίζεται καταρχήν καθεστώς διεθνούς προστασίας στον αιτούντα που υποβάλλει μεταγενέστερη αίτηση, αν ο κίνδυνος δίωξης βασίζεται σε περιστάσεις που ο αιτών προκάλεσε σκόπιμα μετά την αναχώρηση από τη χώρα καταγωγής του.

Άρθρο 5 Φορείς δίωξης ή σοβαρής βλάβης

Στους φορείς δίωξης ή σοβαρής βλάβης συμπεριλαμβάνονται:

α) το κράτος,

β) ομάδες ή οργανώσεις που ελέγχουν το κράτος ή σημαντικό μέρος του εδάφους του,

γ) μη κρατικοί φορείς, αν μπορεί να καταδειχθεί ότι οι φορείς υπό α και β, συμπεριλαμβανομένων των διεθνών οργανισμών, δεν είναι σε θέση ή δεν επιθυμούν να παράσχουν προστασία κατά της δίωξης ή της σοβαρής βλάβης, όπως αυτή ορίζεται στο άρθρο 6.

Άρθρο 6 Φορείς προστασίας

1. Προστασία κατά της δίωξης ή της σοβαρής βλάβης μπορεί να παρέχεται μόνο από:

α) το κράτος ή

β) ομάδες ή οργανώσεις, συμπεριλαμβανομένων διεθνών οργανισμών, που ελέγχουν το κράτος ή σημαντικό μέρος του εδάφους του, υπό την προϋπόθεση ότι επιθυμούν να προσφέρουν προστασία σύμφωνα με την παρ. 2 και είναι σε θέση να το πράξουν.

2. Η προστασία κατά της δίωξης ή της σοβαρής βλάβης πρέπει να είναι αποτελεσματική και μη προσωρινή. Η προστασία αυτή παρέχεται γενικά όταν οι φορείς της παρ. 1 λαμβάνουν εύλογα μέτρα για να αποτρέψουν τη δίωξη ή την πρόκληση σοβαρής βλάβης, μεταξύ άλλων με τη λειτουργία αποτελεσματικού νομικού συστήματος για τον εντοπισμό, την ποινική δίωξη και τον κολασμό πράξεων που συνιστούν δίωξη ή σοβαρή βλάβη, και όταν ο αιτών έχει πρόσβαση στην προστασία αυτή.

3. Κατά την αξιολόγηση εάν διεθνής οργανισμός ελέγχει ένα κράτος ή σημαντικό μέρος του εδάφους του και παρέχει προστασία, όπως περιγράφεται στην παρ. 2, λαμβάνονται υπόψη τυχόν κατευθυντήριες οδηγίες που περιέχονται σε οικείες πράξεις της Ευρωπαϊκής Ένωσης.

Άρθρο 7 Εγχώρια προστασία

1. Στο πλαίσιο της αξιολόγησης των αιτήσεων διεθνούς προστασίας, οι αρμόδιες Αρχές Απόφασης αποφασίζουν ότι ο αιτών δεν χρήζει διεθνούς προστασίας εάν σε τμήμα της χώρας καταγωγής:

α) δεν υπάρχει βάσιμος φόβος ότι θα υποστεί δίωξη ή δεν διατρέχει πραγματικό κίνδυνο σοβαρής βλάβης ή

β) ο αιτών έχει πρόσβαση στην προστασία κατά της δίωξης ή της σοβαρής βλάβης, όπως αυτή ορίζεται στο άρθρο 6, και μπορεί νόμιμα και με ασφάλεια να ταξιδέψει και να γίνει δεκτός σε εκείνο το τμήμα της χώρας και μπορεί λογικά να αναμένεται να εγκατασταθεί εκεί.

2. Εξετάζοντας εάν ο αιτών έχει βάσιμο φόβο ότι θα υποστεί δίωξη ή ότι διατρέχει πραγματικό κίνδυνο σοβαρής βλάβης ή έχει πρόσβαση σε προστασία κατά της δίωξης ή της σοβαρής βλάβης σε τμήμα της χώρας καταγωγής σύμφωνα με την παρ. 1, οι αρμόδιες Αρχές Απόφασης, κατά τον χρόνο λήψης της απόφασης επί της αίτησης, λαμβάνουν υπόψη τις γενικές περιστάσεις που επικρατούν στο εν λόγω τμήμα της χώρας και τις προσωπικές περιστάσεις του αιτούντος σύμφωνα με το άρθρο 3 του παρόντος Κώδικα. Για τον σκοπό αυτόν οι αρμόδιες αρχές απόφασης μεριμνούν για τη λήψη ακριβών και επικαιροποιημένων πληροφοριών από τον Οργανισμό της Ευρωπαϊκής Ένωσης για το Άσυλο, από σχετικές πράξεις της Ευρωπαϊκής Ένωσης, την Ύπατη Αρμοστεία του Οργανισμού των Ηνωμένων Εθνών (Υ.Α/Ο.Η.Ε.) για τους πρόσφυγες, καθώς και τα κράτη μέλη.

[…]

Άρθρο 8 Πράξεις δίωξης

1. Μία πράξη για να θεωρηθεί ως πράξη δίωξης κατά την έννοια του άρθρου 1Α της Σύμβασης της Γενεύης πρέπει:

α) να είναι αρκούντως σοβαρή λόγω της φύσης ή της επανάληψής της, ώστε να συνιστά σοβαρή παραβίαση βασικών ανθρωπίνων δικαιωμάτων, ειδικά των δικαιωμάτων από τα οποία δεν χωρεί παρέκκλιση σύμφωνα με την παρ. 2 του άρθρου 15 της Ευρωπαϊκής Σύμβασης για την προάσπιση των ανθρωπίνων δικαιωμάτων και των θεμελιωδών ελευθεριών (ν.δ. 53/1974, Α’ 256) ή

β) να αποτελεί σώρευση διαφόρων μέτρων, συμπεριλαμβανομένων παραβιάσεων ανθρωπίνων δικαιωμάτων, η οποία να είναι αρκούντως σοβαρή, ούτως ώστε να θίγεται το άτομο κατά τρόπο αντίστοιχο με τον αναφερόμενο στην περ. α’.

2. Οι πράξεις που μπορούν να χαρακτηρισθούν ως πράξεις δίωξης σύμφωνα με την παρ. 1 μπορούν μεταξύ άλλων να έχουν τη μορφή:

α) πράξεων σωματικής ή ψυχολογικής βίας, συμπεριλαμβανομένων πράξεων σεξουαλικής βίας,

β) νομοθετικών, διοικητικών, αστυνομικών, δικαστικών μέτρων, τα οποία ενέχουν διακρίσεις αφ' εαυτά ή εφαρμόζονται κατά τρόπο που ενέχει διακρίσεις,

γ) ποινικής δίωξης ή επιβολής ποινής, η οποία είναι δυσανάλογη ή ενέχει διακρίσεις,

δ) άρνησης ενδίκων μέσων με αποτέλεσμα την επιβολή ποινής δυσανάλογης ή μεροληπτικής,

ε) ποινικής δίωξης ή επιβολής ποινής για την άρνηση εκπλήρωσης στρατιωτικής θητείας σε σύρραξη, εάν η εκπλήρωση της στρατιωτικής θητείας θα συμπεριλάμβανε εγκλήματα ή πράξεις που εμπίπτουν στις ρήτρες αποκλεισμού που προβλέπονται στην παρ. 2 του άρθρου 11 του παρόντος Κώδικα,

στ) πράξεων που στρέφονται κατά προσώπου λόγω φύλου ή παιδικής ηλικίας.

3. Σύμφωνα με την περ. κστ του άρθρου 1, πρέπει να υπάρχει συσχετισμός μεταξύ των λόγων που αναφέρονται στο άρθρο 9 και των ως άνω πράξεων δίωξης ή της έλλειψης προστασίας κατά των πράξεων αυτών.

Άρθρο 9 Λόγοι δίωξης

1. Κατά την αξιολόγηση των λόγων της δίωξης, οι αρμόδιες αρχές εξέτασης και απόφασης λαμβάνουν υπόψη ότι:

α) η έννοια της φυλής περιλαμβάνει ιδίως το στοιχείο του χρώματος, της καταγωγής ή του γεγονότος ότι το άτομο ανήκει σε συγκεκριμένη εθνοτική ομάδα,

β) η έννοια της θρησκείας περιλαμβάνει ιδίως την υιοθέτηση θεϊστικών, αγνωστικιστικών ή αθεϊστικών πεποιθήσεων, τη συμμετοχή σε τυπική λατρεία, σε ιδιωτικό ή δημόσιο χώρο, είτε ατομικά είτε συλλογικά, την αποχή από τη λατρεία αυτή, άλλες θρησκευτικές πράξεις ή εκδηλώσεις απόψεων ή μορφές ατομικής ή συλλογικής συμπεριφοράς που στηρίζονται σε θρησκευτικές πεποιθήσεις ή υπαγορεύονται από αυτές,

γ) η έννοια της εθνικότητας δεν περιορίζεται μόνο στην ιθαγένεια ή την έλλειψή της, αλλά περιλαμβάνει ιδίως την ιδιότητα του μέλους της ομάδας, η οποία προσδιορίζεται από την πολιτιστική, εθνοτική ή γλωσσική της ταυτότητα, τις κοινές γεωγραφικές ή πολιτικές καταβολές ή τη σχέση της με τον πληθυσμό της χώρας,

δ) η ομάδα θεωρείται ως ιδιαίτερη κοινωνική ομάδα όταν μεταξύ άλλων:

αα) τα μέλη της ομάδας έχουν κοινό εγγενές χαρακτηριστικό ή κοινό ιστορικό παρελθόν, το οποίο δεν μπορεί να μεταβληθεί, ή έχουν κοινά χαρακτηριστικά ή πεποιθήσεις τόσο θεμελιώδους σημασίας για την ταυτότητα ή τη συνείδηση, ώστε ένα πρόσωπο να μην πρέπει να αναγκαστεί να τις αποκηρύξει και

ββ) η ομάδα έχει ιδιαίτερη ταυτότητα στην οικεία χώρα, διότι γίνεται αντιληπτή ως διαφορετική ομάδα από τον περιβάλλοντα κοινωνικό χώρο.

Ανάλογα με τις συνθήκες που επικρατούν στη χώρα καταγωγής, μία ιδιαίτερη κοινωνική ομάδα μπορεί να περιλαμβάνει ομάδα που βασίζεται στο κοινό

χαρακτηριστικό του φύλου, της ηλικίας, της αναπηρίας ή της κατάστασης υγείας ή του σεξουαλικού προσανατολισμού. Ο σεξουαλικός προσανατολισμός δεν μπορεί να νοηθεί ότι περιλαμβάνει πράξεις θεωρούμενες αξιόποινες κατά τις ισχύουσες διατάξεις. Κατά τον καθορισμό της συμμετοχής σε ιδιαίτερη κοινωνική ομάδα ή τον προσδιορισμό χαρακτηριστικού της ομάδας λαμβάνονται ιδιαιτέρως υπόψη πτυχές συνδεόμενες με το φύλο, συμπεριλαμβανομένης της ταυτότητας φύλου,

ε) η έννοια των πολιτικών πεποιθήσεων περιλαμβάνει ιδίως την υποστήριξη άποψης, ιδέας ή πεποίθησης, επί ζητήματος που σχετίζεται με τους ενδεχόμενους φορείς δίωξης και με τις πολιτικές ή τις μεθόδους τους, ανεξαρτήτως του εάν ο αιτών έχει εκδηλώσει εμπράκτως την εν λόγω άποψη, ιδέα ή πεποίθηση.

2. Κατά την αξιολόγηση για το βάσιμο του φόβου του αιτούντος ότι θα υποστεί δίωξη, δεν ασκεί επιρροή εάν ο αιτών χαρακτηρίζεται πράγματι από το φυλετικό, θρησκευτικό, εθνικό, κοινωνικό ή πολιτικό στοιχείο, το οποίο προκαλεί τη δίωξη, υπό την προϋπόθεση ότι το χαρακτηριστικό αυτό του αποδίδεται από τον φορέα της δίωξης.

Άρθρο 10 Παύση καθεστώτος πρόσφυγα

1. Ο πολίτης τρίτης χώρας ή ο ανιθαγενής παύει να είναι πρόσφυγας εάν:

α) εξασφαλίσει εκ νέου οικειοθελώς την προστασία της χώρας της ιθαγένειάς του ή

β) ανακτήσει οικειοθελώς την ιθαγένεια που απώλεσε κατά το παρελθόν ή

γ) αποκτήσει νέα ιθαγένεια και απολαύει της προστασίας της χώρας που του χορήγησε τη νέα ιθαγένεια ή

δ) έχει εγκατασταθεί εκ νέου οικειοθελώς στη χώρα που είχε εγκαταλείψει ή εκτός της οποίας είχε παραμείνει, εξαιτίας του φόβου ότι θα υποστεί δίωξη ή

ε) δεν μπορεί πλέον να εξακολουθεί να αρνείται την προστασία που του παρέχει η χώρα της ιθαγένειας, διότι έχουν παύσει να υφίστανται οι συνθήκες που οδήγησαν στην αναγνώρισή του ως πρόσφυγα ή

στ) στην περίπτωση ανιθαγενούς, αυτός αποκτήσει τη δυνατότητα να επιστρέψει στη χώρα της πρώην συνήθους διαμονής του, διότι έχουν παύσει να υφίστανται οι συνθήκες που οδήγησαν στην αναγνώρισή του ως πρόσφυγα.

2. Για την εφαρμογή των περ. ε’ και στ’ της παρ. 1, εξετάζεται κατά πόσον η μεταβολή των συνθηκών είναι τόσο ουσιαστικής και μη προσωρινής φύσεως, ώστε ο φόβος του πρόσφυγα ότι θα υποστεί διώξεις να μην μπορεί πλέον να θεωρείται βάσιμος.

3. Οι περ. ε’ και στ’ της παρ. 1 δεν εφαρμόζονται σε πρόσφυγα, ο οποίος είναι σε θέση να πικαλεστεί επιτακτικούς λόγους που απορρέουν από προηγούμενη δίωξη για να αρνηθεί την προστασία που του παρέχει η χώρα ιθαγένειας ή στην περίπτωση ανιθαγενούς, η χώρα της προηγούμενης συνήθους διαμονής του.

Άρθρο 11 Αποκλεισμός από το καθεστώς πρόσφυγα

1. Πολίτης τρίτης χώρας ή ανιθαγενής αποκλείεται από το καθεστώς του πρόσφυγα εφόσον:

α) εμπίπτει στο πεδίο του άρθρου 1Δ της Σύμβασης της Γενεύης, το οποίο αφορά την παροχή προστασίας ή συνδρομής από όργανα ή Οργανισμούς των Ηνωμένων Εθνών, εκτός της Ύπατης Αρμοστείας του Ο.Η.Ε. για τους Πρόσφυγες. Σε περίπτωση που η εν λόγω προστασία ή συνδρομή έχει παύσει για οποιονδήποτε λόγο χωρίς να έχει διευθετηθεί οριστικά η κατάσταση των προσώπων αυτών με σχετικό ψήφισμα της Γενικής Συνέλευσης των Ηνωμένων Εθνών, τα πρόσωπα αυτά δικαιούνται αυτοδικαίως τα ευεργετήματα του παρόντος Κώδικα

β) αναγνωρίζεται από τις αρμόδιες αρχές της χώρας όπου έχει εγκατασταθεί ότι έχει τα δικαιώματα και τις υποχρεώσεις που απορρέουν από την κατοχή της ιθαγένειας της εν λόγω χώρας ή δικαιώματα και υποχρεώσεις αντίστοιχα προς αυτά.

2. Πολίτης τρίτης χώρας ή ανιθαγενής αποκλείεται από το καθεστώς του πρόσφυγα όταν υπάρχουν σοβαροί λόγοι να θεωρείται ότι:

α) έχει διαπράξει έγκλημα κατά της ειρήνης, έγκλημα πολέμου ή έγκλημα κατά της ανθρωπότητας, όπως τα εγκλήματα αυτά ορίζονται στις οικείες διεθνείς συμβάσεις που έχουν καταρτισθεί με σκοπό τη θέσπιση διατάξεων σχετικών με τα εγκλήματα αυτά,

β) έχει διαπράξει σοβαρό μη πολιτικό έγκλημα πριν την είσοδό του στην ελληνική επικράτεια. Ως σοβαρό μη πολιτικό έγκλημα μπορεί να χαρακτηριστούν και εγκλήματα που η αντικειμενική τους υπόσταση συνίσταται σε αποτρόπαιη πράξη, έστω και αν φέρεται ότι διαπράχθηκε με πολιτικό στόχο

γ) είναι ένοχος πράξεων που αντιβαίνουν προς τους σκοπούς και τις αρχές των Ηνωμένων Εθνών, όπως ορίζονται στο προοίμιο και στα άρθρα 1 και 2 του καταστατικού Χάρτη των Ηνωμένων Εθνών.

3. Η παρ. 2 έχει εφαρμογή και σε άτομα τα οποία είναι ηθικοί αυτουργοί ή συμμετέχουν άλλως στη διάπραξη των προβλεπόμενων στην εν λόγω παράγραφο εγκλημάτων ή πράξεων. Σε κάθε περίπτωση εκτιμάται η βαρύτητα της συμμετοχής.

GUATEMALA

Acuerdo de Autoridad Migratoria Nacional No. 2-2019 Reglamento del Procedimiento para la Protección, Determinación y Reconocimiento del Estatuto de Refugiado en el Estado de Guatemala, 21 March 2019, https://www.refworld.org/legal/decreees/natlegbod/2019/es/111820

Articulo 4. Del perfil del Refugiado.

Puede optar a solicitar el reconocimiento de Estatuto de Refugiado:

a. Toda persona que, debido a fundados temores de ser perseguida por motivos de raza, religión, nacionalidad, pertenencia a determinado grupo social u opiniones políticas, se encuentre en el país y no pueda, o a causa de dichos temores, no quiera acogerse a la protección del país de su nacionalidad;

b. Quien huye de su país porque su vida, seguridad o libertad ha sido amenazada por la violencia generalizada, la agresión extranjera, los conflictos internos, la violación masiva de los derechos humanos u otras circunstancias que hayan perturbado gravemente el orden público;

c. Quien sufra de persecución a través de violencia sexual u otras formas de persecución de género o por orientación sexual que resulte de violaciones de derechos humanos contenidos en arreglos internacionales de los cuales el Estado de Guatemala sea parte.

Articulo 5. Exclusión.

No podrá reconocerse el Estatuto de Refugiado a las personas que se encuentren dentro de las causales establecidas en el artículo 47 del Código de Migración.

Los enunciados de exclusión son personalísimos y no afectan a los miembros de la familia. Cuando al solicitante principal se le excluya del Estatuto de Refugiado no podrá invocar la extensión o la Reunificación Familiar.

Articulo 21. Cesación del Estatuto de Refugiado.

La declaración de cesación del Estatuto de Refugiado corresponde a la AMN, cuando la persona refugiada se encuentre dentro de las situaciones enumeradas en las literales a), b), c), d), e) y último párrafo del Artículo 184 del Código de Migración y los establecidos en la Convención sobre el Estatuto de Refugiado de 1951 adoptada en Ginebra el 28 de julio de 1951.

Decreto No. 44 de 2016, Código de Migración, Decreto No. 44 de 2016, 18 October 2016, https://www.refworld.org/es/leg/legis/pleg/2016/es/128675

Artículo 45. Refugio. El reconocimiento del estatuto de refugiado conlleva para la persona refugiada el ejercicio de los derechos y el cumplimiento de los deberes previstos en la Constitución Política de la República, instrumentos internacionales y demás leyes del país, quedando sometidos a la jurisdicción y competencia del Estado guatemalteco.
El procedimiento para solicitar, obtener o denegar el estatuto de refugiado será establecido en el reglamento de conformidad con la legislación vigente y los estándares internacionales.

Articulo 47. No otorgamiento del estatuto de refugiado. No puede otorgarse el estatuto de refugiado a la persona:

a) Que ha cometido un delito contra la paz, un delito de guerra o un delito contra la humanidad, de los definidos en los instrumentos internacionales elaborados para adoptar disposiciones respecto de tates delitos;

b) Que ha cometido un delito particularmente grave fuera del país de refugio, antes de ser admitida en él como refugiada o cuando !a solicitud ha sido presentada para sustraerse de la justicia de otro país;

c) Que sea culpable de actos contrarios a las finalidades y los principios de las Naciones Unidas, plasmados en los tratados y convenios internacionales.

Artículo 184. Cesación del estatuto de refugiado. La' Autoridad Migratoria Nacional declarará la cesación del estatuto de refugiado, si la persona se encuentra en alguna de las situaciones siguientes;

a) Si renuncia voluntariamente a su condición del estatuto de refugiado;

b) Si se ha acogido de nuevo, voluntariamente, a la protección del país de su nacionalidad;

c) Si habiendo perdido su nacionalidad, la recobra voluntariamente;

d) Si ha adquirido una nueva nacionalidad o un nuevo estatuto de refugiado y cuenta con la protección del país de su nueva nacionalidad o del nuevo estatuto de refugiado;

e) Si voluntariamente se ha establecido de nuevo en el país que había abandonado o fuera del cual había permanecido por temor de ser perseguida; y,

f) Si por haber desaparecido las circunstancias en virtud de las cuales fue reconocida como refugiada, no puede continuar negándose a acogerse a la protección del país de su nacionalidad.

[…]

GUINEA

Loi L/2018/050/AN, relative à l'Asile et à la Protection des Réfugiés en République de Guinée, 20 June 2018,
https://www.refworld.org/legal/legislation/natlegbod/2018/en/120598

Article 3 : Au sens de la présente loi, le droit d'asile est l'ensemble des règles qui régissent l'octroi de l'asile, la protection et le refuge accordé à un étranger se trouvant dans une des situations décrites à l'article 4, pour autant que l'article 5 ne lui soit pas applicable.
L'asile s'entend également de la protection accordée par la République de Guinée sous forme d'admission exceptionnelle au séjour, à un étranger dont la vie ou la liberté sont menacées dans son pays ou qui y est exposé à des torture et autres peines, ou traitements cruels, inhumains ou dégradants, lorsque ces menaces ou ces risques émanent de personnes ou de groupes distincts des autorités publiques de ce pays, en l'absence de toute protection efficace et effective desdites autorités publiques.

Article 4 : Au sens de la présente loi, est considéré comme réfugié:

1. Toute personne de nationalité étrangères ou sans nationalité qui, craignant avec raison d'être persécutée du fait de sa race, de sa religion, de sa nationalité, de son appartenance à un certain groupe social ou de ses opinions politiques, se trouve hors du pays dont elle a la nationalité et qui ne peut ou, du fait de cette crainte, ne veut se réclamer de la protection de ce pays ; ou qui, si elle n'a pas de nationalité et se trouve hors du pays dans lequel elle avait sa résidence habituelle à la suite de tels événements, ne peut ou, en raison de ladite crainte, ne veut y retourner.
2. Toute personne qui, du fait d'une agression, d'une occupation extérieure, d'une domination étrangère ou d'un événement troublant gravement l'ordre public dans une partie ou dans la totalité de son pays d'origine, est obligée de quitter sa résidence habituelle pour chercher refuge dans un autre endroit à l'extérieur de son pays d'origine ou du pays dont elle a la nationalité.
3. En application de l'article 11 de la Constitution, quiconque est persécuté en raison de ses opinions politiques, philosophiques ou religieuses, de sa race, de son ethnie, de ses activités intellectuelles, scientifiques ou culturelles, pour la défense de la liberté a droit d'asile sur le territoire de la République.

Dans le cas d'une personne qui a plus d'une nationalité, l'expression « du pays dont elle a la nationalité » vise chacun des pays dont cette personne a la nationalité. Si, sans raisons valables fondées sur une crainte justifiée, une personne ne se réclame pas de la protection de l'un des pays dont elle a la nationalité, il ne peut être déterminé que cette personne ne jouit pas de la protection du pays dont elle a la nationalité.

Article 5 :

Sont exclues du statut de réfugié en République de Guinée, toutes personnes dont on a des raisons sérieuses de penser qu'elles :

a. Ont commis un crime contre la paix, un crime de guerre ou un crime contre l'humanité, au sens des instruments internationaux élaborés pour prévoir des dispositions relatives à ces crimes ;
b. Ont commis un crime grave de droit commun en dehors du pays d'accueil avant d'y être admises comme réfugiées ;
c. Se sont rendues coupables d'agissements contraires aux buts et principes des Nations Unies et de l'Union Africaine.

Article 11 :

Le statut de réfugié reconnu à une personne prend fin si cette personne :

a. S'est volontairement réclamée à nouveau de la protection du pays dont elle a la nationalité ;
b. Ayant perdu sa nationalité, l'a volontairement recouvrée ;
c. A acquis une nouvelle nationalité et jouit de la protection du pays dont elle a acquis la nationalité ;
d. Est retournée volontairement s'établir dans le pays qu'elle a quitté ou hors duquel elle est demeurée de crainte d'être persécutée ;
e. Du fait que les circonstances à la suite desquelles elle a été reconnue comme réfugié ayant cessé d'exister, elle ne peut plus continuer à refuser de se réclamer de la protection du pays dont elle a la nationalité.

   Toutefois, les dispositions du présent paragraphe ne s'appliquent pas à tout réfugié visé par l'article 4 de la présente loi qui peut invoquer, pour refuser de se réclamer de la protection du pays dont il a la nationalité, des raisons impérieuses tenant à des persécutions antérieures.
f. N'ayant pas de nationalité, du fait que les circonstances à la suite desquelles elle a été reconnue comme réfugiée ayant cessé d'exister, elle est en mesure de retourner dans le pays dans lequel elle avait sa résidence habituelle.

   Toutefois, les dispositions du présent paragraphe ne s'applique pas à tout réfugié visé par l'article 4 de la présente loi qui peut invoquer, pour refuser de retourner dans le pays dans lequel il avait sa résidence habituelle, des raisons impérieuses tenant à des persécutions antérieures.
g. A obtenu la résidence permanente en République de Guinée, pour autant qu'elle accorde des droits similaires à ceux d'un Guinéen ou la naturalisation.

GUINEA BISSAU

Lei No. 6/2008 de 2008, Aprovado o Estatuto do Refugiado, 27 May 2008, https://www.refworld.org/legal/legislation/natlegbod/2008/pt/67191

Artigo 2

1. O Estatuto de Refugiado è concedido a qualquer pessoa que
   a. Receando com razão de ser perseguida pelo facto da sua raça, da sua religião, da sua nacionalidade, de pertencer a um certo grupo social ou suas opiniões políticas, se encontre fora do país de que possui nacionalidade e não poda, ou pelo facto desse receio não quer reclamar-se da protecção desse país ou que se não tem nacionalidade e se encontra fora do país onde tinha a sua residência habitual em consequência de tais acontecimentos ou receios não possa ou não queira regressar.
   b. Pelo facto de uma agressão, de uma ocupação externa, ou de uma dominação estrangeira, ou de acontecimentos que perturbe gravemente a ordem publica de seu país de origem ou do país de possui a nacionalidade, é obrigada a abandonar a sua residência habitual para procurar refúgio num outro lugar, fora do seu país de origem ou do país de sua nacionalidade,
   c. Foi reconhecida Refugiada sob o mandato do UNHCR.
2. Para o cidadão estrangeiro que possui mais de uma nacionalidade, a expressão "País de que possui a nacionalidade" visa cada um des países de que essa pessoa possui a nacionalidade.

Artigo 3

È excluído do beneficio do Estatuto de Refugiado na Guiné-Bissau, qualquer pessoa de quem se tem sérias razões de pensar que:

1. Cometeu atos graves contra a independência e soberania da República da Guiné-Bissau;
2. Cometeu crime contra a paz, crime de guerra ou contra a humanidade no sentido dos instrumentos internacionais, elaborados para prever as disposições relativas a esses crimes.
3. Cometeu um crime grave de delito comum fora da República da Guiné-Bissau antes de ser admitido como refugiado.
4. Tornou-se culpado de comportamentos contrários aos objetivos das Nações Unidas e da União Africana.

Artigo 4

1. Deixa de beneficiar da aplicação da presente lei, qualquer pessoa que:

a. Reclamou voluntariamente, de novo, da protecção efectiva do país de que possui a nacionalidade;

b. Tendo perdido a nacionalidade, recuperou-a voluntaria e efectivamente;

c. Adquiriu uma nova nacionalidade e que goza de protecção efectiva do país de que aduirio a nacionalidade;

d. Regressou voluntariamente e estabeleceu-se no país que deixou ou fora do qual permaneceu com receio de ser perseguido;

e. As circunstâncias pelas quais foi reconhecido Refugiado, deixaram de existir.

2. A aplicação de cláusula de cessação prevista na alínea e) do número anterior, deverá imperativamente, se recedida de parece to alto comissariado das Nações Unidas para os Refugiados.

HONDURAS

Decreto Nº 208 de 2004 - Ley de Migración y Extranjería, 3 March 2004, https://www.refworld.org/es/leg/legis/pejec/2004/es/131030

ARTÍCULO 42.- RECONOCIMIENTO DE LA CONDICIÓN DE REFUGIADO,

Le será reconocida la condición ele refugiado a quienes:

1) Por fundados temores de ser perseguidos por motivos de raza, religión. nacionalidad, pertenencia a determinado grupo social o política, así como sus opiniones se encuentren fuera del país de su nacionalidad y no puedan o no quieran acogerse a la protección de su país debido a dichos temores;

2) Por carecer de nacionalidad y por los motivos expuestos en el numeral anterior. se encuentren fuera del país en el que tenían residencia habitual, y no puedan o no quieran regresar a él:

3) Hayan huido de su país porque su vida. seguridad o libertad se han visto amenazadas por cualquiera de los motivos siguientes:

a) Violencia generalizada. grave y continua;

b) Agresión extranjera entendida como el uso de la fuerza armada por parte de un Estado contra la soberanía, la integridad territorial o la independencia política del país de origen;

c) el Conflictos armados internos suscitados entre las fuerzas armadas del país del que se huye y fuerzas o grupos armados:

d) Violencia masiva. permanente y sistemática ele los derechos humanos: y,

e) Que sufran persecuci6n mediante violencia sexual u otras formas de persecución de género basada en violaciones de derechos humanos consagrados en instrumentos internacionales.

4) […] Asimismo, podrán solicitar permiso especial de permanencia como refugiados los extranjeros que encontrándose legalmente en territorio hondureño se sientan amenazados por los motivos expresados en los numerales 1), 2) y 3) de este artículo.

ARTÍCULO 43.- EXCLUIDOS DEL CONCEPTO DE REFUGIADO.

No se aplicarán las disposiciones de esta Sección a las personas respecto de las cuales existan motivos fundados de haber cometido cualquiera de los delitos o actos siguientes:

1) Delito contra la paz, delito de guerra o cualquier delito contra la humanidad de los definidos en los instrumentos internacionales;

2) Grave delito común· cometido fuera de Honduras y que se encuentre tipificado como tal en la legislación hondureña, antes de solicitar la condición de refugiado: y;

3) Actos contrarios a las finalidades y principios establecidos en la Carta de las Naciones Unidas.

Reglamento de la Ley de Migración y Extranjería, 3 May 2004, https://www.refworld.org/legal/decreees/natlegbod/2004/es/39803

ARTICULO 45.- REFUGIADOS.

La Dirección General de Migración y Extranjería otorgará permiso especial de permanencia a los extranjeros a quienes les haya reconocido su condición de refugiado cuando se encuentren en los casos siguientes:

1. Por fundados temores de ser perseguidos por motivos de raza, religión, nacionalidad, pertenencia a determinado grupo social u opiniones políticas, se encuentren fuera del país de su nacionalidad y no puedan o no quieran acogerse a la protección de ese país debido a dichos temores;
2. Por carecer de nacionalidad y por los motivos expuestos en el numeral anterior, se encuentren fuera del país en el que tenían residencia habitual, y no puedan o no quieran regresar a él;
3. Que hayan huido de su país porque su vida, seguridad o libertad se han visto amenazadas por cualquiera de los motivos siguientes:
   a) Violencia generalizada, grave y continua;
   b) Agresión extranjera entendida como el uso de la fuerza armada por parte de un Estado contra la soberanía, la integridad territorial o la independencia política del país de origen;
   c) Conflictos armados internos suscitados entre las fuerzas armadas del país del que se huye, y fuerzas o grupos armados;
   d) Violación masiva, permanente y sistemática de los derechos humanos;
   e) Que sufran persecución mediante violencia sexual u otras formas de persecución de género basada en violaciones de derechos humanos consagrados en instrumentos internacionales.
4. […] Asimismo, podrán solicitar permiso especial de permanencia como refugiados los extranjeros que encontrándose legalmente en territorio hondureño se sientan amenazados por los motivos expresados en artículo anterior. […]

ARTÍCULO 48.- EXCLUIDOS DEL CONCEPTO DE REFUGIADO.

No se aplicarán las disposiciones de esta Sección a las personas respecto de las cuales existan motivos fundados de haber cometido cualquiera de los delitos o actos siguientes:

1. Delito contra la paz, delito de guerra o cualquier delito contra la humanidad de los definidos en los instrumentos internacionales;

2. Grave delito común cometido fuera de Honduras y que se encuentre tipificado como tal en la legislación hondureña, antes de solicitar la condición de refugiado; y,
3. Actos contrarios a las finalidades y principios establecidos en la Carta de las Naciones Unidas.

HUNGARY

Act No. LXXX of 2007, Act on Asylum, 1 January 2008,
https://www.refworld.org/legal/legislation/natlegbod/2008/en/110732

Please note that, as of 1 July 2026, the EU Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 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, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (see European Union) entered into application. The national law should therefore be read and applied in compliance with this Regulation.

6 § (1) Hungary shall recognise as refugee a foreigner who complies with the requirements stipulated by Article XIV(3) of the Fundamental Law.
(2) The well-founded fear of being persecuted may also be based on events which occurred following the foreigner's departure from his/her country of origin or on the activities of the foreigner which s/he was engaging in following departure from his/her country of origin.
(3) An applicant who files a subsequent application cannot be recognised as a refugee, if the risk of persecution is based on circumstances which the applicant has created following departure of the country of origin and the refusal of the application is in compliance with the Geneva Convention.

Reasons for Exclusion from Recognition as Refugee 8 §
(1) A foreigner shall not be recognised as refugee in respect of whom any of the exclusion clauses stipulated in Article 1 D, E or F of the Geneva Convention prevails.
(2) In the course of the application of Article 1 F b) of the Geneva Convention, an act shall qualify as a serious non-political criminal act upon the commission of which, with regard to the totality of the circumstances, including the objective intended to be attained through the crime, the motivation of the crime, the method of commission and the means used or intended to be used, the ordinary legal aspect of the crime dominates over the political aspect and it is punishable by a term of five or more years imprisonment according to the relevant Hungarian rules of law.
(3) In the application of Article 1 F c) of the Geneva Convention, the following in particular shall be contrary to the purposes and principles of the United Nations
a) acts of terrorism,
b) financing terrorism, and

c) incitement to the acts in points a) and b).

(4) No refugee status shall be granted to a foreigner whose stay in Hungary is a risk to national security.

Cessation of Refugee Status 11 §

(1) The refugee status shall cease if

a) the refugee acquires Hungarian nationality;

b) recognition as refugee is revoked by the refugee authority.

(2) Recognition as refugee shall be revoked if

a) the refugee has voluntarily re-availed himself/herself of the protection of the country of his/her nationality;

b) the refugee has voluntarily re-acquired his/her lost nationality;

c) the refugee has acquired new nationality and enjoys the protection of the country of his/her new nationality;

d) the refugee has voluntarily re-established him/herself in the country which s/he had left or outside which s/he had remained owing to fear of persecution;

e) the circumstances in connection with which s/he has been recognised as a refugee have ceased to exist;

f) the refugee waives the legal status of refugee in writing;

g) the refugee was recognised in spite of the existence of the reasons for exclusion referred to in Section 8(1) or such a reason for exclusion prevails in respect of his/her person;

h) the conditions for recognition did not exist at the time of the adoption of the decision on his/her recognition;

i) the refugee concealed a material fact or facts in the course of the procedure or issued an untrue declaration in respect of such a fact or facts or used false or forged documents, provided that this was decisive for his/her recognition as a refugee.

(3) The refugee authority shall revoke the recognition as a refugee if a court with a final and absolute decision sentences the refugee for having committed a crime which is according to law punishable by five years or longer term imprisonment.

(4) Subsection (2)e) shall not apply to a refugee who is able to cite a well-founded reason arising from his/her former persecution for refusing the protection of his/her country of origin.

60 § (1) Upon the examination of the criteria of recognition, all acts shall be regarded as acts of persecution which are sufficiently serious by their nature, repetition or accumulation, to constitute a severe violation of basic human rights, in particular, the right to life, the

prohibition of torture, slavery or servitude and the principle to tie any punishment to statutory provisions.

(2) Persecution may, in particular, take the form of the following acts:

a) mental or physical violence, including acts of sexual violence;

b) acts committed on account of the sexual orientation of the person concerned;

c) acts committed in connection with the childhood of the person concerned;

d) legal provisions or administrative measures which are in themselves discriminatory or which are implemented in a discriminatory manner;

e) disproportionate or discriminatory measures implemented in criminal proceedings, including disproportionate or discriminatory punishment;

f) denial of judicial redress resulting in a disproportionate or discriminatory punishment;

g) punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts falling under the exclusion clauses related to recognition as a refugee or as a beneficiary of subsidiary protection.

62 § In the course of assessment of the conditions of recognition, there may be the following actors behind persecution or serious harm

a) the state from which the applicant was forced to flee;

b) a party or organisation controlling the state referred to in Paragraph a) or a substantial part thereof;

c) a person or organisation who or which is independent of that referred to in Paragraph a) or b), provided that the state referred to in Paragraph a), as well as the party or organisation referred to in Paragraph b), or any international organisation having under control considerable part of the territory of the state, is unable or unwilling to provide protection against persecution or serious harm.

62/A § (1) In the course of assessment of the conditions of recognition, protection against persecution or serious harm can be considered as provided if it is being provided by:

a) the state; or

b) parties or organizations, including international organizations, controlling the state or a substantial part of the territory of the state, if they are willing and able to provide protection according to Subsection (2).

(2) The protection against persecution or serious harm must be effective and sustainable. Protection is generally provided if a) the actors specified in Subsection (1) a) - b) take reasonable steps to prevent the persecution or serious harm, inter alia by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and b) the applicant can have access to such protection.

63 § (1) Protection against persecution or serious harm may be regarded as duly granted if effective tools are available in the state from which the applicant is forced to flee to prevent persecution or acts of serious harm as well as to punish the persons committing acts constituting persecution or causing serious harm, and the applicant can avail himself/herself of such protection.
(2) Protection defined in Subsection (1) may also be regarded as duly granted if in the state from which the applicant is forced to flee, the requirement of well-founded fear or the effective risk of serious harm does not prevail in a part of the country, and the applicant can reasonably be expected to remain in that part of the country.

64 § (1) In the course of the assessment of the reasons for persecution defined in Section 6 (1)

a) the concept of race shall in particular include considerations of colour, descent, or membership of a particular ethnic group;

b) the concept of religion shall in particular include the holding of theistic, non-theistic and atheistic beliefs, the participation in, or abstention from formal worship in private or in public, either alone or in community with others, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief;

c) the concept of nationality shall not be confined to citizenship or lack thereof but shall in particular include membership of a group determined by its cultural, ethnic, or linguistic identity, common geographical or political origins or its relationship with the population of another state;

d) a group shall be considered to form a particular social group where in particular:

da) members of that group share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to the identity or conscience that a person should not be forced to renounce it, or

db) that group has a distinct identity in the relevant country because it is perceived as being different by the surrounding society;

e) the concept of political opinion shall in particular include the holding of an opinion or belief on a matter related to the potential actors of persecution and to their policies or methods, whether or not that opinion, thought or belief has been acted upon by the applicant.

(2) A group where a common characteristic of its members is based on their sexual orientation or gender identity may, depending on the circumstances of the country of origin, also qualify as a particular social group.

(3) For the purposes of Subsection (2), sexual orientation shall not include acts related to the perpetrator's sexual orientation which qualify as crimes under the rules of Hungarian law.
(4) When assessing if an applicant has a well-founded fear of being persecuted, it is immaterial whether the applicant actually possesses the racial, religious, social or political characteristic or national affiliation which attracts the persecution, provided that such a characteristic is attributed to the applicant by the actor of persecution.

65 § The criteria of the recognition of an applicant as a refugee are met if there is a nexus between the reasons of persecution under Section 6 (1) and the acts qualifying as persecution under Section 60.

ICELAND

Act No. 80 of 2016, Foreign Nationals Act, 16 June 2016, https://www.refworld.org/legal/legislation/natlegbod/2016/da/147351

Article 3 Glossary.

1. International protection: Protection granted by the government to an individual who seeks and meets the conditions set out in point A of Article 1. of the International Convention on the Status of Refugees, protection granted on the basis of the rules on additional protection and protection granted to stateless persons according to the Convention on the Legal Status of Stateless Persons from 1954.

[…]

9.] 1) Refugee: A foreigner who is outside his country of origin or a stateless person who is outside the country of his habitual residence because he has a well-founded fear of being persecuted because of his race, religion, nationality, membership of a particular social group or political opinion and cannot or because of such fear does not want to avail himself of the protection of that country. The persons covered by additional protection are also considered refugees according to this law.

[10.] 1) The Refugee Convention: International Convention on the Status of Refugees of 28 July 1951, cf. protocol to the agreement of 31 January 1967.

[…]

[19.] 1) Persecution: Acts which by their nature or because of their repetition involve serious violations of fundamental human rights, in particular inalienable fundamental human rights such as the right to life and the prohibition of torture or inhuman or degrading treatment or punishment, the prohibition of slavery and servitude and the prohibition we punish without law. The same applies to a set of actions, including illegal discrimination, which have or can have the same or similar effects on an individual.

[…]

Article 37 Basis of international protection.

A refugee according to this law is considered to be a foreigner who is outside his home country due to a well-founded fear of being persecuted because of his race, religion, nationality, membership of a particular social group or because of his political opinions and who cannot or does not want to take advantage of the protection of that country because of such fear; or a person who is stateless and is outside the country where he previously had a regular residence due to such events and cannot or does not want to return there due to such fear, cf. Section A of Article 1 of the international convention on the legal status

of refugees from 28 July 1951 and protocol to the convention from 31 January 1967, cf. also Article 38 of this law.

A refugee according to this law is also a foreigner who is not considered a refugee according to the provisions of Section A of Article 1. of the International Convention on the Status of Refugees if there are reasonable grounds to believe that he is in danger of being subjected to the death penalty, torture or other inhuman or degrading treatment or punishment, or that he will suffer serious harm as a result of attacks in armed conflicts where no distinction is made between military and of civilian targets, he will be sent back to his home country. The same applies to a stateless person.

It is not a prerequisite that a foreigner is considered a refugee according to Paragraph 1 or 2 that he has fulfilled the conditions stated there when he left his country or a country where he previously had a regular residence.

If a foreigner can receive real protection in a different part of his home country than he fled from, the person can travel there safely and legally and it can be reasonably expected of the person to settle in that area, it can be that 1. and 2 paragraph does not apply in those cases and he is not considered a refugee.

[…]

Article 38 Persecution.

Persecution according to Paragraph 1 Article 37 are those acts which by their nature or because they are repeated involve serious violations of fundamental human rights, in particular inalienable fundamental human rights such as the right to life and the prohibition of torture or inhuman or degrading treatment or punishment, the prohibition of slavery and servitude and the prohibition we punish without law. The same applies to a set of actions, including illegal discrimination, which have or can have the same or similar effects on an individual.

Persecution can include:

a. mental, physical or sexual violence,

b. legislation and actions of the government, police and courts that involve discrimination in content or because of the way they are carried out,

c. prosecution or punishment that is excessive or discriminates against individuals on an irrational basis,

d. denial of the use of legal remedies resulting in disproportionate and disproportionate punishment,

e. prosecution or punishment for refusing to perform military service in a conflict where participation in such military service would involve crimes or acts pursuant to b-point 2. paragraph Article 40.

When persecution according to Paragraph 1 are assessed based on the definitions in paragraph 2. Doesn't matter for assessment according to Paragraph 1 Article 37 whether the applicant has the characteristics or opinions referred to if the person responsible for the persecution believes this to be the case:

a. race refers mainly to groups that share skin color or other common biological characteristics and social groups of a specific origin and should be interpreted in a broader sense,

b. religion refers in particular to religious beliefs and other beliefs, including atheism, and their expression, participation in religious gatherings of any kind, public or otherwise, or the decision not to participate in them, actions based on religious beliefs and freedom to change religion ,

c. nationality includes not only citizenship or statelessness, but can include those who belong to a particular race or a particular group of people who speak the same language or have a common cultural identity, common origin, geographical or political, or a group defined by association with a group of people on the territory of another state,

d. social group refers in particular to a group of people who, in addition to being persecuted, share a similar origin, background, habits and social status, or have common characteristics or views on life, such as gender identity, which are so important to their identity that they should not be required to changed, or of a group of people who are considered different from others in society; then former victims of human trafficking shall be considered members of a specific social group,

e. political opinions mainly refer to opinions on policies and methods of the government, which may apply persecution regardless of whether the person has done something to express their opinions.

Those who may be targeted for persecution or inhumane or degrading treatment are:

a. the state,

b. groups or organizations that control the state or a significant part of its territory,

c. other entities that do not exercise state authority, if it is shown that the state or groups or organizations according to Point b, including international organizations, cannot or does not want to provide protection against persecution or treatment that falls under paragraph 2. Article 37, including by charging and punishing acts that involve persecution.

[…]

Article 40 Right to international protection.

Refugee according to Article 37, who is in this country or comes to this country, according to the application, has the right to receive international protection here.

The provisions of paragraph 1 however, does not apply to:

a. a refugee who falls under point D or E of Article 1. international agreement on the status of refugees,

b. a refugee when there are strong reasons to believe that:

1. he has committed a crime against peace, a war crime or a crime against humanity, as defined in international agreements made to establish provisions for such crimes,

2. he has committed a serious a non-political crime before he was granted acceptance as a refugee,

3. he has been guilty of acts that violate the purposes and principles of the United Nations,

c. refugee according to Paragraph 2 Article 37, if there are reasonable grounds to consider him a danger to the security of the state or he has received a final sentence for a very serious crime and is therefore dangerous to society,

d. refugee according to Paragraph 2 Article 37 if he has left his home country or the country where he last had a permanent residence for the sole purpose of avoiding punishment for one or more offense subject to a prison sentence according to the Icelandic Penal Code.

About foreigners who fall under the 2nd paragraph but it is not permitted to dismiss due to the provisions of Article 42. depends on the provisions of that article.

Article 48 Withdrawal of international protection.

The grant of international protection may be revoked if a foreigner no longer falls under the conditions of Articles 37, 39, 43 and 45, i.e. if:

a. he has voluntarily availed himself again of the protection of his homeland,

b. he has voluntarily regained his nationality which he had lost,

c. he has acquired a new nationality and enjoys the protection of his new home country,

d. he has voluntarily resettled in the country he left or did not stay in due to fear of persecution,

e. he can no longer refuse to take advantage of the protection of his home country because the circumstances that resulted in him being a recognized refugee no longer exist,

f. he can return to the country in which he previously had regular residence because the circumstances that led to him being a recognized refugee no longer exist, in the case of a stateless person.

The grant of international protection shall not be revoked pursuant to point e or f of paragraph 1 if the foreigner can present good reasons for refusing to return to the country in which he previously had a permanent residence due to previous persecution.

The grant of international protection may be revoked if it turns out that a foreigner who falls under the provisions of subsections 1 or 2. b-points 2. paragraph Article 40 or number 1 or 2. Article 41(c) has been granted international protection in this country.
[…]

IRAN (ISLAMIC REPUBLIC OF)

Regulations of 1963 relating to Refugees, 16 December 1963, https://www.refworld.org/legal/decreees/natlegbod/1963/17523

Article 1. A refugee is a person who for political, religious or racial reasons or for membership of a particular social group fears persecution or a threat to his life or that of his family members supported by him, and seeks asylum in Iran.

IRELAND

Act No. 66 of 2015, International Protection Act, N. 66, 30 December 2015
https://www.refworld.org/legal/legislation/natlegbod/2015/en/116053

Interpretation

2. (1) In this Act— […]

"refugee" means a person, other than a person to whom section 10 applies, who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside his or her country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it;

[…]

"serious non-political crime" includes particularly cruel actions, even if committed with an allegedly political objective;

[…]

Acts of persecution

7. (1) For the purposes of this Act, acts of persecution must be—

(a) sufficiently serious by their nature or repetition to constitute a severe violation of basic human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms, or

(b) an accumulation of various measures, including violations of human rights, which is sufficiently severe as to affect an individual in a similar manner as mentioned in paragraph (a).

(2) The following are examples of acts which may amount to acts of persecution for the purposes of subsection (1):

(a) acts of physical or mental violence, including acts of sexual violence;

(b) legal, administrative, police or judicial measures, or a combination of these measures, that are in themselves discriminatory or are implemented in a discriminatory manner;

(c) prosecution or punishment that is disproportionate or discriminatory;

(d) denial of judicial redress resulting in a disproportionate or discriminatory punishment;

(e) prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts of a kind referred to in section 10(2);

(f) acts of a gender-specific or child-specific nature.

(3) For the purpose of the definition of "refugee" in section 2, there must be a connection between the reasons for persecution and the acts of persecution or the absence of protection.

Reasons for persecution

8. (1) An international protection officer or the Tribunal, as the case may be, shall take the following into account when assessing the reasons for persecution:

(a) the concept of race shall in particular include considerations of colour, descent or membership of a particular ethnic group;

(b) the concept of religion shall in particular include the holding of theistic, non-theistic and atheistic beliefs, the participation in, or abstention from, formal worship in private or in public, either alone or in community with others, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief;

(c) the concept of nationality shall not be confined to citizenship or lack thereof but shall in particular include membership of a group determined by its cultural, ethnic or linguistic identity, common geographical or political origins or its relationship with the population of another state;

(d) a group shall be considered to form a particular social group where in particular—

(i) members of that group share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, or

(ii) that group has a distinct identity in the relevant country, because it is perceived as being different by the surrounding society, and, depending on the circumstances in the country of origin, a particular social group may include a group based on a common characteristic of sexual orientation;

(e) the concept of political opinion shall in particular include the holding of an opinion, thought or belief on a matter related to the potential actors of persecution and to their policies or methods, whether or not that opinion, thought or belief has been acted upon by the applicant concerned.

(2) In the assessment of whether an applicant has a well-founded fear of being persecuted, it is immaterial whether the applicant actually possesses the racial, religious, national, social or political characteristic which attracts the persecution, provided that such a characteristic is attributed to the applicant by the actor of persecution.

(3) For the purposes of subsection (1)(d):

(a) sexual orientation shall not include acts considered to be criminal in the State;

(b) gender related aspects, including gender identity, shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group.

Cessation of refugee status

9. (1) A person shall cease to be a refugee if he or she—

(a) has voluntarily re-availed himself or herself of the protection of the country of nationality,

(b) having lost his or her nationality, has voluntarily re-acquired it,

(c) has acquired a new nationality (other than as an Irish citizen), and enjoys the protection of the country of his or her new nationality,

(d) 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,

(e) subject to subsections (2) and (3), 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 his or her country of nationality, or

(f) subject to subsections (2) and (3), being a stateless person, 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 his or her country of former habitual residence.

(2) In determining whether paragraph (e) or (f) of subsection (1) applies, regard shall be had to whether the change of circumstances is of such a significant and non-temporary nature that the person's fear of persecution can no longer be regarded as well-founded.

(3) Paragraphs (e) and (f) of subsection (1) 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.

Exclusion from being a refugee

10. (1) A person is excluded under this Act from being a refugee where he or she—

(a) subject to subsection (4), is receiving from organs or agencies of the United Nations (other than the High Commissioner) protection or assistance, or

(b) is recognised by the competent authorities of the country in which he or she has taken up residence as having the rights and obligations which are attached to the possession of the nationality of that country, or rights and obligations equivalent to those.

(2) A person is excluded from being a refugee where there are serious reasons for considering that he or she—

(a) has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes,

(b) has committed a serious non-political crime outside the State prior to his or her arrival in the State, or

(c) has been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations.

(3) A person is excluded from being a refugee where there are serious reasons for considering that he or she has incited or otherwise participated in the commission of a crime or an act referred to in subsection (2).

(4) Subsection (1)(a) shall not apply to a person referred to in that subparagraph where the protection or assistance concerned has ceased for any reason, without the position of persons who had been receiving that protection or assistance being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations.

International protection needs arising sur place

29. (1) For the purposes of this Act, a well-founded fear of being persecuted or a real risk of suffering serious harm may be based on events which have taken place since the applicant left his or her country of origin.

(2) A well-founded fear of being persecuted or a real risk of suffering serious harm may be based on activities which have been engaged in by the applicant since he or she left his or her country of origin, in particular where it is established that the activities relied upon constitute the expression and continuation of convictions or orientations held in the country of origin.

(3) Without prejudice to the Geneva Convention, an applicant who is the subject of an application made with the consent of the Minister given under section 22 shall not normally be—

(a) the subject of a recommendation by the international protection officer under section 39 that he or she is a person in respect of whom a refugee declaration should be given, or

(b) the subject of a decision by the Tribunal under section 46 to recommend that he or she is a person in respect of whom a refugee declaration should be given, if the risk of persecution is based on circumstances which the applicant has created by his or her own decision since leaving his or her country of origin.

Actors of persecution or serious harm

30. For the purposes of this Act, actors of persecution or serious harm include—

(a) a state,

(b) parties or organisations controlling a state or a substantial part of the territory of a state, and

(c) non-state actors, if it can be demonstrated that the actors referred to in paragraphs (a) and (b), including international organisations, are unable or unwilling to provide protection against persecution or serious harm.

Actors of protection

31. (1) For the purposes of this Act, protection against persecution or serious harm can only be provided by—

(a) a state, or

(b) parties or organisations, including international organisations, controlling a state or a substantial part of the territory of a state, provided that they are willing and able to offer protection in accordance with subsection (2).

(2) Protection against persecution or serious harm—

(a) must be effective and of a non-temporary nature, and

(b) shall be regarded as being generally provided where—

(i) the actors referred to in paragraphs (a) and (b) of subsection (1) take reasonable steps to prevent the persecution or suffering of serious harm, and

(ii) the applicant has access to such protection.

(3) When assessing whether an international organisation controls a state or a substantial part of its territory and provides protection as described in subsection (2), the Minister, the international protection officer or, as the case may be, the Tribunal, shall take into account any guidance which may be provided in relevant European Union acts.

(4) The steps referred to in subsection (2)(b)(i) shall include the operating of an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm. Internal protection

32. (1) An international protection officer may recommend or, as the case may be, the Tribunal may decide, that an applicant is not in need of international protection if in a part of the country of origin the applicant—

(a) has—

(i) no well-founded fear of being persecuted or is not at real risk of suffering serious harm, or

(ii) access to protection against persecution or serious harm, and

(b) can safely and legally travel to and gain admittance to that part of the country and can reasonably be expected to settle there.

(2) An international protection officer or, as the case may be, the Tribunal, in examining whether an applicant has a well-founded fear of being persecuted or is at real risk of suffering serious harm, or has access to protection against persecution or serious harm in a part of the country of origin in accordance with subsection (1), shall have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the applicant in accordance with section 28.

(3) An international protection officer or, as the case may be, the Tribunal, in complying with this section, shall ensure that precise and up-to-date information is obtained from relevant sources, such as the High Commissioner and the European Asylum Support Office.

Revocation of refugee declaration or subsidiary protection declaration

52. (1) The Minister shall, in accordance with this section, revoke a refugee declaration given to a person if satisfied that—

(a) the person should have been or is excluded from being a refugee under section 10,

(b) the person has, in accordance with section 9, ceased to be a refugee, or

(c) misrepresentation or omission of facts, whether or not including the use of false documents, by the person was decisive in the decision to give the person a refugee declaration.

(2) The Minister may, in accordance with this section, revoke a refugee declaration given to a person if satisfied that—

(a) there are reasonable grounds for regarding him or her as a danger to the security of the State, or

(b) the person, having been by a final judgement convicted, whether in the State or not, of a particularly serious crime, constitutes a danger to the community of the State.

(3) The Minister shall, in accordance with this section, revoke a subsidiary protection declaration given to a person if satisfied that—

(a) the person should have been or is excluded from being eligible for subsidiary protection under section 12,

(b) the person has, in accordance with section 11, ceased to be eligible for subsidiary protection, or

(c) misrepresentation or omission of facts, whether or not including the use of false documents, by the person was decisive in the decision to give the person a subsidiary protection declaration.

[…]

ITALY

Decreto Legislativo 19 novembre 2007, n. 251: Attuazione della direttiva 2004/83/CE recante norme minime sull'attribuzione, a cittadini di Paesi terzi o apolidi, della qualifica del rifugiato o di persona altrimenti bisognosa di protezione internazionale, nonché norme minime sul contenuto della protezione riconosciuta, Legislative Decree no. 251/2007, 19 November 2007,
https://www.refworld.org/legal/legislation/natlegbod/2007/it/102391

Please note that, as of 1 July 2026, the EU Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 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, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (see European Union) entered into application. The national law should therefore be read and applied in compliance with this Regulation.

Art. 2. Definizioni

1. Ai fini del presente decreto s'intende per:

a) «rifugiato»: cittadino straniero il quale, per il timore fondato di essere perseguitato per motivi di razza, religione, nazionalità, appartenenza ad un determinato gruppo sociale o opinione politica, si trova fuori dal territorio del Paese di cui ha la cittadinanza e non può o, a causa di tale timore, non vuole avvalersi della protezione di tale Paese, oppure apolide che si trova fuori dal territorio nel quale aveva precedentemente la dimora abituale per le stesse ragioni succitate e non può o, a causa di siffatto timore, non vuole farvi ritorno, ferme le cause di esclusione di cui all'articolo 10; […]

n) «Paese di origine»: il Paese o i Paesi di cui il richiedente è cittadino o, per un apolide, il Paese in cui aveva precedentemente la dimora abituale.

Art. 4. Bisogno di protezione internazionale sorto dopo aver lasciato il Paese d'origine

1. La domanda di protezione internazionale può essere motivata da avvenimenti verificatisi dopo la partenza del richiedente dal suo Paese di origine ovvero da attività svolte dal richiedente dopo la sua partenza dal Paese d'origine, in particolare quando sia accertato che le attività addotte costituiscono l'espressione e la continuazione di convinzioni od orientamenti già manifestati nel Paese d'origine. […]

Art. 5. Responsabili della persecuzione o del danno grave

1. Ai fini della valutazione della domanda di protezione internazionale, i responsabili della persecuzione o del danno grave sono:

a) lo Stato;

b) i partiti o le organizzazioni che controllano lo Stato o una parte consistente del suo territorio;

c) soggetti non statuali, se i responsabili di cui alle lettere a) e b), comprese le organizzazioni internazionali, non possono o non vogliono fornire protezione, ai sensi dell'articolo 6, comma 2, contro persecuzioni o danni gravi.

Art. 6. Soggetti che offrono protezione

1. Ai fini dell'esame della domanda di protezione internazionale, è valutata la possibilità di protezione da parte:

a) dello Stato;

b) dei partiti o organizzazioni, comprese le organizzazioni internazionali, che controllano lo Stato o una parte consistente del suo territorio, a condizione che abbiano la volontà e la capacità di offrire protezione conformemente al comma 2.

2. La protezione di cui al comma 1 è effettiva e non temporanea e consiste nell'adozione di adeguate misure per impedire che possano essere inflitti atti persecutori o danni gravi, avvalendosi tra l'altro di un sistema giuridico effettivo che permetta di individuare, di perseguire penalmente e di punire gli atti che costituiscono persecuzione o danno grave, e nell'accesso da parte del richiedente a tali misure.

3. Per stabilire se un'organizzazione internazionale controlla uno Stato o una parte consistente del suo territorio e se fornisce protezione, ai sensi del comma 2, si tiene conto degli eventuali orientamenti contenuti negli atti emanati dal Consiglio dell'Unione europea e, ove ritenuto opportuno, delle valutazioni di altre competenti organizzazioni internazionali e in particolare dell'Alto Commissariato delle Nazioni Unite per i rifugiati.

Art. 7. Atti di persecuzione

1. Ai fini della valutazione del riconoscimento dello status di rifugiato, gli atti di persecuzione, ai sensi dell'articolo 1 A della Convenzione di Ginevra, devono alternativamente:

a) essere sufficientemente gravi, per loro natura o frequenza, da rappresentare una violazione grave dei diritti umani fondamentali, in particolare dei diritti per cui qualsiasi deroga è esclusa, ai sensi dell'articolo 15, paragrafo 2, della Convenzione sui diritti dell'Uomo;

b) costituire la somma di diverse misure, tra cui violazioni dei diritti umani, il cui impatto sia sufficientemente grave da esercitare sulla persona un effetto analogo a quello di cui alla lettera a).

2. Gli atti di persecuzione di cui al comma 1 possono, tra l'altro, assumere la forma di:

a) atti di violenza fisica o psichica, compresa la violenza sessuale;

b) provvedimenti legislativi, amministrativi, di polizia o giudiziari, discriminatori per loro stessa natura o attuati in modo discriminatorio;

c) azioni giudiziarie o sanzioni penali sproporzionate o discriminatorie;

d) rifiuto di accesso ai mezzi di tutela giuridici e conseguente sanzione sproporzionata o discriminatoria;

e) azioni giudiziarie o sanzioni penali in conseguenza del rifiuto di prestare servizio militare in un conflitto, quando questo potrebbe comportare la commissione di crimini, reati o atti che rientrano nelle clausole di esclusione di cui all'articolo 10, comma 2;

e-bis) azioni giudiziarie o sanzioni penali sproporzionate o discriminatorie che comportano gravi violazioni di diritti umani fondamentali in conseguenza del rifiuto di prestare servizio militare per motivi di natura morale, religiosa, politica o di appartenenza etnica o nazionale;

f) atti specificamente diretti contro un genere sessuale o contro l'infanzia.

Art. 8. Motivi di persecuzione

1. Al fine del riconoscimento dello status di rifugiato, gli atti di persecuzione di cui all'articolo 7 o la mancanza di protezione contro tali atti)) devono essere riconducibili ai motivi, di seguito definiti:

a) «razza»: si riferisce, in particolare, a considerazioni inerenti al colore della pelle, alla discendenza o all'appartenenza ad un determinato gruppo etnico;

b) «religione»: include, in particolare, le convinzioni teiste, non teiste e ateiste, la partecipazione a, o l'astensione da, riti di culto celebrati in privato o in pubblico, sia singolarmente sia in comunità, altri atti religiosi o professioni di fede, nonché' le forme di comportamento personale o sociale fondate su un credo religioso o da esso prescritte;

c) «nazionalità»: non si riferisce esclusivamente alla cittadinanza, o all'assenza di cittadinanza, ma designa, in particolare, l'appartenenza ad un gruppo caratterizzato da un’identità culturale, etnica o linguistica, comuni origini geografiche o politiche o la sua affinità con la popolazione di un altro Stato;

d) «particolare gruppo sociale»: è quello costituito da membri che condividono una caratteristica innata o una storia comune, che non può essere mutata oppure condividono una caratteristica o una fede che è così fondamentale per l’identità o la coscienza che una persona non dovrebbe essere costretta a rinunciarvi, ovvero quello che possiede un’identità distinta nel Paese di origine, perché' vi è percepito come

diverso dalla società circostante. In funzione della situazione nel Paese d'origine, un particolare gruppo sociale può essere individuato in base alla caratteristica comune dell'orientamento sessuale, fermo restando che tale orientamento non includa atti penalmente rilevanti ai sensi della legislazione italiana ((ai fini della determinazione dell'appartenenza a un determinato gruppo sociale o dell'individuazione delle caratteristiche proprie di tale gruppo, si tiene debito conto delle considerazioni di genere, compresa l'identità di genere;))

e) «opinione politica»: si riferisce, in particolare, alla professione di un'opinione, un pensiero o una convinzione su una questione inerente ai potenziali persecutori di cui all'articolo 5 e alle loro politiche o ai loro metodi, indipendentemente dal fatto che il richiedente abbia tradotto tale opinione, pensiero o convinzione in atti concreti.

2. Nell'esaminare se un richiedente abbia un timore fondato di essere perseguitato, è irrilevante che il richiedente possegga effettivamente le caratteristiche razziali, religiose, nazionali, sociali o politiche che provocano gli atti di persecuzione, purché' una siffatta caratteristica gli venga attribuita dall'autore delle persecuzioni.

Art. 9. Cessazione

1. Uno straniero cessa di essere rifugiato quando:

a) si sia volontariamente avvalso di nuovo della protezione del Paese di cui ha la cittadinanza;

b) avendo perso la cittadinanza, l'abbia volontariamente riacquistata;

c) abbia acquistato la cittadinanza italiana ovvero altra cittadinanza e goda della protezione del Paese di cui ha acquistato la cittadinanza;

d) si sia volontariamente ristabilito nel Paese che ha lasciato o in cui non ha fatto ritorno per timore di essere perseguitato;

e) non possa più rinunciare alla protezione del Paese di cui ha la cittadinanza, perché' sono venute meno le circostanze che hanno determinato il riconoscimento dello status di rifugiato;

f) se trattasi di un apolide, sia in grado di tornare nel Paese nel quale aveva la dimora abituale, perché' sono venute meno le circostanze che hanno determinato il riconoscimento dello status di rifugiato.

2. Per l'applicazione delle lettere e) ed f) del comma 1, il cambiamento delle circostanze deve avere una natura non temporanea e tale da eliminare il fondato timore di persecuzioni e non devono sussistere gravi motivi umanitari che impediscono il ritorno nel Paese di origine.

2-bis. Le disposizioni di cui alle lettere e) e f) del comma 1 non si applicano quando il rifugiato puo' addurre motivi imperativi derivanti da precedenti persecuzioni tali da rifiutare

di avvalersi della protezione del Paese di cui ha la cittadinanza ovvero, se si tratta di apolide, del Paese nel quale aveva la dimora abituale.
2-ter. Per l'applicazione del comma 1, lettera d), è rilevante ogni rientro, anche di breve durata, nel Paese di origine, ove non giustificato da gravi e comprovati motivi e per il periodo strettamente necessario.
3. La cessazione è dichiarata sulla base di una valutazione individuale della situazione personale dello straniero.

Art. 10. Esclusione

1. Lo straniero è escluso dallo status di rifugiato se rientra nel campo d'applicazione dell'articolo 1 D della Convenzione di Ginevra, relativo alla protezione o assistenza di un organo o di un'agenzia delle Nazioni Unite diversi dall'Alto Commissariato delle Nazioni Unite per i rifugiati. Quando tale protezione o assistenza cessa per qualsiasi motivo, senza che la posizione di tali stranieri sia stata definitivamente stabilita in conformità delle pertinenti risoluzioni adottate dall'assemblea generale delle Nazioni Unite, essi hanno pieno accesso alle forme di protezione previste dal presente decreto.
2. Lo straniero è altresì escluso dallo status di rifugiato ove sussistono fondati motivi per ritenere:

a) che abbia commesso un crimine contro la pace, un crimine di guerra o un crimine contro l'umanità, quali definiti dagli strumenti internazionali relativi a tali crimini;

b) che abbia commesso al di fuori del territorio italiano, prima di esservi ammesso in qualità di richiedente, un reato grave ovvero che abbia commesso atti particolarmente crudeli, anche se perpetrati con un dichiarato obiettivo politico, che possano essere classificati quali reati gravi. La gravità del reato è valutata anche tenendo conto della pena prevista dalla legge italiana per il reato non inferiore nel minimo a quattro anni o nel massimo a dieci anni;

c) che si sia reso colpevole di atti contrari alle finalità e ai principi delle Nazioni Unite, quali stabiliti nel preambolo e negli articoli 1 e 2 della Carta delle Nazioni Unite.

3. Il comma 2 si applica anche alle persone che istigano o altrimenti concorrono alla commissione dei crimini, reati o atti in esso previsti.

Art. 12. Diniego dello status di rifugiato

1. Sulla base di una valutazione individuale, lo status di rifugiato non è riconosciuto quando:

a) in conformità a quanto stabilito dagli articoli 3, 4, 5 e 6 non sussistono i presupposti di cui agli articoli 7 e 8 ovvero sussistono le cause di esclusione di cui all'articolo 10;

[…]

JAPAN

Cabinet Order No. 319 of 1951, Immigration Control and Refugee Recognition Act, 4 October 1951, https://www.refworld.org/legal/legislation/natlegbod/1951/en/122701

(Definition) 第二条 出入国管理及び難民認定法及びこれに基づく命令において、次の各号に掲げる 用語の意義は、それぞれ当該各号に定めるところによる。
Article 2 The terms in the following items as used in the Immigration Control and Refugee Recognition Act and the orders pursuant to the Act are to have the meanings as are defined in each item
(iii)-2 the term "refugee" means a refugee who falls under the provisions of Article 1 of the Convention Relating to the Status of Refugees (hereinafter referred to as the "Refugee Convention") or the provisions of Article 1 of the Protocol Relating to the Status of Refugee

(Permission Pertaining to Status of Residence) 第六十一条の二の二 法務大臣は、前条第一項の規定により難民の認定をする場合であ つて、同項の申請をした外国人が在留資格未取得外国人（別表第一又は別表第二の上 欄の在留資格をもつて本邦に在留する者、一時庇護のための上陸の許可を受けた者で 当該許可書に記載された期間を経過していないもの及び特別永住者以外の者をいう。以下同じ。）であるときは、当該在留資格未取得外国人が次の各号のいずれかに該当 する場合を除き、その者に定住者の在留資格の取得を許可するものとする。

Article 61-2-2 (1) If the Minister of Justice recognizes the foreign national as a refugee pursuant to the provisions of paragraph (1) of the preceding Article and the foreign national who has filed the application set forth in the same paragraph falls under the category of a foreign national without a status of residence (those who are staying in Japan under a status of residence set forth in the left-hand column of the Appended Table I or II, those who have been granted permission for landing for temporary refuge who have not stayed in Japan beyond the period stated in the permit, and special permanent residents; the same applies hereinafter), the foreign national is to be permitted to acquire the status of residence of "Long-Term Resident", unless the foreign national falls under any of the following items:
一 本邦に上陸した日（本邦にある間に難民となる事由が生じた者にあつては、その 事実を知つた日）から六月を経過した後前条第一項の申請を行つたものであるとき。ただし、やむを得ない事情がある場合を除く。
(i) the foreign national has filed the application set forth in paragraph (1) of the preceding Article 6 months after the date on which they landed in Japan (the date on which the foreign national learned that they have become a refugee, for those the grounds for becoming a

refugee arose while they were in Japan); provided however, that this does not apply if there are compelling circumstances;
二 本邦にある間に難民となる事由が生じた場合を除き、その者の生命、身体又は身 体の自由が難民条約第一条Ａ（２）に規定する理由によつて害されるおそれのあつ た領域から直接本邦に入つたものでないとき。
(ii) the foreign national has not entered Japan directly from a territory where their life, body or physical freedom was likely to be harmed on the grounds prescribed in Article 1, paragraph A-(2) of the Refugee Convention, unless the grounds for which they became a refugee arose while they were in Japan;
三 第二十四条第三号から第三号の五まで又は第四号ハからヨまでに掲げる者のいず れかに該当するとき。
(iii) the foreign national falls under any of the persons s et forth in Article 24, items (iii) through item (iii)-5 or Article 24, item (iv), sub-items (c) through (o); or
四 本邦に入つた後に、刑法第二編第十二章、第十六章から第十九章まで、第二十三 章、第二十六章、第二十七章、第三十一章、第三十三章、第三十六章、第三十七章 若しくは第三十九章の罪、暴力行為等処罰に関する法律第一条、第一条ノ二若しく は第一条ノ三（刑法第二百二十二条又は第二百六十一条に係る部分を除く。）の罪、 盗犯等の防止及び処分に関する法律の罪、特殊開錠用具の所持の禁止等に関する法 律第十五条若しくは第十六条の罪又は自動車の運転により人を死傷させる行為等の 処罰に関する法律第二条若しくは第六条第一項の罪により懲役又は禁錮に処せられ たものであるとき。
(iv) after entering Japan, the foreign national has been convicted of the crime provided in Part II, Chapter XII, XVI through XIX, XXIII, XXVI, XXVII, XXXI, XXXIII, XXXVI, XXXVII or XXXIX of the Penal Code, in Article 1, 1 -2 or 1-3 (except for the parts pertaining to Article 222 or 261 of the Penal Code) of the Act on Punishment of Physical Violence and Others, the Act for Prevention and Punishment of Robbery and Theft Act, in Article 15 or 16 of the Act on Prohibition of Possession of Special Picking Tools, and Other Related Matters or in Article 2 or Article 6, paragraph (1) of the Act on Punishment of Acts Inflicting Death or Injury on Others by Driving a Motor Vehicle, etc., and sentenced to imprisonment with or without work.
２ 法務大臣は、前条第一項の申請をした在留資格未取得外国人について、難民の認定 をしない処分をするとき、又は前項の許可をしないときは、当該在留資格未取得外国 人の在留を特別に許可すべき事情があるか否かを審査するものとし、当該事情がある と認めるときは、その在留を特別に許可することができる。
(2) If a foreign national without a status of residence has filed the application set forth in paragraph (1) of the preceding Article and the Minister of Justice denies recognition as a refugee, or does not grant the permission set forth in the preceding paragraph, the Minister is to examine whether there are grounds to grant special permission to stay to the foreign

national without a status of residence, and if the Minister finds the grounds, may grant special permission to stay in Japan.
３ 法務大臣は、前二項の規定による許可をすることとしたときは、出入国在留管理庁 長官に、当該外国人に対し、その旨を通知させるものとする。この場合において、そ の通知は、出入国在留管理庁長官が、入国審査官に、次の各号に掲げる区分に応じ、 当該各号に定める措置をとらせることにより行うものとする。
(3) If the Minister of Justice has decided to grant permission pursuant to the provisions of the preceding two paragraphs, the Minister is to have the Commissioner of the Immigration Services Agency notify the foreign national to that effect. In such case, the notification must be made by the Commissioner of the Immigration Services Agency by having an immigration inspector take the measures specified in the following items in accordance with the categories set forth in the following items:
一 当該許可に係る外国人が中長期在留者となるとき 当該外国人に対する在留カー ドの交付
(i) if the foreign national pertaining to the permission becomes a mid- to long- term resident: the issuance of a residence card for the foreign national; or
二 前号に掲げる場合以外の場合 当該外国人に対する在留資格及び在留期間を記載した在留資格証明書の交付
(ii) in cases other than those set forth in the preceding item: issuance of a certificate of status of residence which gives the status of residence and the period of stay for the foreign national.
４ 第一項又は第二項の規定による法務大臣の許可は、それぞれ前項各号に定める措置 があつた時に、その効力を生ずる。
(4) The permission of the Minister of Justice pursuant to the provision paragraph (1) or paragraph (2) becomes effective if the measures specified in each of the items of the preceding paragraph have been taken.
５ 法務大臣は、第一項又は第二項の規定による許可をする場合において、当該在留資 格未取得外国人が仮上陸の許可又は第三章第四節の規定による上陸の許可を受けてい るときは、当該仮上陸の許可又は上陸の許可を取り消すものとする。
(5) In granting the permission pursuant to the provisions of parag raph (1) or (2), the Minister of Justice is to revoke the permission for provisional landing or permission for landing pursuant to the provisions of Chapter III, Section 4, which has been granted to the foreign nation.
[….]

（難民の認定の取消し）(Revocation of the Recognition of Refugee Status)

第六十一条の二の七 法務大臣は、本邦に在留する外国人で難民の認定を受けているも のについて、次の各号に掲げるいずれかの事実が判明したときは、法務省令で定める 手続により、その難民の認定を取り消すものとする。

Article 61-2-7 (1) If any of the facts set forth in the following items are found regarding a foreign national residing in Japan who has been recognized as a refugee, the Minister of Justice is to revoke the recognition of refugee status in accordance with the procedures provided for by Ministry of Justice Order:

[…]

二 難民条約第一条Ｃ（１）から（６）までのいずれかに掲げる場合に該当すること となつたこと。

(ii) the foreign national has come to fall under any of the cases set forth in Article 1, C-(1) through (6) of the Refugee Convention; or

[…]

KAZAKHSTAN

Law of the Republic of Kazakhstan dated 4 December, 2009 No. 216-IV, On Refugees, 4 December 2009, https://www.refworld.org/legal/legislation/natlegbod/2009/en/104249

Article 1.The basic concepts, used in this Law

The following concepts shall be used in this Law:

1) refugee – a foreigner, which in view of a well-founded fear of being persecuted on ground of race, nationality, religion, citizenship, affiliation to particular social group or political opinions, is outside the country of his (her) citizenship and is unable to enjoy protection of his (her) country, or does not wish to enjoy such protection, in consequence of such fears, or a person without citizenship residing outside his (her) country of permanent place of residence or citizenship, who are unable or unwilling to return to it in consequence of these fears;

[…]

Article 12. Reasons for rejection to the person, seeking refuge in award of the refugee's status

Reasons for rejection to the person, seeking refuge in award of the refugee's status shall be the following circumstances:

1) absence well-founded fears, that a person may be a victim pf persecution on ground of race, nationality, religion, citizenship, affiliation to particular social group or political opinions;

2) if a person refused to report or report knowingly false information on himself (herself) and on the circumstances of arrival on the territory of the Republic of Kazakhstan, and also represent the false documents;

3) availability of the citizenship at a person of third state, the protection of which he (she) may use;

4) if a person immediately arrived from the secure territory of third country;

5) if in relation of this person have compelling reasons to suppose that he (she) participate or participated in the activity of terrorist, extremist, as well as prohibited religious organizations, operating in the country of nationality or in the country, from where he (she) came;

6) if in relation of this person have compelling reasons to suppose that he (she) committed an offence against the world, military offense or crime against humanity in definition, given by this action in the international acts, concluded in order of adoption of measures in relation of such crimes;

7) if in relation of this person have compelling reasons to suppose that he (she) committed an enormous offense of non-political nature outside the Republic of Kazakhstan before arrival to its territory;

8) if in relation of this person have compelling reasons to suppose that he (she) guilty in doing, contradicted to the objectives and principles of United Nations Organization and international organizations, the members of which the Kazakhstan is;

9) if this person enjoy protection or assistance of bodies or institutions of United Nations Organization, except of Government of High commissioner of United Nations Organization in the matter of refugees.

10) if this person refuses or fails to undergo fingerprint registration in a manner consistent with the laws of the Republic of Kazakhstan.

Article 13. Deprivation of person of the refugee's status

1. A person shall be deprived the refugee's status, if he (she):

1) reported knowingly false information or represented the false documents, constituted as a ground for award of the refugee's status;

2) sustained a conviction for the offence against the world, military offense or crime against humanity in definition, given by this action in the international acts, concluded in order of adoption of measures in relation of such crimes;

3) sustained a conviction for an enormous offense of non-political nature, committed outside the Republic of Kazakhstan before arrival to its territory;

4) sustained a conviction for doing, contradicted to the objectives and principles of United Nations Organization and international organizations, the members of which the Kazakhstan is;

5) sustained a conviction for participation in the activity of terrorist, extremist, as well as prohibited religious organizations.

[…]

Article 14. Termination of the refugee's status

1. The refugee's status shall be terminated, if a person:

1) acquired citizenship of the Republic of Kazakhstan or other state and enjoy protection of the state, the citizen of which he (she) became;

2) may not refuse any more from the enjoyment of protection of the country of his (her) citizenship, as the circumstances on the grounds of which he (she) was recognized as a refugee are changed;

3) forfeited citizenship of his (her) previous state, newly acquired it on a voluntary basis;

4) newly use the protection of country on a voluntary basis, the citizen of which he (she) was;

5) indicate willingness to return in a country of origin, as the grounds of granting to him(her) the refugee's status stopped to carry out;

6) voluntary returned to the country, which he (she) left or from which left because of danger of persecution;

7) left the country of the Republic of Kazakhstan for the permanent place of residence.

2. The refugee's status shall be also terminated upon the expire of his (her) term upon absence of prolongation.

KENYA

The Refugees Act, 2021, 23 November 2021,
https://www.refworld.org/legal/legislation/natlegbod/2021/en/124231

3. Meaning of "refugee"

(1) A person shall be a refugee for the purposes of this Act if such person—

(a) being outside of his or her country of nationality and owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion who is in Kenya and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of his or country of nationality or the country of habitual residence;

(b) not having a nationality and being outside the country of his or her former habitual residence owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, who is in Kenya and is unable or, owing to such fear, unwilling to return to the country of his or her habitual residence;

(c) owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or whole of his or her country of origin or nationality is compelled to leave his or her place of habitual residence in order to seek refuge in another place outside his or her country of origin or nationality; or

(d) the person is a member of a class of persons declared under subsection (2) to be refugees.

[…]

4. Exclusion and disqualification from refugee status

(1) A person shall be excluded from being considered for refugee status if there exists serious reason to believe that the person—

(a) has committed a crime against peace, a war crime or a crime against humanity referred to in any international instrument to which Kenya is a party;

(b) has committed a serious non-political crime outside Kenya prior to his or her admission to Kenya as a refugee;

(c) has been guilty of acts contrary to the purposes and principles of the United Nations and the African Union; or

(d) is determined to be a threat to national security.

(2) A person shall be disqualified from being a refugee if the person—

(a) having more than one nationality, has not availed himself or herself for protection of one of the countries which he or she is a national and has no valid fear based on well-founded fear of persecution;

(b) has sought asylum in another country or has been granted refugee status in another country prior to entry in Kenya and can be re-admitted to that country and benefit currently and in the future in that country from effective protection; or

(c) is recognized by competent authorities of the country he or she has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country, can be re-admitted into that country in the same condition and has no valid reasons based on a well-founded fear of persecution to have left that country.

5. Cessation of refugee status

A person shall cease to be a refugee for the purposes of this Act if such a person—

(a) voluntarily re-avails himself or herself of the protection of the country of his or her nationality;

(b) having lost his or her nationality, the person voluntarily re-acquires it;

(c) acquires the nationality of some other country and enjoys the protection of the country of his or her new nationality;

(d) voluntarily re-establishes himself or herself in the country which he or she left, or outside which he or she remained owing to fear of persecution;

(e) can no longer, because the circumstances in connection with which he or she was recognized as a refugee under this Act has ceased to exist and continues to refuse to avail himself or herself of the protection of the country of his or her nationality;

(f) being a person who has no nationality, because of the circumstances in connection with which he has been recognized as a refugee have ceased to exist and is able to return to the country of his or her former habitual residence:

Provided that paragraphs (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 himself or herself the protection of their country of nationality or former habitual residence.

KOSOVO*

*** in accordance with Security Council resolution 1244 (1999)**

Law No. 06/L-026 of 2018, Law on Asylum, 15 May 2018,
https://www.refworld.org/legal/legislation/natlegbod/2018/en/122361

Article 3 Definitions

1. Terms and abbreviations used in this Law shall have the following meaning:

[…]

1.18. Refugee- a person who owing to the well-founded fear of persecution for the reasons of race, religion, nationality, political conviction or belonging to a particular social group, is outside their country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to that country;

1.18.1. the concept of race shall, in particular, include considerations of colour, descent, or membership of a particular ethnic group;

1.18.2. the concept of religion shall in particular include the holding of theistic, non-theistic and atheistic beliefs, the participation in, or abstention from, formal worship in private or in public, either alone or in community with others, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief;

1.18.3. the concept of nationality shall not be confined to citizenship or lack thereof but shall, in particular, include membership of a group determined by its cultural, ethnic, or linguistic identity, common geographical or political origins or its relationship with the population of another state;

1.18.4. a group shall be considered to form a particular social group where in particular:

1.18.4.1. members of that group share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, and

1.18.4.2. that group has a distinct identity in the relevant country, because it is perceived as being different by the surrounding society.

Depending on the circumstances in the country of origin, a particular social group might include a group based on a common characteristic of sexual orientation. Sexual orientation cannot be understood to include acts considered to be criminal

in accordance with national law of the Republic of Kosovo. Gender related aspects, including gender identity, shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group;

1.18.5. the concept of political opinion shall, in particular, include the holding of an opinion, thought or belief on a matter related to the potential actors of persecution mentioned in sub-paragraph 1.35 of this Article and to their policies or methods, whether or not that opinion, thought or belief has been acted upon by the applicant;

1.18.6. when assessing if an applicant has a well-founded fear of being persecuted, it is immaterial whether the applicant actually possesses the racial, religious, national, social or political characteristic which attracts the persecution, provided that such a characteristic is attributed to the applicant by the actor of persecution;

[…]

1.24. Country of origin- country of nationality of a foreigner or the country in which a stateless person had his last residence;

[…]

1.34. Acts of persecution- acts which are considered persecution among the reasons referred to in the sub-paragraph 1.18 of this Article, besides others mean:

1.34.1. acts sufficiently serious by their nature or repetition as to constitute a severe violation of basic human rights and in particular the rights from which derogation cannot be made under Article 15, paragraph 2. of the European Convention for the Protection of Human Rights and Fundamental Freedoms;

1.34.2. or an accumulation of various measures including violations of human rights, which are sufficiently severe as to affect an individual in a similar manner as mentioned in subparagraph 1.34.1 of this Article.

1.35. Acts of persecution from sub-paragraph 1.35.1 of this Article include:

1.35.1. physical or mental violence, including sexual violence;

1.35.2. legal, administrative, police and/or judicial measures which are in themselves discriminatory or which are implemented in a discriminatory manner;

1.35.3. judicial prosecutions or judicial penalties that are disproportionate or discriminatory;

1.35.4. limitation of judicial redress resulting in an abusive and discriminatory punishment;

1.35.5. judicial prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts falling within the scope of the grounds for exclusion as set out in Article 8 of this Law;

1.35.6. actions which by their nature are specifically related to gender or child.

1.36. Actors of persecution or serious harm:

1.36.1. the actors of persecution or harm outlined in sub-paragraph 1.18. of this Article include:

1.36.1.1. the state;

1.36.1.2. the parties or organizations which control the state or a considerable part of the state's territory;

1.36.1.3. non-state actors if it can be demonstrated that actors referred to in sub-paragraphs 1.36.1.1. and 1.36.1.2 including international organizations are unable or unwilling to provide protection against persecution or serious harm.

1.37. Actor of protection – is considered:

1.37.1. protection from the persecution outlined in sub-paragraph 1.18. of this Article can be secured by:

1.37.1.1. the state;

1.37.1.2. parties or organizations, including international organizations which control the state or a substantial part of the territory of the state;

1.37.1.3. protection against persecution or serious harm must be effective and of a non-temporary nature. Such protection is generally provided when the actors mentioned under sub-paragraph 1.37.1.1 and 1.37.1.2 of this Article 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 when the applicant has access to such protection;

[…]

Article 6 International protection needs arising sur place

1. A well-founded fear of being persecuted or a real risk of suffering serious harm may be based on events which have taken place since the applicants left the country of origin.

2. A well-founded fear of being persecuted or a real risk of suffering serious harm may be based on activities which the applicant was engaged from the time of leaving the country of origin, in particular where it is established that the activities relied upon constitute the expression and continuation of convictions or orientations held in the country of origin.

Article 7 Granting of refugee status

1. The Republic of Kosovo grants refugee status to a foreign national or stateless person, at their request, who fulfils the refugee criteria laid down in Article 3, sub-paragraph 1.18. of this Law.

2. Ministry will issue to beneficiary of the refugee status a residence permit as soon as their status is granted, that will be valid for at least three (3) years, with the possibility of renewal, unless compelling reasons of national security or public order require otherwise.

Article 8 Exclusion from refugee status

1. The right to refugee status will not be granted to a person, about whom there are serious reasons for considering that he/she:

1.1. has committed a crime against peace, war crimes or crimes against humanity as defined in the international instruments drawn up to make provision in respect of such crimes;

1.2. has committed a serious non-political crime outside the Republic of Kosovo prior to his or her admission as a refugee in the Republic of Kosovo;

1.3. has been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1. and 2. of the Charter of the United Nations.

2. Paragraph 1. of this Article will be applied to persons who incite or in other ways participate in committing the crimes or acts mentioned above.

3. Refugee status will not be granted to persons who at present are receiving the assistance or protection of United Nations bodies and agencies, other than the protection or assistance of the High Commissioner of the United Nations for Refugees. When such protection or assistance has ceased for any reason, without final settlement of the position of these persons in accordance with the relevant resolutions adopted by the United Nations General Assembly, these persons according to the facts (ipso facto) shall be entitled to benefit from this law.

4. Refugee status shall not be granted to persons whose rights and duties are recognized by Republic of Kosovo similarly like the citizens of Republic of Kosovo.

Article 68 Cessation of a refugee status

1. A foreign national or a stateless person shall cease to be a refugee, if he or she:

1.1. has voluntarily re-availed himself or herself of the protection of the country of nationality; or

1.2. having lost his or her nationality, has voluntarily reacquired it; or

1.3. has acquired a new nationality, and enjoys the protection of the country of his or her new nationality; or

1.4. 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

1.5. can no longer continue to refuse to avail himself or herself of the protection of the country of nationality, because the circumstances in connection with which he or she has been recognized as a refugee have ceased to exist; or

1.6. being a stateless person, he or she is able to return to the country of former habitual residence, because the circumstances in connection with which he or she has been recognized as a refugee have ceased to exist.

2. In considering sub-paragraphs 1.5. and 1.6. of paragraph 1. of this Article, the Competent authority shall take into consideration the fact whether the change of circumstances is of such a significant and non-temporary nature that the refugee's fear of persecution can no longer be regarded as well-founded.

3. Sub-paragraphs 1.5. and 1.6. of paragraph 1. of this Article 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 the country of nationality or, being a stateless person, of the country of former habitual residence.

KYRGYZSTAN

Law of Kyrgyz Republic on the Legal Status of Foreign Citizens, 14 December 1993, https://www.refworld.org/legal/legislation/natlegbod/1993/147104

Section 1 General Provisions

Article 1. Definition of the term "refugee"

A refugee is a person, who is not a national of the Kyrgyz Republic and is making a claim before the Kyrgyz Republic to be recognized as a refugee, who is outside of the country of his nationality or the place of his habitual residence due to well-founded fear of persecution for reasons of race, religion, nationality, political opinion, membership of a particular social group, as well as of real danger to be persecuted in armed and inter-ethnic conflicts and who is unable, or owing to such fear, is unwilling to avail himself of the protection of his country.

Article 5. Grounds for denying refugee status

A person shall be denied a refugee status in the Kyrgyz Republic on the following grounds:

- if an asylum-seeker has no grounds provided for in Article 1 of the present Law;
- if there are serious grounds to suppose that he has committed a crime against peace, a war crime or a crime against humanity;
- if he has committed a serious or a particularly serious crime of non-political nature outside the Kyrgyz Republic prior to his admission to the Kyrgyz Republic as an asylum-seeker;
- if he has been guilty of acts contrary to the purposes and principles of the United Nations;
- if he is a citizen of a third country and is able to avail himself of its protection or has a right of lawful residence in the territory of a third country without any well-founded fear of persecution in this third country on the grounds provided for in Article 1 of the present Law;
- if he holds refugee status in another country or avails himself of effective international protection of any other country, or is able to return to this country and avail himself of its protection. A person who will be denied asylum in the Kyrgyz Republic on this ground shall be protected from return to the country where he has been subjected to persecution;
- if he has been earlier denied refugee status in the territory of the Kyrgyz Republic due to the absence of the circumstances provided for in Article 1 of the present Law, given that the situation in the country of his nationality or permanent residence has not changed since the date of the denial until the moment of the application.

Article 10. Loss of a refugee status in the Kyrgyz Republic

A refugee shall lose his status as refugee if he:

- has acquired nationality of the Kyrgyz Republic;
- has acquired nationality of a foreign country and has availed himself of the protection of the country of his new nationality;
- has voluntarily re-availed himself of the protection of the country of his nationality or the country of his former residence;
- has voluntarily left the Kyrgyz Republic for the purpose of permanent residence in the country of his origin;
- having lost his nationality, has voluntarily re-acquired it;
- can no longer continue to refuse to avail himself of the protection of the country of his nationality, because the circumstances in connection with which he has been recognized as a refugee have ceased to exist.

[…]

LATVIA

Asylum Law 2009, 30 June 2009,
https://www.refworld.org/legal/legislation/natlegbod/2009/75658

Please note that, as of 1 July 2026, the EU Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 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, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (see European Union) entered into application. The national law should therefore be read and applied in compliance with this Regulation.

Chapter VII Conditions for Granting International Protection

Section 20. Conditions for Granting of Refugee Status

(1) A third-country national who on the basis of justified fear from persecution due to his or her race, religion, nationality, membership of a specific social group or his or her political views is located outside the country where he or she is a national, and is unable or due to such fear does not wish to accept the protection of the country where he or she is a national, or a stateless person, who being outside his former country of permanent residence is unable or unwilling to return there due to the same reasons and to whom the conditions of Section 45 of this Law do not apply, may apply for refugee status.

(2) A person may not apply for refugee status if he or she is a national of more than one country and does not use legal protection in any of the countries of his or her citizenship without justified reason. The country of citizenship of a person shall be each country of which the person is a citizen.

Section 21. Concept of Persecution

(1) Within the meaning of Section 37, Paragraph one of this Law, the following shall be recognised as persecution:

1) activities which due to their nature or frequency are sufficiently severe to cause a serious violation of fundamental human rights;

2) several activities, also an accumulation of violations of human rights, which are sufficiently serious to affect an individual in a manner similar to the one referred to in Paragraph one, Clause 1 of this Section.

(2) The activities referred to in Paragraph one of this Section may be as follows:

1) physical or mental abuse, including sexual abuse;

2) legal and administrative measures or also police or judicial measures, which in themselves are discriminatory or are implemented in a discriminatory manner;
3) a disproportionate or discriminatory charge or a disproportionate or discriminatory punishment;
4) refusal of legal appeal, which results in imposition of a disproportionate or discriminatory punishment;
5) a charge or punishment for the refusal to perform military service during a conflict, if the performance of military service would include a crime or such activities to which Section 45, Paragraph one, Clauses 3, 4, and 5 of this Law apply;
6) activities which are particularly aimed towards gender or towards minors.

Section 22. Grounds of Persecution

(1) In assessing the grounds of persecution, an official authorised by the head of the Office shall take into account the asylum seeker's:
1) race, skin colour, origin or membership of a specific ethnic group;
2) religious affiliation, participation in official private or public religious services, his or her other religious activities or expression of views, or also personal or group behaviour based on religious views;
3) nationality that may also be expressed as membership of such group, which is determined by cultural, ethnic or language identity, common geographical or political origin or relationships with residents of another country;
4) membership of a specific social group, which conforms to one of the following characteristics:
a) group members have common congenital attributes or a common parentage, which cannot be changed, or they have common attributes or a conviction, which is so important to the identity or awareness of the person that the person may not be forced to abandon it, and the above-mentioned group has a unique identity in the relevant country, which the community regards as different,
b) depending on the conditions in the country of origin, such group, main common attribute of which is a specific sexual orientation, may be regarded as a special social group therein;
5) political views or opinions regarding the potential persecutors referred to in Section 42 of this Law and their policies regardless of whether the asylum seeker has acted according to his or her opinion.

(2) In assessing whether the fear of persecution of an asylum seeker is justified, his actual race, religion, nationality or membership of a specific social or political group, due to which he or she may be exposed to persecution, shall not be of significance unless the

persecutors indicated in Section 42 of this Law apply the above-mentioned indications to the asylum seeker.

Section 26. Ensuring Protection

(1) In taking a decision to grant refugee or alternative status or to refuse to grant it, an official authorised by the head of the Office shall assess the feasibility of ensuring protection in the country of origin. Protection may be ensured only by:

1) the country of origin;

2) parties or organisations of the country of origin, including international organisations, which control this country or a significant part of the territory thereof.

(2) Protection is ensured if it is efficient and unlimited in time and if the country of origin, parties or organisations thereof or international organisations are willing and able take measures in order to prevent persecution or serious harm, also maintain an efficient legal system, the aim of which is to detect activities related to persecution or serious harm, and also to charge and punish for such activities, and if such protection is available to an asylum seeker.

Section 17. Need for Protection of a Person while Residing in the Republic of Latvia

If a person resides in the Republic of Latvia, a warranted reason for justified fear thereof from persecution or from potential serious harm may be:

1) events in the country of origin of the asylum seeker, which have taken place after he or she has left this country;

2) activities in which the asylum seeker has become involved since leaving the country of origin thereof, particularly if it has been detected that these activities, upon which the fear is based, certify and continue to certify the former conviction or orientation of the person in the country of origin.

Section 27. Cases when Refugee Status is not Granted

(1) Refugee status shall not be granted if at least one of the following conditions exists:

1) the person is receiving protection or aid from other structures of the United Nations Organisation, except the United Nations High Commissioner for Refugees. If the above-mentioned protection or aid to the person is suspended due to any reason and if the status thereof has not been specifically determined in resolutions of the General Assembly of the United Nations, the provisions of this Law shall apply thereto;

2) the competent authorities of the Republic of Latvia have acknowledged that the person has the rights and obligations, which are applicable to citizens of Latvia, or rights or obligations equivalent thereto;

3) the person has committed a crime against peace, a war crime or a crime against humanity, as defined in international documents;

4) prior to arrival in the Republic of Latvia the person has committed a crime, which is not of political nature and which in accordance with the law of the Republic of Latvia should be recognised as a particularly serious crime;

5) the person has performed activities, which are aimed against the objectives and principles of the United Nations Organisation;

6) there is reason to believe that the person poses a threat to national security;

7) the person, who has been recognised as guilty of committing a particularly serious crime by a court judgement of the Republic of Latvia, poses a threat to the society of Latvia.

(2) Paragraph one, Clauses 3, 4, and 5 of this Section shall also be applied to persons who incite to the above-mentioned crimes or activities or otherwise participate in the committing or encouraging of the above-mentioned crimes or activities.

Chapter X Loss and Revocation of Refugee and Alternative Status

Section 55. Conditions for the Loss of Refugee Status

(1) A person shall lose refugee status if he or she:

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.

(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.

(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.

LEBANON

Order No. 319 of 1962 regulating the status of foreign nationals in Lebanon, 2 August 1962, https://www.refworld.org/legal/decreees/natlegbod/1962/74385

CHAPTER VIII – POLITICAL ASYLUM

Article 26

Any foreign national who is the subject of a prosecution or a conviction by an authority that is not Lebanese for a political crime or whose life or freedom is threatened, also for political reasons, may request political asylum in Lebanon. The definition of political crime contained in articles 196 and 197 of the Penal Code shall be taken into consideration. The provisions of articles 30 to 36 of the Penal Code respecting extradition shall remain applicable.

[…]

Article 30

A person who has obtained asylum in Lebanon may not engage in any political activity.

LESOTHO

Refugee Act 1983, 9 December 1983,
https://www.refworld.org/legal/legislation/natlegbod/1983/18185

2. Interpretation

In this Act, unless the context otherwise requires,

"Refugee" means any person falling within the terms of Section 3(1); and […]

3. Definition of Refugee

(1) Subject to Sub-section (2), a refugee is any person who,

(a) owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion;

(i) is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or

(ii) not having a nationality and being outside the country of his former residence, is unable or owing to such fear, is unwilling to return to it; or

(b) owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either the whole or part of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality; or

(c) belongs to a class of persons declared by the Minister to be refugees for reasons set out in paragraph (a) or (b).

(2) A person shall not be considered to be a refugee under this Act, if,

(a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(b) he has committed a serious non-political crime outside Lesotho prior to his admission to Lesotho as a refugee; or

(c) he has violated the purposes and principles of the charter of the Organisation of African Unity and the United Nations Charter.

4. Cessation provisions

A person shall cease to be a refugee under this Act if,

(a)he has voluntarily re-availed himself of the protection of the country of his nationality;

(b)having lost his nationality, he has voluntarily re-acquired it;

(c)he has acquired Lesotho nationality or the nationality of some other country and enjoys the protection of the country of his new nationality;

(d)he has voluntarily re-established himself in the country which he left or outside of which he remained owing to fear of persecution; or
(e)he can no longer, because the circumstances in connection with which has been recognised as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality.

LIBERIA

Refugee Act, 1993, 19 January 1994,
https://www.refworld.org/legal/legislation/natlegbod/1994/57521

SECTION 2: INTERPRETATION OF TERMS

In this Act […]

"recognized refugee" means a refugee who

(a)has been recognized as a refugee in terms, of section seven; or

(b)is a member of a class of persons declared to be refugees in terms of subsection (2) of section three;

"refugee" means any person who is a refugee in terms of section three.

SECTION 3 : MEANING OF "REFUGEE"

(1) Subject to the provisions of this section, a person shall be a refugee for the purposes of this Act if

(a)owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, he is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or

(b)not having a nationality and being outside the country of his former habitual residence, he is unable or, owing to well-founded fear of being persecuted for reasons of race, religion, membership of a particular social group or political opinion, is unwilling to return to it; or

(c)owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, he is compelled to leave his place of habitual residence in order to seek refugee in another Place outside his country of origin or nationality; or

(d)he has been considered a refugee under the Arrangements of the 12th May, 1926, and the 30th June, 1928, or under the Conventions of the 28th October, 1933, and the 10th February, 1938, the Protocol of the 14th September, 1939, or the Constitution of the International Refugee Organization; or

(e)he is a member of a class of persons declared in terms of subsection (2) to be refugees.

[…]

(4) A person shall not be a refugee for the purposes of this Act if

(a)he has committed a crime against peace, a war crime or a crime against humanity, as defined in any international instrument to which Liberia is a party and which has been drawn up to make provision in respect of such crimes; or

(b)he has committed a serious non-political crime outside Liberia prior to his admission to Liberia as a refugee; or

(c)he has been guilty of acts contrary to the purposes and principals of the United Nations Organization or the Organization of African Unity; or

(d)having more than one nationality, he has not availed himself of the protection of one of the countries of which he is a national and has no valid reason, based on well-founded fear of persecution or on a reason referred to in paragraph (c) of subsection (1), for not having availed himself of its protection.

(5)A person shall cease to be a refugee for the purposes of this Act if

(a)he voluntarily re-avails himself of the protection of the country of his nationality; or

(b)having lost his nationality, he voluntarily re-acquires it; or

(c)he becomes a citizen of Liberia or acquires the nationality of some other country and enjoys the protection of the country of his new nationality; or

(d)he voluntarily re-establishes himself in the country which he left, of outside which he remained owing to a reason referred to in paragraph (c) of subsection (1), as the case may be; or

(e)he can no longer, because the circumstances in connection with which he was recognized as a refugee have ceased to exist

(i)continue to refuse to avail himself of the Protection of his country of nationality; or

(ii)he has lost his nationality, continue to refuse to return to the country of his former habitual residence:

Provided that the provisions of this paragraph shall not apply to a person who is referred to in paragraph (d) of subsection (1) and who satisfies the Executive Director and the Representative of the United Nations High Commissioner for Refugees that he has compelling reasons, arising out of previous Persecution, for refusing so to avail himself or so to return, as the case may be; or

(f)he is a Person referred to in paragraph (c) of subsection or is a member of a class of persons declared in terms of subsection (2) to be refugees on the ground that they are refugees as described in paragraph (c) of subsection (1), and

(i)he has committed a serious non-political crime outside Liberia after his admission into Liberia as a refugee; or

(ii)he has seriously infringed the purposes and objectives of the Convention Governing the Specific Aspects of Refugee Problems in Africa, signed at Addis Ababa on the 10th September, 1969.

LITHUANIA

Law No. IX-2206 of 2004 on the Legal Status of Foreigners, 29 April 2004, https://www.refworld.org/legal/legislation/natlegbod/2004/147216

Please note that, as of 1 July 2026, the EU Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 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, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (see European Union) entered into application. The national law should therefore be read and applied in compliance with this Regulation.

Article 2. Definitions

[…]

18. 'Refugee' means a foreigner who has been granted refugee status in the Republic of Lithuania in accordance with the procedure laid down in this Law.

[…]

Article 86. Granting of refugee status

1. Refugee status shall be granted to an asylum applicant who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country or who, not possessing the nationality of the respective foreign state and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it, unless there are reasons specified in Article 88(1) and (2) of this Law.

2. Actors of persecution referred to in paragraph 1 of this Article shall include the state, parties or organisations controlling the state or a substantial part of the territory of the state and non-state actors, if it can be demonstrated that the state, groups or organisations controlling the state or a substantial part of the territory of the state, including international organisations, are unable or unwilling to provide effective and non-temporary protection against persecution. Effective and non-temporary protection against persecution is generally provided when the state, a group or organisation controlling the state or a substantial part of the territory of the state, including international organisations, take reasonable steps to prevent the persecution or the acts referred to in Article 87(1) of this

Law, by operating an effective legal system for the detection, prosecution and punishment of persecution and the acts referred to in Article 87(1) of this Law.
3. A decision to grant or to refuse to grant refugee status shall be taken by the Migration Department.
4. Having taken a decision on the granting of refugee status, the Migration Department shall provide a refugee with access to information, in a language that he understands, on the rights and obligations relating to refugee status.

Article 88. Exclusion

1. An asylum applicant shall be excluded from being a refugee if it is established that he would have no well-founded fear of being persecuted or would not be at real risk of the acts indicated in Article 87(1) of this Law or that he would have access to protection of the State or a party or organisation controlling the State or a substantial part of the territory of the State, including international organisation, or that the State or the said group or organisation is willing and may offer significant and non-temporary protection within the meaning of Article 86(2) of this Law while the asylum applicant shall have access to such protection, or that he can safely and legally travel to and gain admittance to that part of the country and can reasonably be expected to settle there.
2. An asylum applicant who meets the criteria set out in Article 86(1) of this Law shall be excluded from being a refugee if:

1) he enjoys assistance and protection from organs or agencies of the United Nations other than the Office of the United Nations High Commissioner for Refugees for as long as such assistance and protection is provided;
2) the applicant's rights and obligations are recognised 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, or rights and obligations equivalent to those;
3) there are serious grounds for believing that he has committed a serious non-political crime prior to his entry into the Republic of Lithuania (particularly cruel actions, even if committed with an allegedly political objective, may be classified as serious non-political crimes) or has been guilty of acts contrary to the purposes and principles of the United Nations, or has incited or otherwise participated in the commission of such crimes or such acts;
4) there are serious grounds for believing that he has committed a crime against peace, a crime against humanity or a war crime, within the meaning of laws of the Republic of Lithuania, international treaties or other instruments of international law, or that he has instigated or otherwise participated in committing such crimes;

5) there are serious grounds for believing his stay in the Republic of Lithuania as a threat to national security or he, having been convicted by a final judgment of a grave crime, constitutes a danger to the community.

3. An asylum applicant who meets the criteria set out in Article 87(1) of this Law shall be excluded from being eligible for subsidiary protection if:

1. there are serious grounds for believing that he has committed a crime against peace, a crime against humanity or a war crime, within the meaning of laws of the Republic of Lithuania, international treaties or other instruments of international law, or that he has instigated or otherwise participated in committing such crimes;
2. there are serious grounds for believing that he has committed a serious crime or a grave crime or has instigated or otherwise participated in committing such a crime;
3. he has been found guilty of actions contrary to the purposes and principles of the United Nations or he has instigated or otherwise participated in committing such actions;
4. there are serious grounds for believing his stay in the Republic of Lithuania as a threat to national security or to the community;
5. he left his country of origin solely in order to avoid sanctions resulting from the committed crime and if laws of the Republic of Lithuania provide for a custodial sentence for committing such a crime.

Article 90. Withdrawal of asylum

1. Refugee status granted to a foreigner shall be withdrawn if the foreigner:

1) has voluntarily re-availed himself of the protection of the country of nationality;
2) has voluntarily re-acquired his lost nationality;
21) refuses refugee status in the Republic of Lithuania;
3) has acquired the nationality of another country and enjoys the protection of the country of his new nationality;
4) has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution;
5) can no longer continue to refuse to avail himself of the protection of the country of his nationality because the circumstances in connection with which he has been granted refugee status have ceased to exist;
6) being a stateless person he can return to the country of his former habitual residence because the circumstances in connection with which he has been granted refugee status have ceased to exist;
7) has acquired refugee status by fraud, except in the cases when the personal information supplied by him did not have a decisive effect on the decision to grant him refugee status;

8) has been granted refugee status although such status should not have been granted to him due to the circumstances provided for in points 1 to 4 of Article 88(2) of this Law;
9) there are serious grounds for believing his stay in the Republic of Lithuania as a threat to national security or he, having been convicted by a final judgment of a grave crime, constitutes a danger to the community.

[…]

6. When deciding on the withdrawal of refugee status or subsidiary protection on the grounds laid down in points 5 and 6 of paragraph 1 and point 1 of paragraph 2 of this Article, account shall be taken of whether the change of circumstances is of such a significant and non-temporary nature that the refugee's fear of persecution can no longer be regarded as well-founded and that a threat of the actions referred to in Article 87(1) of this Law is no longer real.

7. Points 5 and 6 of paragraph 1 of this Article shall not apply to a refugee and point 1 of paragraph 2 of this Article shall not apply to a foreigner who has been granted subsidiary protection if he is able to invoke compelling reasons arising respectively out of previous persecution or actions referred to in Article 87(1) of this Law for refusing to avail himself of the protection of the country of origin.

[…]

LUXEMBOURG

Loi du 18 décembre 2015 relative à la protection internationale et à la protection temporaire et relative à l'accueil des demandeurs de protection internationale et de protection temporaire, et modifiant la loi modifiée du 10 août 1991 sur la profession d'avocat., 18 December 2015,
https://www.refworld.org/legal/legislation/natlegbod/2015/115510

Please note that, as of 1 July 2026, the EU Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 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, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (see European Union) entered into application. The national law should therefore be read and applied in compliance with this Regulation.

Chapitre 1er.– Objet, champ d'application, définitions et compétence

Art. 2. Aux fins de la présente loi, on entend par:
[…]
f) réfugié: tout ressortissant d'un pays tiers ou apatride qui, parce qu'il craint avec raison d'être persécuté du fait de a race, de sa religion, de sa nationalité, de ses opinions politiques ou de son appartenance à un certain groupe social, se trouve hors du pays dont il a la nationalité et qui ne peut ou, du fait de cette crainte, ne veut se réclamer de la protection de ce pays ou tout apatride qui, se trouvant pour les raisons susmentionnées hors du pays dans lequel il avait sa résidence habituelle, ne peut ou, du fait de cette crainte, ne veut y retourner et qui n'entre pas dans le champ d'application de l'article 45;
[…]
p) pays d'origine: le pays ou les pays dont le demandeur a la nationalité ou, s'il est apatride, le pays dans lequel il avait sa résidence habituelle;
[…]

Art. 38.
(1) Une crainte fondée d'être persécuté ou un risque réel de subir des atteintes graves peut s'appuyer sur des événements ayant eu lieu depuis le départ du demandeur du pays d'origine.

(2) Une crainte fondée d'être persécuté ou un risque réel de subir des atteintes graves peut s'appuyer sur des activités exercées par le demandeur depuis son départ du pays d'origine, en particulier s'il est établi que les activités sur lesquelles cette demande se fonde constituent l'expression et la prolongation de convictions ou d'orientations affichées dans le pays d'origine.
(3) Sans préjudice de la Convention de Genève, un demandeur qui introduit une demande ultérieure ne se voit normalement pas octroyer le statut de réfugié, si le risque de persécutions est fondé sur des circonstances que le demandeur a créées de son propre fait depuis son départ du pays d'origine.

Art. 39.
Les acteurs des persécutions ou des atteintes graves peuvent être:

a) l'Etat;

b) des partis ou organisations qui contrôlent l'Etat ou une partie importante du territoire de celui-ci;

c) des acteurs non étatiques, s'il peut être démontré que les acteurs visés aux points a) et b), y compris les organisations internationales, ne peuvent pas ou ne veulent pas accorder une protection contre les persécutions ou les atteintes graves.

Art. 40.
(1) La protection contre les persécutions ou les atteintes graves ne peut être accordée que par:

a) l'Etat, ou

b) des partis ou organisations, y compris des organisations internationales, qui contrôlent l'Etat ou une partie importante du territoire de celui-ci, pour autant qu'ils soient disposés à offrir une protection au sens du paragraphe (2) et en mesure de le faire.

(2) La protection contre les persécutions ou les atteintes graves doit être effective et non temporaire. Une telle protection est généralement accordée lorsque les acteurs visés au paragraphe (1) points a) et b) prennent des mesures raisonnables pour empêcher la persécution ou des atteintes graves, entre autres lorsqu'ils disposent d'un système judiciaire effectif permettant de déceler, de poursuivre et de sanctionner les actes constituant une persécution ou une atteinte grave, et lorsque le demandeur a accès à cette protection.
(3) Lorsqu'il détermine si une organisation internationale contrôle un Etat ou une partie importante de son territoire et si elle fournit une protection au sens du paragraphe (2), le ministre tient compte des orientations éventuellement données par les actes du Conseil de l'Union européenne en la matière.

Art. 45. (1) Tout ressortissant d'un pays tiers ou apatride est exclu du statut de réfugié:

a) lorsqu'il relève de l'article 1er, section D, de la Convention de Genève, concernant la protection ou l'assistance de la part d'un organisme ou d'une institution des Nations unies autre que le Haut Commissariat des Nations unies pour les réfugiés. Si cette protection ou cette assistance cesse pour quelque raison que ce soit, sans que le sort de ces personnes ait été définitivement réglé conformément aux résolutions pertinentes de l'Assemblée générale des Nations unies, ces personnes pourront ipso facto se prévaloir de la présente loi;

b) lorsqu'il est considéré par les autorités compétentes du pays dans lequel il a établi sa résidence comme ayant les droits et obligations qui sont attachés à la possession de la nationalité de ce pays, ou des droits et des obligations équivalents.

(2) Tout ressortissant d'un pays tiers ou apatride est exclu du statut de réfugié lorsqu'il y a des raisons sérieuses de penser:

a) qu'il a commis un crime contre la paix, un crime de guerre ou un crime contre l'humanité au sens des instruments internationaux élaborés pour prévoir des dispositions relatives à ces crimes;

b) qu'il a commis un crime grave de droit commun en dehors du Luxembourg avant d'être admis comme réfugié, c'est-à-dire avant la date d'obtention du titre de séjour délivré sur la base du statut de réfugié; les actions particulièrement cruelles, même si elles sont commises avec un objectif prétendument politique, pourront recevoir la qualification de crimes graves de droit commun;

c) qu'il s'est rendu coupable d'agissements contraires aux buts et aux principes des Nations unies tels qu'ils figurent dans le préambule et aux articles 1er et 2 de la Charte des Nations unies.

(3) Le paragraphe (2) s'applique aux personnes qui sont les instigatrices des crimes ou des actes visés par ledit paragraphe, ou qui y participent de quelque autre manière.

MACAO*

*** Special Administrative Region of China**

Lei n. 1/2004, Regime de reconhecimento e perda do estatuto de refugiado, 23 February 2004, https://www.refworld.org/legal/legislation/natlegbod/2004/109917

Article 3 Refugee

Those who may be recognized as a refugee in the MSAR are those who are:

1) A refugee under the terms of the Convention and Protocol;

2) Under the mandate of UNHCR, pursuant to Articles 6 and 7 of its Statute.

Article 24 Causes of the loss of refugee status

Besides the reasons referred to in Section C Article 1 of the Convention, causes for the loss of refugee status are:

[…]

4) The reasons which justified the recognition of refugee status have ceased to exist;

[…]

6) The abandonment of MSAR, the applicant has already settled outside the territory.

MADAGASCAR

Loi n° 67-020 du 15 novembre 1967 portant autorisation d'adhésion de la République Malgache à la Convention de Genève du 28 juillet 1951 relative au statut des réfugiés (J.O. n° 565 du 25.11.67, p.1894) dans Code Civil, 1 January 2000, https://www.refworld.org/legal/legislation/natlegbod/2000/147137

Article premier Définition du terme « réfugié »

A.- Aux fins de la présente convention, le terme « réfugié » s'appliquera à toute personne:

1. Qui a été considéré comme réfugiée en application des arrangements du 12 mai 1926 et du 30 juin 1928, ou en application des conventions du 28 octobre 1933 et du 10 février 1938 et du protocole du 14 septembre 1939, ou encore en application de la constitution de l'organisation internationale pour les réfugiés;

Les décisions de non-éligibilité prises par l'organisation internationale pour les réfugiés pendant la durée de son mandat ne font pas obstacle à ce que la qualité de réfugié soit accordée à des personnes qui remplissent les conditions prévues au paragraphe 2 de la présente section;

2. Qui, par suite d'événements survenus avant le premier janvier 1951 et craignant avec raison d'être persécutée du fait de sa race, de sa religion, de sa nationalité, de son appartenance à un certain groupe social ou de ses opinions politiques, se trouve hors du pays dont elle a la nationalité et qui ne peut ou, du fait de cette crainte, ne veut se réclamer de la protection de ce pays; ou qui, si elle n'a pas de nationalité et se trouve hors du pays dans lequel elle avait sa résidence habituelle à la suite de tels événements, ne peut ou, en raison de ladite crainte, ne veut y retourner.

Dans le cas d'une personne qui a plus d'une nationalité, l'expression « du pays dont elle a la nationalité » vise chacun des pays dont cette personne a la nationalité. Ne sera pas considérée comme privée de la protection du pays dont elle a la nationalité, toute personne qui, sans raison valable fondée sur une crainte justifiée, ne s'est pas réclamée de la protection de l'un des pays dont elle a la nationalité.

B.- 1. Aux fins de la présente convention, les mots « événements survenus avant le premier janvier 1951 » figurant à l'article premier, section A, pourront être compris dans le sens de soit.

a. « Evénements survenus avant le premier janvier 1951 en Europe »; soit

b. « Evénements survenus avant le premier janvier 1951 en Europe ou ailleurs »;

et chaque Etat contractant fera, au moment de la signature, de la ratification ou de l'adhésion, une déclaration précisant la portée qu'il entend donner à cette expression au point de vue des obligations assumées par lui en vertu de la présente convention.

2. Tout Etat contractant qui a adopté la formule a) pourra à tout moment étendre ses obligations en adoptant la formule b) par notification adressée au Secrétaire général des Nations Unies.

C.- Cette convention cessera, dans les cas ci-après, d'être applicable à toute personne visée par les dispositions de la section A ci-dessus:

1° Si elle s'est volontairement réclamée à nouveau de la protection du pays dont elle a la nationalité; ou

2. Si, ayant perdu sa nationalité, elle l'a volontairement recouvrée; ou

3. Si elle a acquis une nouvelle nationalité et jouit de la protection du pays dont elle a acquis la nationalité; ou

4. Si elle est retournée volontairement s'établir dans le pays qu'elle a quitté ou hors duquel elle est demeurée de crainte d'être persécutée; ou

5. Si, les circonstances à la suite desquelles elle a été reconnue comme réfugiée ayant cessé d'exister, elle ne peut plus continuer à refuser de se réclamer de la protection du pays dont elle a la nationalité; Etant entendu, toutefois, que les dispositions du présent paragraphe ne s'appliqueront pas à tout réfugié visé au paragraphe 1 de la section A du présent article qui peut invoquer, pour refuser de se réclamer de la protection du pays dont il a la nationalité, des raisons impérieuses tenant à des persécutions antérieures;

6. S'agissant d'une personne qui n'a pas de nationalité, si, les circonstances à la suite desquelles elle a été reconnue comme réfugiée ayant cessé d'exister, elle est en mesure de retourner dans le pays dans lequel elle avait sa résidence habituelle; Etant entendu, toutefois, que les dispositions du présent paragraphe ne s'appliqueront pas à tout réfugié visé au paragraphe 1 de la section A du présent article qui peut invoquer, pour refuser de retourner dans le pays dans lequel il avait sa résidence habituelle, des raisons impérieuses tenant à des persécutions antérieures.

D.- Cette convention ne sera pas applicable aux personnes qui bénéficient actuellement d'une protection ou d'une assistance de la part d'un organisme ou d'une institution des Nations Unies autre que le Haut Commissaire des Nations Unies pour les réfugiés. Lorsque cette protection ou cette assistance aura cessé pour une raison quelconque, sans que le sort de ces personnes ait été définitivement réglé, conformément aux résolutions y relatives adoptées par l'Assemblée générale des Nations Unies, ces personnes bénéficieront de plein droit du régime de cette Convention.

E.- Cette Convention ne sera pas applicable à une personne considérée par les autorités compétentes du pays dans lequel cette personne a établi sa résidence comme ayant les droits et les obligations attachés à la possession de la nationalité de ce pays.

F. - Les dispositions de cette Convention ne seront pas applicables aux personnes dont on aura des raisons sérieuses de penser:

a. Qu’elles ont commis un crime grave contre la paix, un crime de guerre ou un crime contre l’humanité, au sens des instruments internationaux élaborés pour prévoir des dispositions relatives à ces crimes;
b. Qu’elles ont commis un crime grave de droit commun en dehors du pays d’accueil avant d’y être admises comme réfugiés;
c. Qu’elles se sont rendues coupables d’agissements contraires aux buts et aux principes des Nations Unies.

MALAWI

Refugee Act of 1989, 8 May 1989,
https://www.refworld.org/legal/legislation/natlegbod/1989/17638

Article 2 - Interpretation

[…]

"refugee" means a person who -

(a)owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habituel residence as a result of such events is unable or, owing to such fear, is unwilling to return to that country; or

(b)owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality;

"Committee" means the Refugee Committee established under section 3;

"refugee conventions" means -

(a)the Convention relating to the Status of Refugees, done at Geneva on 28 July, 1951;

(b)the Protocol relating to the Status of Refugees of 31 January, 1967; and

(c)the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, adopted at Addis Ababa on 10 September, 1969.

(2)A person who has several nationalities shall not be considered to be lacking the protection of the nationality of the country of which he is a national if, without any valid reason based on well-founded fear he has not availed himself of the protection of one of the countries of which he is a national.

Article 8 - Persons not to be considered as refugees

A person shall not be considered to be a refugee under this Act if the Committee has serious reasons for considering that -

(a)he has committed a crime against peace, a war crime, a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(b)he has committed a serious non-political crime outside Malawi prior to his entry; or

(c)he has been guilty of acts contrary to the purposes and principles of the Organization of African Unity;

(d)he has been guilty of acts contrary to the purposes and principles of the United Nations Organization.

MALI

Loi No. 1998-40 du 1998 portant sur le statut des réfugiés, 18 May 1998, https://www.refworld.org/legal/legislation/natlegbod/1998/37151

ARTICLE 2

Est considérée comme réfugié au Mali toute personne de nationalité étrangère ou sans nationalité qui, du fait de sa race, de sa religion, de son appartenance à un certain groupe social ou des ses opinions politiques, craignant avec raison d'être persécuté, se trouve sur le territoire national et ne peut ou ne veut se réclamer de la protection du pays dont elle a la nationalité et ne veut y retourner du fait de cette crainte. Le terme de «réfugié» s'applique également à toute personne qui, du fait d'une agression, d'une occupation extérieure, d'une domination étrangère ou d'événements troublant gravement l'ordre public dans une partie ou dans la totalité de son pays d'origine ou du pays dont elle a la nationalité, est obligée de quitter sa résidence habituelle pour chercher refuge dans un autre endroit à l'extérieur de son pays d'origine ou du pays dont elle a la nationalité.

CHAPITRE II: CONDITIONS D'ACQUISITION ET DE PERTE DU STATUT DU REFUGIE

ARTICLE 3:

Tout demandeur d'asile sur le territoire national peut bénéficier du statue de réfugié s'il relève du mandat du Haut Commissariat des Nations Unies pour les Réfugiés (HCR) et reconnu comme tel par un acte du Gouvernement de la République du Mali.

ARTICLE 4:

La présente loi cesse de s'appliquer, dans les cas suivante, à toute personne jouissant du statue de réfugié:

a-Si cette personne s'est volontairement réclamé à nouveau de la protection du pays dont elle a la nationalité;

b-Si, ayant perdu sa nationalité, elle l'a volontairement recouvrée;

c-Si elle a acquis une nouvelle nationalité et si elle jouit de la protection du pays dont elle a la nationalité;

d-Si elle est retournée volontairement s'établir dans le pays qu'elle quitté ou hors duquel elle est demeurée de crainte d'être persécutée;

e-Si, les circonstances à la suite desquelles elle a été reconnue comme réfugié ayant cessé d'exister, elle ne peut plus continuer à refuser de sa réclamer de la protection du pays dont elle a la nationalité;

f-Si elle a commis un crime grave de caractère non politique en dehors du pays d'accueil après y avoir été admise comme réfugiée;
g-Si elle quitte le Mali sans titre de voyage régulier ou n'y revient pas avant l'expiration e la validité du titre de voyage dont elle est munie.

ARTICLE 5

Les dispositions de la présente loi ne sont pas applicables à toute personne dont le Mali a des raisons sérieuses de penser:

a) qu'elle a commis un crime contre la paix, un crime de guerre ou un crime contre l'humanité, au sens des instruments internationaux élaborés pour prévoir des dispositions relatives à ces crimes.

b) qu'elle a commis un crime grave de caractère non politique en dehors du pays d'accueil avant d'être admise comme réfugiée.

c) qu'elle s'est rendue coupable d'agissements contraires aux objectifs et aux principes de l'Organisation de l'Unité Africaine et des Nations Unies.

MALTA

Chapter 420, International Protection Act, Act XX of 2000, 1 October 2000, https://www.refworld.org/legal/legislation/natlegbod/2000/123495

Please note that, as of 1 July 2026, the EU Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 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, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (see European Union) entered into application. The national law should therefore be read and applied in compliance with this Regulation.

Part I

2. In this act, unless the context otherwise requires – […]

"refugee" means a third country national who, owing to a well- founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, as a result of such events is unable or, owing to such fear, is unwilling to return to it, but does not include a person excluded in terms of article 12:

Provided that in the case where a person has more than one nationality, the term "country", mentioned above, shall refer to each country of which he is a national, and such a person shall not be considered as not having the protection of his country if, without any founded fear of persecution, he has not sought the protection of one of the countries of which such a person is a national:

Provided further that:

(a) acts of persecution within the meaning of Article 1A of the Convention must be sufficiently serious by their nature or repetition as to constitute a severe violation of basic human rights, in particular the right from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or

(b) be an accumulation of various measures, including violations of human rights, which is sufficiently severe as to affect an individual in a similar manner as in paragraph (a).

For the purpose of paragraph (a), "acts of persecution" means:

(a) acts of physical or mental violence, including acts of sexual violence;

(b) legal, administrative, police, and/or judicial measures which are in themselves discriminatory or which are implemented in a discriminatory manner;
(c) prosecution or punishment which is disproportionate or discriminatory;
(d) denial of judicial redress resulting in a disproportionate or discriminatory manner;
(e) prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts falling within the scope of the grounds for exclusion as set out in article 12(2);
(f) acts of a gender-specific or child-specific nature:

Provided that refugee status on the grounds of fear of persecution shall only be granted if there is a connection between the reasons for persecution mentioned in regulation 18 of the Procedural Standards in Examining Applications for International Protection Regulations and the acts of persecution referred to in this definition;

PART IV
Refugee Status and Subsidiary Protection Status
I - Refugee Status

8. (1) A person may apply to the International Protection Agency, in the prescribed form, and shall be granted refugee protection, where it is established that he faces a well-founded fear of persecution in his country of origin or habitual residence in terms of the Convention.
(2) A well-founded fear of persecution may be based on events which have taken place after applicant has left his country of origin or activities engaged in by applicant since leaving the country of origin, except when based on circumstances which the applicant has created by his own decision since leaving the country of origin.
(3) For the purpose of this article, a previous persecution or serious harm or a direct threat of such persecution or harm shall be considered as a serious indication of the applicant's well-founded fear of persecution or real risk of suffering serious harm, unless there are good reasons to consider that such persecution or previous harm will not be repeated.
[…]

Cessation of qualification for refugee status.

9.(1) A person shall cease to possess refugee status if he -

(a) has voluntarily re-availed himself of the protection of the country of his or her nationality, or, having lost his nationality, has voluntarily re-acquired it; or
(b) has acquired a new nationality and enjoys the protection of the country of his new nationality; or
(c) has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or

(d) can no longer, because the circumstances in connection with which he has been recognised as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality; or

(e) is a person who has no nationality and, because the circumstances in connection with which he has been recognised as a refugee have ceased to exist, is able to return to the country of his former habitual residence:

Provided that in paragraphs (d) and (e), regard shall be had as to whether the change of circumstances is of such a significant and non-temporary nature that the refugee's fear of persecution can no longer be regarded as well-founded:

Provided further that paragraphs (d) and (e) 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 nationality or, being a stateless person, of the country of former habitual residence.

[…]

Exclusion

12. (1) A third country national or a stateless person is excluded from being a refugee if:

(a) he falls within the scope of Article 1D of the Convention, relating to protection or assistance from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees. When such protection or assistance has ceased for any reason, without the position of such persons being definitely settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, such persons shall ipso facto be entitled to the benefits of this Act; or

(b) he is recognised 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, or equivalent rights and obligations.

(2) A third country national or a stateless person is also excluded from being a refugee where there are serious reasons for considering that:

(a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes; or

(b) he has committed a serious non-political crime outside the country of refuge, including particularly cruel actions even if committed with an allegedly political objective, prior to his admission as a refugee; or

(c) he has been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations.

(3) Subarticle (2) applies to persons who instigate or otherwise participate in the commission of the crimes or acts mentioned therein.

MAURITANIA

Décret No. 2005-022 du 2005 fixant les modalités d'application en République Islamique de Mauritanie des Convention internationales relatives aux réfugiés, 3 March 2005, https://www.refworld.org/legal/decreees/natlegbod/2005/63033

Article Premier : […]
Aux sens du présent décret, on entend par « réfugié », toute personne dont le statut est conforme à la définition prévue à l'article 1 de la Convention du 28 juillet 1951, et notamment toute personne, de nationalité étrangère ou sans nationalité, craignant avec raison d'être persécutée du fait de sa race, de sa religion, de son appartenance à un certain groupe social ou de ses opinions politiques, et qui se trouve sur le territoire national et ne peut, ou du fait de cette crainte, ne veut se réclamer de la protection du pays dont elle a la nationalité ou dans lequel elle avait sa résidence habituelle, et ne veut y retourner.

Le terme "refugie" s'applique également à toute personne qui, se trouve dans l'une situations prévues à l'article 1 de la Convention de l'OUA du 10 septembre 1969 régissant les aspects propres aux problèmes des réfugiés en Afrique et qui vise notamment toute personne qui, du fait d'une agression, d'une occupation extérieure, d'une domination étrangère ou d'événements troublant gravement l'ordre public dans une partie ou dans la totalité de son pays d'origine ou du pays dont elle a la nationalité, est obligée de quitter sa résidence habituelle pour chercher refuge sur le territoire national.

Article 6 : Ne peut être admise au statut de réfugié, toute personne dont l'autorité compétente aura des raisons sérieuses de penser :

a) qu'elle a commis un crime contre la paix, un crime de guerre ou un crime contre l'humanité, au sens des instruments internationaux élaborés pour prévoir des dispositions relatives à ces crimes ;
b) qu'elle a commis un crime grave de droit commun, en dehors du territoire national, avant d'y être admise comme refugiée;
c) qu'elle s'est rendue coupable d'agissements contraires aux buts et principes de l'Organisation des Nations-Unies ;
d) qu'elle s'est rendue coupable d'agissements contraires aux buts et principes de l'Union Africaine.

Article 7 – La jouissance du statut de réfugié cesse de s'appliquer dans l'un ou l'autre des cas suivants :

a) si le bénéficiaire s'est volontairement réclame à nouveau de la protection du pays dont il a la nationalité ;
b) si le bénéficiaire, ayant perdu sa nationalité, l'a volontairement recouvrée ;
c) si le bénéficiaire a acquis une nouvelle nationalité et s'il jouit de la protection du pays dont il a la nationalité ;
d) si le bénéficiaire est retourne volontairement s'établir dans le pays qu'il a quitte ou hors duquel il est demeuré de crainte d'être persécuté ;
e) si le bénéficiaire ne peut plus continuer à refuser de se réclamer de la protection du pays dont il a la nationalité ou dans lequel il avait sa résidence habituelle, les circonstances à la suite desquelles il a été reconnu comme réfugié ayant cessé d'exister,
f) Lorsqu'il a commis un crime grave de caractère non politique en dehors du territoire national après y avoir été admis comme réfugié;
g) Lorsqu'il quitte le territoire national sans titre de voyage régulier ou n'y revient pas avant l'expiration de la validité du titre de voyage dont il est muni.

MEXICO

Decreto por el que se expide la Ley sobre Refugiados y Protección Complementaria y se reforman, adicionan y derogan diversas disposiciones de la Ley General de Población, 27 January 2011, https://www.refworld.org/es/leg/legis/pejec/2011/126311

Artículo 13. La condición de refugiado se reconocerá a todo extranjero que se encuentre en territorio nacional, bajo alguno de los siguientes supuestos:

I. Que debido a fundados temores de ser perseguido por motivos de raza, religión, nacionalidad, género, pertenencia a determinado grupo social u opiniones políticas, se encuentre fuera del país de su nacionalidad y no pueda o, a causa de dichos temores, no quiera acogerse a la protección de tal país; o que, careciendo de nacionalidad y hallándose, a consecuencia de tales acontecimientos, fuera del país donde antes tuviera residencia habitual, no pueda o, a causa de dichos temores, no quiera regresar a él;

II. Que ha huido de su país de origen, porque su vida, seguridad o libertad han sido amenazadas por violencia generalizada, agresión extranjera, conflictos internos, violación masiva de los derechos humanos u otras circunstancias que hayan perturbado gravemente el orden público, y

III. Que debido a circunstancias que hayan surgido en su país de origen o como resultado de actividades realizadas, durante su estancia en territorio nacional, tenga fundados temores de ser perseguido por motivos de raza, religión, nacionalidad, género, pertenencia a determinado grupo social u opiniones políticas, o su vida, seguridad o libertad pudieran ser amenazadas por violencia generalizada, agresión extranjera, conflictos internos, violación masiva de los derechos humanos u otras circunstancias que hayan perturbado gravemente el orden público.

Artículo 14. Los refugiados reconocidos bajo los supuestos de la fracción III del artículo 13 de esta Ley, que previo a su reconocimiento hayan generado derechos de residencia, podrán optar por mantener su situación migratoria o acogerse a lo dispuesto por esta Ley y su reglamento.

Artículo 27. No será reconocida la condición de refugiado al extranjero respecto del cual, una vez analizada su solicitud, existan motivos fundados para considerar que se encuentra en alguno de los supuestos siguientes:

I. Que ha cometido un delito contra la paz, el crimen de genocidio, crímenes de lesa humanidad o crímenes de guerra, de los definidos en los instrumentos internacionales ratificados por el Estado Mexicano;
II. Que ha cometido fuera del territorio nacional un delito calificado como grave, antes de su internación al mismo, o
III. Que ha cometido actos contrarios a las finalidades y a los principios de las Naciones Unidas.

En el supuesto de la fracción II se deberá atender la naturaleza del delito y que el mismo sea punible conforme a la legislación nacional y a la del país de origen o del país donde se hubiese cometido.

Artículo 33. La Secretaría cesará el reconocimiento de la condición de refugiado al que:
I. Se ha acogido voluntariamente a la protección del país de su nacionalidad;
II. Habiendo perdido su nacionalidad, la recobra voluntariamente;
III. Ha adquirido una nueva nacionalidad y disfruta de la protección del país de su nueva nacionalidad;
IV. Se ha establecido voluntariamente en el país que había abandonado o fuera del cual había permanecido de conformidad con el artículo 13 de la presente Ley;
V. Han desaparecido las circunstancias por las cuales fue reconocido como refugiado y no puede continuar negándose a acogerse a la protección del país de su nacionalidad, o
VI. No tiene nacionalidad y por desaparecer las circunstancias en virtud de las cuales fue reconocido como refugiado, está en condiciones de regresar al país donde tenía su residencia habitual.

No cesará el reconocimiento de la condición de refugiado en los supuestos comprendidos en las fracciones V y VI, cuando el refugiado pueda invocar razones graves derivadas de la persecución por la que originalmente dejó su país de origen, o que mantenga un fundado temor de persecución por alguno de los motivos contemplados en el artículo 13 de esta Ley.

Artículo 34. La Secretaría revocará el reconocimiento de la condición de refugiado cuando, con posterioridad a su reconocimiento, un refugiado realice conductas contempladas en las fracciones I y III del artículo 27 de esta Ley.

Artículo 35. La Secretaría cancelará el reconocimiento de la condición de refugiado, cuando tenga en su poder pruebas fehacientes que demuestren que el solicitante ocultó o falseó los hechos declarados sobre los que basó su solicitud de tal forma que, de haberse conocido oportunamente, hubieran ocasionado el no reconocimiento de la condición.

MONTENEGRO

Act No. 01-1308/2 of 2016, Asylum Law, 29 December 2016,
https://www.refworld.org/legal/legislation/natlegbod/2016/104945

Asylum - Article 3

Asylum shall be granted to a foreigner seeking international protection, who is outside the country of his origin, and owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.

Definition of Terms - Article 10

For the purpose of this Law:

[…]

5) country of origin means the country whose nationality is held by a third-country national or the country in which a stateless person previously had habitual residence, and if the third-country national has more than one nationality, each of the countries whose national he is shall be considered his country of origin; […]

The Principle of "sur place" - Article 21

A well-founded fear of being persecuted or a real risk of suffering serious harm may be based on:

1) events which have taken place since the foreigner seeking international protection has left the country of origin;

2) activities which the foreigner seeking international protection has engaged in since he or she left the country of origin, in particular where it is established that the activities relied upon constitute the expression and continuation of convictions or orientations held in the country of origin.

In case an applicant seeking international protection files a subsequent application for international protection, the well-founded fear of being persecuted or a real risk of suffering serious harm may not be based on circumstances which the applicant has created purely in order to meet the requirements for being granted international protection.

Grounds for Persecution - Article 23

The grounds for persecution may include:

- race, which implies skin colour, origin and belonging to a particular ethnic group;
- faith, which implies theistic, non-theistic and atheistic beliefs, participation or non-participation in public or private formal religious rites, individually or in community with

others, other religious ceremonies or practice of the faith, or forms of personal or communal conduct based on religious belief or resulting therefrom;

- nationality, which implies belonging to a group which is determined by its cultural, ethnic, or linguistic identity, common geographical or political origins or its relationship with the population of another country, which may also include a citizenship;

- political opinion, which implies an opinion, attitude or belief about issues related to possible actors of persecution under Art 26 of this Law, and their policies or methods, whether or not the foreigner seeking international protection acted on this opinion, attitude or belief;

- a particular social group that includes members who have common inborn traits or common background that cannot be changed, or characteristics or beliefs, to the extent relevant for their identity or conscience that those persons should not be forced to give up, and such a group has a distinct identity in the relevant country, because the society that surrounds it considers it to be distinct.

Depending on the circumstances in the country of origin, a particular social group referred to in para 1 item 5 above, can denote a group which has the common characteristics of sexual orientation, whereas acts criminalised in the legislation of Montenegro may not be regarded as sexual orientation.

The features related to gender identity, including sex, shall be taken into account when examining membership to a particular social group, referred to in para 1 item 5 above, or to determine the characteristics of such groups.

Acts of Persecution - Article 24

The acts serious enough in their nature or repeated to constitute serious violation of fundamental human rights or a set of different measures which constitute violation of human rights shall be deemed as persecution.

The acts referred to in para 1 above may include:

1) physical or psychological violence, including sexual violence;

2) legal, administrative, police and/or judicial measures that are discriminatory or are implemented in a discriminatory manner;

3) prosecution or punishment which is disproportionate or discriminatory;

4) the denial of rights in judicial proceedings that may occur due to the disproportionate or discriminatory punishment;

5) prosecution or punishment for refusal of military service during the conflict, if the performance of military service meant execution of offenses or actions under Art 29, para 1, item 3 and Art 30 para 1 item 1 of this Law;

6) the acts of persecution specifically related to sex or children.

The existence of persecution shall be determined by a connection of the acts of persecution and/or lack of protection against such acts and the grounds for persecution as referred to in Art 23 of this Law.
When assessing whether an applicant had a well-founded fear of persecution it is irrelevant whether the applicant actually has racial, religious, national, social or political features which cause persecution, provided this feature is attributed to the applicant by the actors of persecution.

Actors of Persecution or Serious Harm - Article 26
The activities and actions taken by the following actors shall be deemed to be persecution and serious harm:

1) state authorities;
2) parties, national or international organisations controlling the state or a substantial part of the territory of the state;
3) non-state actors, if it can be determined that state authorities or parties, or national or international organisations controlling the state or a substantial part of the territory of the state are unable or unwilling to provide protection against persecution or serious harm.

Actors of Protection in the Country of Origin - Article 27
Protection against persecution and serious harm in the country of origin can only be provided by:

1) state authorities, or
2) parties, national or international organisations controlling the state or a substantial part of the territory of the state.

provided that they are able and willing to do so.
When assessing whether parties, national or international organisations control the state or a substantial part of the territory of the state, the data from official acts and guidance of the European Union shall be taken into account.
Protection as referred to in para 1 above implies the existence of an effective legal system for the detection, prosecution and punishment of actors of the acts constituting persecution or serious harm, as well as the possibility of exercising such protection by taking justified measures to prevent persecution or suffering serious harm on the account of which a foreigner seeks international protection.

Internal Resettlement and Protection - Article 28
International protection shall not be granted if it is determined that a foreigner seeking international protection has the possibility of travelling to a part of the country of origin:

1) where there is no well-founded fear of persecution or suffering serious harm;
2) where there is access to protection against persecution or serious harm;
3) if he can safely and legally travel to that part of the country;
4) where he can gain admittance; and
5) if he can reasonably be expected to settle there.

Exclusion from the Right to Asylum - Article 29

Asylum shall not be granted to a foreigner seeking international protection qualifying for asylum under this law if:

1) he enjoys protection or receives assistance form organs or agencies of the United Nations other than the UNHCR;
2) he has approved residence in the country which recognises, based on such residence, the same rights and obligations which are attached to the possession of the nationality of that country;
3) there are serious reasons for considering that he committed, incited or otherwise participated in the commission of:
   - a crime against peace, a war crime or a crime against humanity as defined in the international instruments;
   - a serious non-political crime prior to his arrival to Montenegro, if committed with an allegedly political objective;
   - particularly cruel actions, if committed with an allegedly political objective;
   - acts contrary to the purpose and principles of the United Nations.

In case the protection or assistance as referred to in para 1 above should cease from whatever reason beyond the influence of the foreigner seeking international protection, and where his status has not been finally resolved in accordance with the United Nations General Assembly instruments, asylum shall be granted.

Cessation of International Protection - Article 54

Asylum shall cease if:

1) the asylee voluntarily accepts the protection of the country of his nationality;
2) the asylee acquires the nationality of a country whose protection he may enjoy;
3) the asylee voluntarily returns and settles in the country which he had left or outside of which he had stayed because of fear of persecution ;
4) the circumstances in the asylee's country of origin on the basis of which he was granted international protection cease to exist; or
5) the asylee voluntarily re-acquires the nationality of the country of origin, which he had previously lost .

[…]

MOROCCO

Decree No. 2-57-1256 of August 29, 1957, establishing the procedures for the application of the Convention relating to the Status of Refugees signed in Geneva on July 28, 1951, 29 August 1957,
https://www.refworld.org/legal/decreees/natlegbod/1957/147119

Article 2

Le bureau des réfugiés et apatrides:

- reconnaît la qualité de réfugié à toute personne qui relève du mandat du Haut Commissaire des Nations Unies pour les réfugiés ou qui répond aux définitions de l'article premier de la Convention de Genève signée le 28 juillet 1951; […]

MOZAMBIQUE

Act No. 21/91 of 31 December 1991 (Refugee Act), No. 21/91, 13 December 1991, https://www.refworld.org/legal/legislation/natlegbod/1991/14936

Article 1 (The concept of the refugee)

1. Any person:

(a) who has a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to return to that country or to seek its protection;

(b) who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it;

(c) who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in a part or the whole of the country of origin, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality shall be considered a refugee.

2. A person who has more than one nationality shall be eligible for refugee status only when the above-mentioned grounds apply in relation to all the States of which he is a national.

Article 2 (Impediments to and forfeiture of refugee status)

1. Any person:

(a) who has committed or is accused of having committed a crime against peace, a war crime, or a crime against humanity, as defined in Mozambican criminal law or in the international instruments drawn up to make provision in respect of such crimes and signed by the Republic of Mozambique;

(b) who has committed acts contrary to the purposes and principles of the United Nations;

(c) who has voluntarily re-availed himself of the protection of the country of his nationality;

(d) who, having lost his nationality, has voluntarily re-acquired it;

(e) who, having acquired a new nationality, enjoys the protection of the country of his new nationality;

(f) who has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution;

(g) who, because the circumstances in connection with which he was recognized as a refugee have ceased to exist, refuses the protection of the country of his nationality: cannot be considered a refugee or shall forfeit that status.

2. Any person:

(a) who has committed outside the national territory a crime under ordinary law which is also considered serious in the light of Mozambican criminal law;

(b) who has infringed the purposes and objectives of the OAU Convention governing the specific aspects of refugee problems in Africa: may not be considered a refugee or may forfeit that status.

NAMIBIA

Namibia Refugees (Recognition and Control) Act, 1999 (Act 2 of 1999), 19 March 1999, https://www.refworld.org/legal/legislation/natlegbod/1999/147138

3. Meaning of "refugee"

For the purposes of this Act, a person shall be a refugee if -

(a) owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, he or she is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or

(b) not having a nationality and being outside the country of his or her former habitual residence, he or she is unable or, owing to a well-founded fear of being persecuted for reasons of race, religion, membership of a particular social group or political opinion, is unwilling to return to it; or

(c) owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his or her country of origin or nationality, he or she is compelled to leave his or her place of habitual residence in order to seek refuge in another place outside his or her country of origin or nationality.

4. Restrictions on grant of refugee status

(1) Notwithstanding the provisions of section 3, a person shall not be granted refugee status in terms of this Act, if such person -

(a) has more than one nationality and is able to avail himself or herself of the protection of one of the countries of which he or she is a national and has no valid reason, based on well-founded fear of being persecuted for any of the reasons mentioned in paragraph (a) of section 3 or on any of the reasons mentioned in paragraph (c) of that section, for not availing himself or herself of the protection of that country; or

(b) has, before his or her admission to Namibia as a refugee, committed -

(i) a crime against peace or a war crime or a crime against humanity; or

(ii) a serious non-political crime; or

(iii) acts contrary to the purposes and principles of the United Nations Organization or the Organization of African Unity; or

(c) belongs to a category of persons declared by the Minister by notice in the Gazette to be persons who are not entitled to refugee status in terms of this Act.

(2) The Minister may by notice in the Gazette revoke or amend a declaration contemplated in paragraph (c) of subsection (1).

(3) In this section -

"crime against peace or war crime or crime against humanity" includes the conduct of a war of aggression or a war in violation of an international treaty, or mistreatment or torture of civilians or prisoners of war, or enslavement or murder of civilians, or political, racial or religious persecutions;

"non-political offence" means an offence other than a political offence;

"political offence" means an offence which is committed in the course of some political disturbance and in furtherance of its objects;

"serious non-political crime" means any non-political offence which, if committed in Namibia, would be punishable with a sentence of imprisonment or other form of deprivation of liberty for a period of five years or more.

5. Loss of refugee status

A recognized refugee shall lose his or her refugee status for the purposes of this Act, if he or she -

(a) voluntarily returns to the country of which he or she was a national or to the country where he or she was habitually resident; or

(b) has voluntarily reavailed himself or herself of the protection of the country of his or her nationality; or

(c) acquires a new nationality and enjoys the protection of the country of his or her new nationality; or

(d) can no longer, because the circumstances in connection with which he or she has been granted refugee status have ceased to exist, continue to refuse to avail himself or herself of the protection of the country of his or her nationality.

NAURU

Refugees Convention Act 2012, Act No. 12 of 2012, 10 October 2012, https://www.refworld.org/legal/legislation/natlegbod/2012/123594

3 Interpretation:

[…]

'refugee' means a person who is a refugee under the Refugees Convention as modified by the Refugees Protocol;

[…]

10 Cancellation of refugee status

(1) The Secretary shall cancel a person's recognition as a refugee, if the Secretary is satisfied that:

(a) the Refugees Convention as modified by the Refugees Protocol ceases to apply to the person; […]

Schedule 1

[…]

Definition of a Refugee

A refugee is defined by Article 1(A)(2) of the 1951 Convention relating to the Status of Refugees, as amended by its 1967 Protocol, as a person who

. . . owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it.

[…]

Your claims will be assessed against the definition of a refugee set out in the Refugees Convention. […]

[…] You should tell us the reasons you think you are entitled to protection under the Refugee Convention.

In answering the questions, you should tell us if you think any of these reasons are because of:

• your race;

• your religion;
• your nationality;
• your membership of a particular social group;
• your political opinion;
• other reasons.
[…]

NETHERLANDS (THE)

Wet van 23 november 2000 tot algehele herziening van de Vreemdelingenwet (Vreemdelingenwet 2000), 1 April 2001, https://www.refworld.org/legal/legislation/natlegbod/2001/33936

Please note that, as of 1 July 2026, the EU Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 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, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (see European Union) entered into application. The national law should therefore be read and applied in compliance with this Regulation.

Artikel 1

In deze wet en de daarop berustende bepalingen wordt verstaan onder:

[…]

verdragsvluchteling: de vreemdeling die vluchteling is in de zin van het Vluchtelingenverdrag en op wie de bepalingen ervan van toepassing zijn;

[…]

Vluchtelingenverdrag: het op 28 juli 1951 te Genève tot stand gekomen Verdrag betreffende de status van vluchtelingen (Trb. 1951, 131), zoals gewijzigd bij het op 31 januari 1967 te New York tot stand gekomen Protocol betreffende de status van vluchtelingen (Trb. 1967, 76);

Artikel 29

1 Een verblijfsvergunning voor bepaalde tijd als bedoeld in artikel 28 kan worden verleend aan de vreemdeling:

- a.die verdragsvluchteling is; […]

Aliens Regulation 2000 (Voorschrift Vreemdelingen 2000), 1 April 2001, https://www.refworld.org/legal/decreees/natlegbod/2001/147448

Artikel 3.36

1 Daden van vervolging in de zin van artikel 1A van het Vluchtelingenverdrag moeten:

a.zo ernstig van aard zijn of zo vaak voorkomen dat zij een ernstige schending vormen van de grondrechten van de mens, met name de rechten ten aanzien waarvan geen afwijking mogelijk is uit hoofde van artikel 15, tweede lid, van het EVRM; of
b.een samenstel zijn van verschillende maatregelen, waaronder mensenrechtenschendingen, die voldoende ernstig zijn om iemand op een soortgelijke wijze te treffen als omschreven onder a.

2 Daden van vervolging in de zin van het eerste lid kunnen onder meer de vorm aannemen van:
a.daden van lichamelijk of geestelijk geweld, inclusief seksueel geweld;
b.wettelijke, administratieve, politiële of gerechtelijke maatregelen die op zichzelf discriminerend zijn of op discriminerende wijze worden uitgevoerd;
c.onevenredige of discriminerende vervolging of bestraffing;
d.ontneming van de toegang tot rechtsmiddelen, waardoor een onevenredig zware of discriminerende straf wordt opgelegd;
e.vervolging of bestraffing wegens de weigering militaire dienst te vervullen tijdens een conflict, wanneer het vervullen van militaire dienst strafbare feiten of handelingen inhoudt die onder de uitsluitingsclausule van artikel 1F van het Vluchtelingenverdrag vallen;
f.daden van genderspecifieke of kindspecifieke aard.
3 Er moet een verband zijn tussen enerzijds de gronden voor vervolging genoemd in artikel 1A van het Vluchtelingenverdrag en anderzijds de daden, bedoeld in het eerste lid, die als vervolging worden aangemerkt of het ontbreken van bescherming tegen dergelijke daden.

Artikel 3.37
1 Bij de beoordeling van de gronden van vervolging in de zin van het Vluchtelingenverdrag wordt rekening gehouden met de volgende elementen:
a.het begrip «ras» omvat met name de aspecten huidskleur, afkomst of het behoren tot een bepaalde etnische groep;
b.het begrip «godsdienst» omvat met name theïstische, niet-theïstische en atheïstische geloofsovertuigingen, het deelnemen aan of het zich onthouden van formele erediensten in de particuliere of openbare sfeer, hetzij alleen of in gemeenschap met anderen, andere religieuze activiteiten of uitingen, dan wel vormen van persoonlijk of gemeenschappelijk gedrag die op een godsdienstige overtuiging zijn gebaseerd of daardoor worden bepaald;
c.het begrip «nationaliteit» is niet beperkt tot staatsburgerschap of het ontbreken daarvan, maar omvat met name ook het behoren tot een groep die wordt bepaald door haar culturele, etnische of linguïstische identiteit, door een gemeenschappelijke

geografische of politieke oorsprong of door verwantschap met de bevolking van een andere staat;

d.een groep wordt geacht een specifieke sociale groep te vormen als met name:

1°.leden van de groep een aangeboren kenmerk vertonen of een gemeenschappelijke achtergrond hebben die niet gewijzigd kan worden, of een kenmerk of geloof delen dat voor de identiteit of de morele integriteit van de betrokkenen dermate fundamenteel is, dat van de betrokkenen niet mag worden geëist dat zij dit opgeven, en

2°.de groep in het betrokken land een eigen identiteit heeft, omdat zij in haar directe omgeving als afwijkend wordt beschouwd;

Afhankelijk van de omstandigheden in het land van herkomst kan een specifieke sociale groep een groep zijn die als gemeenschappelijk kenmerk seksuele gerichtheid heeft. Seksuele gerichtheid omvat geen handelingen die volgens het nationale recht van de lidstaten als strafbaar worden beschouwd. Wanneer moet worden vastgesteld of iemand tot een bepaalde sociale groep behoort of wanneer een kenmerk van een dergelijke groep wordt geïdentificeerd, wordt er terdege rekening gehouden met genderaspecten, waaronder genderidentiteit;

e.het begrip «politieke overtuiging» houdt met name in dat de vreemdeling een opvatting, gedachte of mening heeft betreffende een aangelegenheid die verband houdt met de in artikel 3.37a genoemde potentiële actoren en hun beleid of methoden, ongeacht of de vreemdeling zich in zijn handelen door deze opvatting, gedachte of mening heeft laten leiden.

2 Bij de beoordeling of de vrees van de vreemdeling voor vervolging in de zin van het Vluchtelingenverdrag gegrond is, doet het niet ter zake of de vreemdeling in werkelijkheid de raciale, godsdienstige, nationale, sociale of politieke kenmerken vertoont die aanleiding geven tot de vervolging indien deze kenmerken hem door de actor van de vervolging worden toegeschreven.

Artikel 3.37a

Actoren van vervolging in de zin van het Vluchtelingenverdrag, dan wel van ernstige schade kunnen onder meer zijn:

a.de staat;

b.partijen of organisaties die de staat of een aanzienlijk deel van zijn grondgebied beheersen;

c.niet-overheidsactoren, indien kan worden aangetoond dat de actoren als bedoeld onder a en b, inclusief internationale organisaties, geen bescherming als bedoeld in artikel 3.37c kunnen of willen bieden tegen vervolging in de zin van het Vluchtelingenverdrag, dan wel tegen ernstige schade.

Artikel 3.37b

1 Een gegronde vrees voor vervolging in de zin van het Vluchtelingenverdrag of een reëel risico op ernstige schade kan gegrond zijn op gebeurtenissen die hebben plaatsgevonden nadat de vreemdeling het land van herkomst heeft verlaten.

2 Een gegronde vrees voor vervolging in de zin van het Vluchtelingenverdrag of een reëel risico op ernstige schade kan gegrond zijn op activiteiten van de vreemdeling sedert hij het land van herkomst heeft verlaten, met name wanneer wordt vastgesteld dat de betrokken activiteiten de uitdrukking en de voortzetting vormen van overtuigingen of strekkingen die de betrokkene in het land van herkomst aanhing.

Artikel 3.37c

1 Bescherming tegen vervolging, dan wel tegen ernstige schade kan alleen worden geboden door:

a.de staat, of

b.partijen of organisaties, met inbegrip van internationale organisaties, die de staat of een aanzienlijk deel van zijn grondgebied beheersen,

mits zij bereid en in staat zijn bescherming te bieden overeenkomstig het tweede lid.

2 Bescherming tegen vervolging of ernstige schade moet doeltreffend en van niet-tijdelijke aard zijn. In het algemeen wordt dergelijke bescherming geboden wanneer de actoren als bedoeld in het eerste lid, onder a en b, redelijke maatregelen tot voorkoming van vervolging of ernstige schade treffen, onder andere door de instelling van een doeltreffend juridisch systeem voor de opsporing, gerechtelijke vervolging en bestraffing van handelingen die vervolging of ernstige schade vormen, en wanneer de verzoeker toegang tot een dergelijke bescherming heeft.

Artikel 3.37d

1 Bij de beoordeling of een vreemdeling op grond van artikel 29, eerste lid, onder a of b, van de Wet in aanmerking komt voor een verblijfsvergunning voor bepaalde tijd als bedoeld in artikel 28 van die wet geldt dat een vreemdeling geen behoefte heeft aan bescherming, indien hij in een deel van het land van herkomst:

a.geen gegronde vrees heeft voor vervolging of geen reëel risico op ernstige schade loopt; of

b.toegang heeft tot bescherming als bedoeld in artikel 3.37c tegen vervolging of tegen ernstige schade,

en hij op een veilige en wettige manier kan reizen naar en zich toegang verschaffen tot dat deel van het land, en redelijkerwijs kan worden verwacht dat hij er zich vestigt.

2 Bij de beoordeling of de vreemdeling een gegronde vrees heeft voor vervolging of een reëel risico op ernstige schade loopt, of toegang heeft tot bescherming tegen vervolging of tegen ernstige schade in een deel van het land van herkomst overeenkomstig het eerste lid, wordt rekening gehouden met de algemene omstandigheden in dat deel van het land en met de persoonlijke omstandigheden van de vreemdeling in overeenstemming met artikel 31 van de Wet. Daartoe wordt ervoor gezorgd dat wordt beschikt over nauwkeurige en actuele informatie uit relevante bronnen, zoals de Hoge Commissaris van de Verenigde Naties voor vluchtelingen en het Europees Ondersteuningsbureau voor asielzaken.

[…]

Artikel 3.37g

Bij de beoordeling of een verblijfsvergunning voor bepaalde tijd, die is verleend op grond van artikel 29, eerste lid, onder a of b, van de Wet, wordt ingetrokken op grond van artikel 32, eerste lid, onder c, van de Wet, of de aanvraag voor verlenging van de geldigheidsduur ervan wordt afgewezen op die grond, wordt in aanmerking genomen of de wijziging van de omstandigheden een voldoende ingrijpend en niet-voorbijgaand karakter heeft om de gegronde vrees voor vervolging dan wel het reële risico op ernstige schade weg te nemen. De rechtsgrond voor verlening van de desbetreffende verblijfsvergunning heeft niet opgehouden te bestaan indien de vreemdeling dwingende redenen kan aanvoeren die voorvloeien uit vroegere vervolging dan wel uit vroegere ernstige schade, om te weigeren de bescherming in te roepen van het land waarvan hij de nationaliteit bezit, of, in het geval van een staatloze, van het land waar hij vroeger zijn gewone verblijfsplaats had.

Further detailed information may be found in:
Aliens Circular 2000 (Vreemdelingencirculaire 2000)

NEW ZEALAND

Immigration Act 2009, 2009 No 51, 16 November 2009, https://www.refworld.org/legal/legislation/natlegbod/2009/109924

Part 5 - Refugee and protection status determinations

129 Recognition as refugee

(1) A person must be recognised as a refugee in accordance with this Act if he or she is a refugee within the meaning of the Refugee Convention.

[…]

137 Matters to be determined by refugee and protection officer

[…]

(2) For each claim accepted for consideration, a refugee and protection officer must also determine, as part of the process in respect of a determination under subsection 1(b) or (c), whether there are serious reasons for considering that the claimant has—

(a) committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes; or

(b) committed a serious non-political crime outside New Zealand before entering New Zealand; or

(c) been guilty of acts contrary to the purposes and principles of the United Nations.

(3) To avoid doubt, a determination made under subsection (2)—

(a) must not be used as grounds to refuse a claim by the person concerned for recognition as a protected person; and

(b) is relevant only if the person is recognised as a protected person; and

(c) if answered in the affirmative, requires the Minister to determine the immigration status of the protected person in accordance with section 139.

143 Cessation of recognition as refugee or protected person

A refugee and protection officer may cease to recognise a person as a refugee or a protected person, as the case may be, if—

(a) 1 of the following applies:

(i) the original determination to recognise the person as a refugee or a protected person was made by a refugee and protection officer; or

(ii) the original determination to recognise the person as a refugee was made under the former Act by a refugee status officer or before 1 October 1999; or

(iii) the person was recognised as a refugee outside New Zealand and has travelled to New Zealand under a government mandated programme on the basis of that recognition; and

(b) 1 or more of the following apply:

(i) the Refugee Convention has ceased to apply to the person in terms of Article 1C:

(ii) there are no longer substantial grounds for believing that the person, if deported from New Zealand, would be in danger of being subjected to torture (as defined in section 130(5)):

(iii) there are no longer substantial grounds for believing that the person, if deported from New Zealand, would be in danger of being subjected to arbitrary deprivation of life or cruel treatment (as defined in section 131(6)).

NICARAGUA

Nicaragua: Ley Nº 655 de 2008 - Ley de Protección a Refugiados, 9 June 2008, https://www.refworld.org/es/leg/legis/pleg/2008/132921

Artículo 1 Definición del término "refugiado"

Para los efectos de esta Ley, se considera refugiado a toda persona a quien la autoridad competente le reconozca dicha condición cuando concurra alguna de las circunstancias siguientes:

A) Que, debido a fundados temores de ser perseguida por motivos de raza, religión, nacionalidad, género, pertenencia a determinado grupo social u opiniones políticas, se encuentre fuera del país de su nacionalidad y no pueda o, a causa de dichos temores, no quiera acogerse a la protección de tal país.

B) Que careciendo de nacionalidad y por los motivos expuestos en el inciso anterior, se encuentre fuera del país donde antes tuviera su residencia habitual, y no pueda o, a causa de dichos temores, no quiera regresar a él; o

C) Que haya huido de su país o del país donde antes tuviera su residencia habitual, porque su vida, seguridad o libertad han sido amenazadas por la violencia generalizada, la agresión extranjera, los conflictos internos, la violación masiva de los derechos humanos u otras circunstancias que hayan perturbado gravemente el orden público.

Se reconocerá igualmente la condición de refugiado a toda persona que debido a circunstancias que hayan surgido en su país de origen o de residencia habitual, encontrándose en el extranjero, tenga temores fundados de persecución de conformidad con los incisos A, B, y C del presente Artículo.

A las personas que satisfacen estos elementos les resultarán aplicables las disposiciones de la presente Ley, por lo cual estarán exentos de la normativa migratoria ordinaria, en particular aquellas disposiciones relativas a la inadmisión, la detención, la retención, la expulsión, la deportación y las restricciones o limitaciones a la libertad de movimiento.

Artículo 4 Cesación de la condición de refugiado

La presente Ley cesará de ser aplicable a las personas comprendidas en las disposiciones del Artículo 1 de esta Ley:

A) Si se ha acogido de nuevo, voluntariamente, a la protección del país de su nacionalidad.

B) Si, habiendo perdido su nacionalidad, la ha recobrado voluntariamente.

C) Si ha adquirido una nueva nacionalidad y disfruta de la protección del país de su nueva nacionalidad.

D) Si voluntariamente se ha establecido de nuevo en el país que había abandonado o fuera del cual había permanecido por temor de ser perseguida.

E) Si, por haber desaparecido las circunstancias en virtud de las cuales fue reconocida como refugiada, no puede continuar negándose a acogerse de la protección del país de su nacionalidad.

Queda entendido, sin embargo, que las disposiciones del presente párrafo no se aplicarán a los refugiados comprendidos en el Artículo 1 de esta Ley, que puedan invocar, para negarse a acogerse a la protección del país de su nacionalidad, razones imperiosas derivadas de persecuciones anteriores.

En todos los casos se tomará en cuenta la voluntad y situación personal del refugiado.

F) Si se trata de una persona que no tiene nacionalidad y, por haber desaparecido las circunstancias en virtud de las cuales fue reconocida como refugiada, está en condiciones de regresar al país donde antes tenía su residencia habitual.

Queda entendido, sin embargo, que las disposiciones del presente párrafo no se aplicarán a los refugiados comprendidos en el Artículo 1 de esta Ley, que puedan invocar, para negarse a acogerse a la protección del país donde tenían residencia habitual, razones imperiosas derivadas de persecuciones anteriores. En todos los casos se tomará en cuenta la voluntad y situación personal del refugiado.

Artículo 5 Exclusión de la condición de refugiado

Las disposiciones de esta Ley no serán aplicables a persona alguna respecto de la cual existan motivos fundados para considerar:

A) Que ha cometido un delito contra la paz, un delito de guerra o un delito contra la humanidad, de los definidos en los instrumentos internacionales elaborados para adoptar disposiciones respecto de tales delitos.

B) Que ha cometido un grave delito común, fuera del país de refugio, antes de ser admitida en él como refugiada.

C) Que se ha hecho culpable de actos contrarios a las finalidades y a los principios de las Naciones Unidas.

Articulo 6 Personas que no requieren protección

No requieren protección y por tanto no se reconocerá la condición de refugiado a:

A) Las personas que reciban actualmente protección o asistencia de un órgano u organismo de las Naciones Unidas distinto del Alto Comisionado de las Naciones Unidas para los Refugiados. Cuando esta protección o asistencia haya cesado por cualquier motivo, sin que la suerte de tales personas se haya solucionado definitivamente con arreglo a las resoluciones aprobadas sobre el particular por la

Asamblea General de las Naciones Unidas, esas personas tendrán ipso facto derecho a los beneficios de esta Ley.

B) Las personas a quienes Nicaragua les reconozca los derechos y obligaciones inherentes a la posesión de la nacionalidad nicaragüense.

NIGER

Loi No. 97-016 du 1997 portant statuts des réfugiés, 20 June 1997, https://www.refworld.org/legal/legislation/natlegbod/1997/67763

Article Premier. – Le statut des réfugiés est déterminé par la présente Loi.

Article 2. – Aux termes de cette Loi, le terme « Réfugié » s'applique, au Niger, à toute personne qui, craignant avec raison d'être persécutée du fait de sa race, de sa religion de sa nationalité, de son appartenance à un certain groupe social et de ses opinions politiques, se trouve hors du pays dont elle a la nationalité et qui ne peut, ou du fait de cette crainte, ne veut se réclamer de la protection de ce pays, ou qui, si elle n'a pas de nationalité et se trouve hors du pays dans lequel elle avait sa résidence habituelle à la suite de tels évènements, ne peut, ou en raison de ladite crainte, ne veut y retourner.

Le terme « Réfugié » s'applique également à toute personne qui du fait d'une agression, d'une occupation extérieure, d'une domination étrangère ou d'évènement troublant gravement l'ordre public dans une partie ou dans la totalité de son pays d'origine ou du pays dont elle a la nationalité, est obligée de quitter sa résidence habituelle pour chercher refuge dans un autre endroit à l'extérieur de son pays d'origine ou du pays dont elle a la nationalité.

Article 3. – N'est pas considérée comme réfugiée toute personne tombant sous le coup des clauses d'exclusion suivantes :

1° Avoir commis un crime contre la paix, un crime de guerre ou un crime contre l'humanité, au sens des instruments internationaux élaborés pour prévoir des dispositions relatives à ces crimes ;

2° Avoir commis un crime grave de caractère non politique en dehors du pays d'accueil avant d'être admis comme réfugié ;

3° S'être rendu coupable d'agissements contraires aux objectifs et aux principes de l'Organisation de l'Unité Africaine ;

4° S'être rendu coupable d'agissements contraires aux buts et aux principes des Nations Unies.

Article 4. – Le bénéfice du Statut des Réfugiés prévu par la présente Loi cesse d'être invoqué par toute personne se trouvant dans les cas suivants :

1° Si cette personne s'est volontairement réclamée à nouveau de la protection du pays dont elle a la nationalité; ou

2° Si ayant perdu sa nationalité, elle l'a volontairement recouvrée ; ou
3° Si elle a acquis une nouvelle nationalité et si elle jouit de la protection du pays dont elle a la nationalité ; ou
4° Si elle est retournée volontairement s'établir dans le pays qu'elle a quitté ou hors duquel elle est demeurée de crainte d'être persécutée ;
5° Si, les circonstances à la suite desquelles elle a été reconnue comme réfugiée ayant cessé d'exister, elle ne peut plus continuer à refuser de réclamer de la protection du pays dont elle a la nationalité ;
6° Si elle a commis un crime grave de caractère non politique en dehors du pays d'accueil après y avoir été admise comme réfugiée ;
7° Si elle ne se conforme pas aux lois et règlements en vigueur dans le pays d'accueil ; ou
8° Si elle est reconnue coupable d'atteinte à l'ordre public et à la sécurité nationale ; ou
9° Si elle mène des activités subversives dirigées contre un État membre de l'OUA.

NIGERIA

National Commission for Refugees, Migrants and Internally Displaced Persons Act, 2022, 28 December 2022,
https://www.refworld.org/legal/legislation/natlegbod/2022/147560

40. Interpretation

In this Act -

"refugee" means a person who falls within the definition provided by-

(a) Article 1 of the 1951 United Nations Convention ;

(b) Article 1 of the 1967 Protocol Relating to the Status of Refugee ; and

(c) Convention Governing the Specific Aspects of Refugee Problems in Africa;

Withdrawal of refugee status.

21.—(1) The Federal Commissioner shall refer the matter to the Eligibility Committee, where there are reasonable grounds for believing that a person who has been granted a refugee status under this Act —

(a) should not have been so granted; or

(b) has ceased to be a refugee.

[…]

NORTH MACEDONIA

North Macedonia: Law on International and Temporary Protection of 2018, 11 April 2018, https://www.refworld.org/legal/decreees/natlegbod/2018/121462

Person with a refugee status - Article 5

Person with a refugee status shall be a foreigner who, upon the examination of his/her application, was granted refugee status and that is found to meet the conditions set out in the Geneva Convention, i.e. a person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it.

Acts of persecution - Article 6

(1) The acts of persecution as defined in Article 1 A of the Geneva Convention must:

- be sufficiently serious by their nature or repetition as to constitute a severe violation of basic human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or - be an accumulation of various measures, including violations of human rights that is sufficiently severe as to affect an individual in a similar manner as mentioned in paragraph (1), indent 1 of this Article.

(2) Acts of persecution as qualified in paragraph (1) can, inter alia, take the form of:

- acts of physical or mental violence, including acts of sexual violence;
- legal, administrative, police, and/or judicial measures that are in themselves discriminatory or which are implemented in a discriminatory manner;
- prosecution or punishment that is disproportionate or discriminatory;
- denial of judicial redress resulting in a disproportionate or discriminatory punishment;
- prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include participation in crimes or acts falling under the reasons for exclusion as laid down in Article 8, paragraph (1) of this Law; and
- acts of a gender-specific or child-specific nature.

(3) There must be a connection between the acts of persecution referred to in paragraph (1) of this Article and the reasons for persecution referred to in Article 7 of this Law, in the event of absence of protection against the acts of persecution.

Reasons for persecution - Article 7

(1) Upon assessing the grounds on which a person would be persecuted owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, the elements referred to in paragraphs (3), (4) and (5) of this Law about race, religion, nationality, membership of a particular social group or political opinion shall in particular be taken into account.

(2) The term “race” shall in particular include skin colour, descent or membership of a particular ethnic group.

(3) The term “religion” shall include theistic, non-theistic and atheistic beliefs, participation in or abstention from formal worship in private or in public, either alone or in community with others, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief;

(4) The term “nationality” shall not be confined to nationality or lack thereof, but in particular includes membership of a specific group determined by its cultural, ethnic or linguistic identity, common geographical or political origins or its relationship with the population of another state;

(5) The term “group” shall pertain to membership of a particular social group that includes members that share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it. That group has a distinct identity in the country of origin, because it is perceived as being different by the surrounding society. Depending on the circumstances in the country of origin, a particular social group might include a group based on a common characteristic of sexual orientation. Sexual orientation shall not be considered an act punishable in accordance with the national law. Gender related aspects, which include gender identity, should be considered when determining the membership or a characteristic of a particular social group.

(6) The term “political opinion” shall in particular include the holding of an opinion, ideas or beliefs on a matter related to the potential actors of persecution and to their policies or methods, whether or not the applicant has acted upon his/her beliefs.

(7) Upon assessing if an applicant has a well-founded fear of persecution it is immaterial whether the applicant actually possesses the racial, religious, national, social or political characteristic which attracts the persecution, provided that such a characteristic is attributed to the applicant by the actor of persecution.

Reasons for exclusion from refugee status - Article 8

(1) A foreigner shall be excluded from being a refugee, if:

- he/she is under the protection or assistance from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees;

- he/she has been accorded by the competent authorities of the Republic of Macedonia the same rights and obligations as to the citizens of the Republic of Macedonia;
- the protection laid down in paragraph (1), indent 1 of this Article ceases for any reason, and his status has not been determined in accordance with the relevant resolutions of the General Assembly of the United Nations, the foreigner shall be entitled to the right to international protection in accordance with the provisions of this Law.

(2) A foreigner shall be excluded from being a refugee, if there is reasonable suspicion that he/she:

- has committed a crime against peace, humanity or a war crime, as defined in the international instruments drawn up to make provision in respect of such crimes;
- has committed a serious crime (non-political) outside the territory of the Republic of Macedonia, prior to his admission in it as a refugee; or
- has been guilty of acts contrary to the purposes and principles of the United Nations.

(3) The provision referred to in paragraph (2) of this Article applies to persons who instigate or participate in the perpetration of the crimes or acts mentioned therein.

International protection sur place - Article 11

A foreigner who is already on the territory of the Republic of Macedonia may have international protection granted sur place in accordance with Articles 5 and 9 of this Law and in cases where the well-founded fear of persecution or the real risk of suffering serious harm is based on events that took place or activities in which the applicant engaged since he/she left the country of origin, in particular where it is established that the activities relied upon constitute the expression and continuation of convictions or orientations held in the country of origin.

Actors of persecution or serious harm - Article 12

Actors of persecution or serious harm shall be:

- the state;
- parties or organizations controlling the state or a substantial part of the territory of the state;
- non-state actors, if it can be demonstrated that the actors referred to in indents 1 and 2 of this Article, including international organizations, are unable or unwilling to provide protection against persecution or serious harm as defined in Article 13 of this Law.

Actors of protection - Article 13

Protection from persecution or serious harm can only be provided by:

- the state; or

- parties or organizations, including international organizations, controlling the state or a substantial part of the territory of the state, provided that they are able/willing to provide protection in accordance with paragraph (2) of this Article.

(2) Granting protection referred to in paragraph (1) of this Article encompasses taking 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's access to such protection.

Cessation of the right to asylum - Article 50

(1) The right to refugee status recognized in the Republic of Macedonia shall cease for a person who:

- has voluntarily re-availed himself/herself of the protection of the country of his/her nationality;
- after having lost his/her nationality, has voluntarily re-acquired it;
- has voluntarily resettled in the country that he/she left or outside which he/she remained owing to fear of persecution;
- can no longer continue to refuse to avail himself/herself of the protection of the country of his/her nationality, because the circumstances in which he/she has been recognized as a refugee have ceased to exist;
- is a stateless person and may return to the country of his/her former habitual residence, because the circumstances in which he/she has been recognized as a refugee have ceased to exist.

(2) Apart from the cases referred to in paragraph (1) of this Article, the status of a person under subsidiary protection shall also cease if the conditions under which the status was approved no longer exist or have changed to such an extent that such protection is no longer necessary;

(3) Upon assessment of the existence of cases referred to in paragraph (1), indents 5 and 6 of this Article, it shall be considered whether the change in circumstances is of such significant and non-temporary nature that the fear of persecution of the person with refugee status can no longer be regarded as well-founded;

(4) The provisions referred to in paragraph (1), indents 5 and 6 of this Article shall not apply for a person with a refugee status who is able to state compelling reasons arising out of previous persecution, for refusing to avail himself of the protection of the country of nationality or, being a stateless person, of the country of former habitual residence.

(5) The provisions of this Law pertaining to the asylum procedure shall be applied accordingly for cessation of the right to asylum referred to in paragraphs (1) and (2) of this Article.

NORWAY

Norway: Act No. 2008-05-15-35 of 2010, Act Relating to the Admission of Foreign Nationals into the Realm and Their Stay Here (Immigration Act), 1 January 2010, https://www.refworld.org/legal/legislation/natlegbod/2010/122785

Chapter 4 Protection

Section 28 Residence permit for foreign nationals in need of protection (asylum)

A foreign national who is in the realm or at the Norwegian border shall, upon application, be recognised as a refugee if the foreign national

(a) has a well-founded fear of being persecuted for reasons of ethnicity, origin, skin colour, religion, nationality, membership of a particular social group or for reasons of political opinion, and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of his or her country of origin, see Article 1 A of the Convention relating to the Status of Refugees of 28 July 1951 and the Protocol of 31 January 1967, or

[…]

A foreign national who is recognised as a refugee under the first paragraph shall be entitled to a residence permit (asylum).

Where an assessment is made under the first paragraph, account shall be taken of whether the applicant is a child.

The applicant shall normally also be recognised as a refugee under the first paragraph when his or her need for protection has arisen since the applicant left his or her country of origin, and is a result of the applicant's own acts. When assessing whether an exemption shall be made from the general rule, particular importance shall be attached to whether the need for protection is due to acts that are punishable under Norwegian law, or whether it seems most likely that the main purpose of the acts was to obtain a residence permit.

The right to be recognised as a refugee under the first paragraph shall not apply if the foreign national may obtain effective protection in other parts of his or her country of origin than the area from which the applicant has fled, and it is not unreasonable to direct the applicant to seek protection in those parts of his or her country of origin.

[…]

Section 29 Further details concerning persecution under section 28, first paragraph (a)

For acts to be deemed to constitute persecution within the meaning of section 28, first paragraph (a), they must either

(a) individually or on account of repetition constitute a severe violation of basic human rights, in particular the rights from which derogation cannot be made under Article 15 (2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, or

(b) be an accumulation of various measures, including violations of human rights, which is sufficiently severe as to affect an individual in a manner that is comparable to the situation described in (a).

The form of persecution may include:

(a) physical or mental violence, including sexual violence,

(b) legislation and administrative, police and judicial measures, whether they are in themselves discriminatory or are implemented in a discriminatory manner,

(c) prosecution or punishment which is disproportionate or discriminatory,

(d) denial of judicial redress resulting in a disproportionate or discriminatory punishment,

(e) prosecution or punishment for refusal to perform military service in a conflict where performing such service would include crimes or acts as mentioned in section 31, first paragraph, or

(f) acts of a gender-specific or child-specific nature.

Actors of persecution include:

(a) the State,

(b) organisations or groups controlling the State or such a substantial part of the territory of the State that the foreign national cannot be directed to seek protection in other parts of the country, see section 28, fifth paragraph, or

(c) non-State actors, if the actors mentioned in (a) and (b), including international organisations, are unable or unwilling to take reasonable measures to prevent persecution, including by means of an effective system for the detection, prosecution and punishment of acts that constitute persecution.

Section 30 Further details concerning reasons for persecution under section 28, first paragraph (a)

In the application of section 28, first paragraph (a), the following shall be taken into account when assessing the reasons for persecution:

(a) the concept of religion shall in particular include

- religious beliefs and other life stances,
- participation in, or abstention from, formal worship in private or in public, either alone or in community with others,
- other acts or expressions of opinion related to the religion or life stance of the person concerned,

- forms of personal or collective conduct dictated by religious or other conviction based on life stance,
- freedom to change a religion or other life stance.

(b) the concept of nationality shall not be confined to citizenship or lack thereof but shall also include membership of a group determined by its cultural, ethnic or linguistic identity, its geographical or political origin or its relationship with the population of another State.

(c) A particular social group shall in particular be considered to consist of a group of people who share a characteristic in addition to the risk of being persecuted, and who are perceived as a group by society. The common characteristic may be innate or for other reasons immutable, or otherwise consist of a manner or belief that is so fundamental to identity, conscience or the exercise of human rights that a person cannot be expected to renounce it. Former victims of human trafficking shall be regarded as members of a particular social group.

(d) the concept of political opinion shall in particular be considered to include the holding of opinions regarding the relevant actors of persecution or their policies or methods, regardless of whether the applicant has acted on that opinion.

In the assessment of whether there is a well-founded fear of persecution, it is immaterial whether the applicant actually possesses the characteristics or the opinion that leads to persecution, provided that such a characteristic or opinion is attributed to the applicant by the actor of the persecution.

Section 31 Exclusion from the right to recognition as a refugee under section 28

A foreign national shall not be entitled to recognition as a refugee under section 28, first paragraph, if he or she falls within the scope of Article 1D or E of the Geneva Convention relating to the Status of Refugees of 28 July 1951, or where there are serious reasons for considering that he or she

(a) has committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments drawn up to make provisions in respect of such crimes,

(b) has committed a serious non-political crime outside Norway's borders, prior to his or her admission to Norway as a refugee, or

(c) has been guilty of acts contrary to the purposes and principles of the United Nations.

Nor does the right to be recognised as a refugee under section 28, first paragraph (b), apply if the foreign national has been convicted by final judgment of a particularly serious crime and for this reason constitutes a threat to Norwegian society. If there are grounds for expelling a foreign national out of regard for fundamental national interests under section 126, second paragraph, section 126, fifth paragraph, applies.

Nor shall a foreign national be entitled to recognition as a refugee under section 28, first paragraph (b), apply if there are grounds for expelling him or her based on fundamental national interests, or the foreign national, having been convicted by final judgment of a particularly serious crime, thereby constitutes a danger to Norwegian society.
Nor shall a foreign national be entitled to recognition as a refugee under section 28, first paragraph (b) apply if the foreign national left his or her country of origin solely in order to avoid penal sanctions for one or more criminal acts that might have been punishable by imprisonment if the acts had been committed in Norway.
[…]

Section 37 Lapse and revocation of a residence permit under sections 28 or 34
Besides revocation under section 63, refugee status and a residence permit under section 28 and 34 may also be revoked if the foreign national:

(a) has voluntarily re-availed himself or herself of the protection of the country of nationality,
(b) having lost his or her nationality, has voluntarily re-acquired it,
(c) has acquired a new nationality, and enjoys the protection of the country of his or her new nationality,
(d) 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,
(e) can no longer refuse to avail himself or herself of the protection of the country of nationality, because the circumstances in connection with which he or she was recognised as a refugee under section 28 or received protection under section 34 are no longer present, or
(f) is not a national of any country, and because the circumstances as a result of which the foreign national was recognised as a refugee under section 28 or received protection under section 34 are no longer present, is able to return to the country of former residence.

A residence permit shall not be revoked under the first paragraph (e) or (f) if the foreign national can invoke compelling grounds in connection with prior persecution for rejecting the protection of the country in which he or she has citizenship rights or for refusing to return to the country of former habitual residence.

PANAMA

Decreto Ejecutivo No. 5 del 16 de enero de 2018 que desarrolla la Ley 5 de 26 de octubre de 1977, por la cual se aprueba la Convención y Protocolo sobre el Estatuto de los Refugiados, deroga el Decreto Ejecutivo No. 23 de 10 de febrero de 1998 y dicta nuevas disposiciones para la protección de las personas refugiadas, 16 January 2018, https://www.refworld.org/es/leg/decre/pejec/2018/127282

Capítulo I
Disposiciones generales

Artículo 1. Derecho a solicitar la condición de refugiado. Toda persona que cumpla con los requisitos establecidos en el artículo 1, "A." de la Convención de 1951 y el Protocolo de 1967 sobre el Estatuto de los Refugiados, además de lo dispuesto en el presente Decreto Ejecutivo, tiene derecho a solicitar y recibir protección dentro del territorio de la República de Panamá, con el fin de salvaguardar su vida, integridad personal, libertad y seguridad, incluyendo la de su núcleo familiar básico.

Artículo 2. Excepciones a la aplicación del presente Decreto Ejecutivo (Causales de Exclusión). Lo dispuesto en este instrumento legal no será aplicable a las personas:

1. Que reciben asistencia o protección de un órgano u organismo de las Naciones Unidas distinto del Alto Comisionado de las Naciones Unidas para los Refugiados (en adelante ACNUR).
   Cuando esta protección o asistencia haya cesado por cualquier motivo, sin que la suerte de tales personas se haya solucionado definitivamente con arreglo a las resoluciones aprobadas sobre el particular por la Asamblea General de las Naciones Unidas, esas personas tendrán *ipso facto* derecho a los beneficios del régimen de la Convención de 1951, también se les aplicará lo dispuesto en el presente Decreto Ejecutivo.
2. Que fijen su residencia en un país que le reconoce los derechos y obligaciones inherentes a la posesión de la nacionalidad de tal país.
3. Respecto de las cuales existan motivos fundados para considerar:
   a. Que ha cometido delito contra la paz, un delito de guerra o un delito contra la humanidad, de los definidos en los instrumentos internacionales elaborados para adoptar disposiciones respecto de tales delitos.
   b. Que ha cometido un grave delito común, fuera del país de refugio, antes de ser admitida en el como refugiada.

c. Que se ha hecho culpable de actos contrarios a las finalidades y a los principios de las Naciones Unidas

Capítulo II
Del refugiado

Artículo 5. Definición. Se considera como refugiado a:

1. Toda persona que, debido a fundados temores de ser perseguida por motivos de raza, género, religión, nacionalidad, pertenencia a determinado grupo social u opiniones políticas, se encuentre fuera del país de su nacionalidad o de residencia habitual, y no pueda o, a causa de dichos temores, no quiera acogerse a la protección de tal país, o que careciendo de nacionalidad y hallándose fuera del país donde antes tuviera su residencia habitual, no pueda o, a causa de dichos temores, no quiera regresar a él.
2. Toda persona extranjera que, debido a causas sobrevinientes que hayan surgido en el país de su nacionalidad o residencia habitual, durante su estancia en territorio nacional, tenga fundados temores de ser perseguida por motivos de su raza, género, religión, pertenencia a determinado grupo social u opiniones políticas.

Capítulo XIX
De la cesación y revocación de la condición de refugiado

Artículo 95. Cesación de la condición de refugiado. De acuerdo a lo establecido en la Convención de 1951 sobre el Estatuto de los Refugiados, la persona refugiada cesará de gozar de tal condición, en los casos siguientes:

1. Si se ha acogido de nuevo, voluntariamente, a la protección del país de su nacionalidad.
2. Si, habiendo perdido su nacionalidad, la ha recobrado voluntariamente.
3. Si ha adquirido una nueva nacionalidad y disfruta de la protección del país de su nueva nacionalidad.
4. Si voluntariamente se ha establecido de nuevo en el país que había abandonado o fuera del cual había permanecido por temor de ser perseguida.
5. Si por haber desaparecido las circunstancias en virtud de las cuales fue reconocida como refugiada, no puede continuar negándose a acogerse a la protección del país de su nacionalidad.
6. Si se trata de una persona que no tiene nacionalidad y, por haber desaparecido las circunstancias en virtud de las cuales fue reconocida como refugiada, está en condiciones de regresar al país donde antes tenía su residencia habitual.

Artículo 102. Términos. Para la aplicación del presente Decreto Ejecutivo los siguientes términos se entenderán así:

[…]

2. *Causales de exclusión.* Circunstancias por la cuales una persona queda excluida de la potencial protección internacional que otorga el Estatuto de Refugiado, por encontrarse comprendida dentro de los presupuestos establecidos en los literales D, E y F del articulo 1 de la Convención de 1951 y el articulo 2 del presente Decreto Ejecutivo.

3. *Cesación de la condición de refugiado.* Condición en la cual un refugiado deja de tener tal calidad, basado en la idea de que no debe proporcionarse protección internacional cuando ya no sea necesario (Ver Sección C del artículo 1 de la Convención de 1951)

4. *Género.* El termino "género" se refiere a los "atributos y oportunidades sociales asociados con ser hombre o mujer y la relación entre mujeres y los hombres y las niñas y los niños, además de las relaciones entre mujeres y entre hombres. Estos atributos están socialmente construidos y son aprehendidos á través de los procesos de socialización. Son específicos al contexto/época y pueden cambiar. El género determina qué se puede esperar, permitir y valorar en una mujer o un hombre en un contexto determinado…" (Manual del ACNUR para la Proteccion de mujeres y Ninas, según definición que proporciona la Oficina del Asesor Especial en temas de género y el avance de las mujeres (OSAGI) de la ONU).

5. *Nacionalidad.* La pertenencia del solicitante a un grupo determinado, por su identidad cultural, étnica o lingüística, sus orígenes geográficos o políticos comunes, o sus convicciones comunes que resulten fundamentales para su identidad o conciencia.

6. *[…]*

7. *[…]*

8. *Opiniones políticas.* La profesión de opiniones o ideas del solicitante, proprias o atribuidas, que constituyan, o bien sean interpretadas, como una crítica u oposición a las políticas, costumbres o métodos del agente persecutor.

9. *Pertenencia a determinado grupo social.* La pertenencia del solicitante a un grupo de personas que posee características o antecedentes comunes, o bien comparten convicciones que resulten fundamentales para su identidad o conciencia.

10. *Raza.* La pertenencia del solicitante a un grupo étnico determinado, o a un grupo que comparte características de ascendencia común.

11. […]

12. *Religión.* La profesión o no de una creencia religiosa, así como la practica de ceremonias, devociones o actos del culto respectivo, por parte del solicitante.

PARAGUAY

Ley No. 1938 de 2002, General Sobre Refugiados, 9 July 2002, https://www.refworld.org/legal/legislation/natlegbod/2002/18173

TITULO I -DISPOSICIONES GENERALES
CAPITULO I - DE LOS SUJETOS DE LA LEY

Artículo 1º.- A los efectos de la presente ley, el término refugiado se aplicará a toda persona que:

a) se encuentre fuera del país de su nacionalidad, debido a fundados temores de ser perseguida por motivos de raza, sexo, religión, nacionalidad, pertenencia a determinado grupo social u opiniones políticas, y que, a causa de dichos temores, no pueda o no quiera acogerse a la protección de tal país; o que, careciendo de su nacionalidad y hallándose como consecuencia de tales acontecimientos fuera del país donde tuviera su residencia habitual, no pueda o, a causa de dichos temores, no quiera regresar a él; y

b) se hubiera visto obligada a salir de su país porque su vida, seguridad o libertad han sido amenazadas por violencia generalizada, agresión extranjera, conflictos internos, violación masiva de los derechos humanos u otras circunstancias que hayan perturbado gravemente al orden público.

TITULO II -DE LAS CLÁUSULAS DE EXCLUSIÓN
CAPITULO UNICO

Artículo 8º.- Las disposiciones de la presente ley no se aplicarán a las personas que reciban actualmente protección o asistencia de un órgano u organismo de las Naciones Unidas distinto del Alto Comisionado de las Naciones Unidas para los Refugiados.

Cuando esta protección o asistencia haya cesado por cualquier motivo, sin que la suerte de tales personas se haya solucionado definitivamente, con arreglo a las resoluciones aprobadas sobre el particular por la Asamblea General de las Naciones Unidas, esas personas tendrán “ipso facto” el derecho a los beneficios del régimen de la Convención de 1951 sobre el Estatuto de los Refugiados y de la presente ley.

Artículo 9º.- Esta ley no será aplicable a las personas a quienes las autoridades del país donde hayan fijado su residencia reconozcan los derechos y obligaciones inherentes a la posesión de la nacionalidad de tal país.

Artículo 10.- Las disposiciones de esta ley no serán aplicables a persona alguna respecto a la cual existen motivos fundados para considerar:

a) que ha cometido un hecho punible contra la paz, de guerra o contra la humanidad, tipificados como tales en los tratados internacionales vigentes que hayan sido aprobados o ratificados por la República del Paraguay;

b) que ha cometido un grave hecho punible común, fuera del país de refugio, antes de ser admitida en él como refugiado; y

c) que ha sido considerado culpable de actos contrarios a las finalidades y a los principios de la Organización de las Naciones Unidas.

TITULO III - DE LAS CLÁUSULAS DE CESACIÓN Y REVOCACIÓN
CAPITULO I -DE LAS CLAUSULAS DE CESACIÓN

Artículo 11.- Los derechos y beneficios reconocidos en la presente ley cesarán para toda persona que se encuentre comprendida en los siguientes casos:

a) si se ha acogido de nuevo, voluntariamente, a la protección del país de su nacionalidad;

b) si, habiendo renunciado a su nacionalidad, la ha recobrado voluntariamente;

c) si ha adquirido una nueva nacionalidad y disfruta de la protección del país de su nueva nacionalidad;

d) si voluntariamente se ha establecido de nuevo en el país que había abandonado por temor a ser perseguida; y

e) por haber desaparecido las circunstancias en virtud de la cuales fue reconocida como refugiada.

PERU

Ley del Refugiado, Ley n. 27891 (2002),
https://www.refworld.org/legal/legislation/natlegbod/2002/150057

Artículo 3º - Definición de Refugiado

Se considera como refugiado:

a) A la persona que debido a fundados temores de ser perseguida por motivos de raza, religión, nacionalidad, pertenencia a un determinado grupo social u opiniones políticas, se encuentre fuera del país de su nacionalidad y no pueda o, a causa de dichos temores, no quiera acogerse a la protección de tal país; o que careciendo de nacionalidad y hallándose, a consecuencia de tales acontecimientos, fuera del país donde antes tuviera su residencia habitual, no pueda o, a causa de dichos temores, no quiera regresar a él.

b) A la persona que se ha visto obligada a huir de su país de nacionalidad o de residencia habitual por causa de la violación masiva de los derechos humanos, agresión extranjera, conflicto interno, ocupación o dominación extranjera; o en razón de acontecimientos que perturben gravemente el orden público.

c) A la persona que encontrándose legalmente en el territorio de la República, debido a causas sobrevinientes surgidas en su país de nacionalidad o de residencia, no puede o no quiere volver a dicho país debido al temor de sufrir persecución de acuerdo al inciso a) del presente artículo.

Artículo 4º - Exclusión del reconocimiento de Refugiado

Se excluye del reconocimiento de la condición de refugiado a la persona respecto de la cual existan motivos para considerar:

a) Que ha cometido un delito contra la paz, un delito de guerra o un delito contra la humanidad, de los definidos en los instrumentos internacionales sobre la materia.

b) Que ha cometido un grave delito común, dentro o fuera del territorio nacional, antes que se le conceda el reconocimiento de la calidad de refugiado.

c) Que se ha hecho culpable de actos contrarios a las finalidades y los principios de la Carta de las Naciones Unidas; y

d) Que las autoridades del país donde haya fijado su residencia habitual le reconocen los derechos y obligaciones inherentes a la posesión de la nacionalidad de tal país.

Artículo 33º - Causales de cesación de la condición de Refugiado

La Comisión Especial para los Refugiados determina la cesación de la condición de refugiado cuando al así reconocido le sea aplicable por lo menos una de las siguientes causales:

a) Si han desaparecido las circunstancias señaladas en el artículo 3º de la presente Ley por las que fue reconocido como refugiado;

b) Si se ha acogido de nuevo voluntariamente a la protección del país de su nacionalidad;

c) Si habiendo perdido su nacionalidad la ha recobrado voluntariamente;

d) Si ha adquirido una nueva nacionalidad y disfruta de la protección del país de su nueva nacionalidad;

e) Si voluntariamente se ha establecido en el país que había abandonado o fuera del cual había permanecido por el temor de persecución;

f) Si se comprobara con posterioridad al reconocimiento de refugio que el así reconocido se encuentra incurso en cualquiera de las causales establecidas en el artículo 4º de la presente Ley;

g) Por renuncia expresa a tal condición, o si el refugiado injustificadamente regresa al país de persecución;

h) Por haber adquirido otra calidad migratoria de acuerdo a la normatividad sobre extranjería.

POLAND

Act of 2003 on granting protection to aliens within the territory of the Republic of Poland, 13 June 2003, https://www.refworld.org/legal/legislation/natlegbod/2003/123490

Please note that, as of 1 July 2026, the EU Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 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, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (see European Union) entered into application. The national law should therefore be read and applied in compliance with this Regulation.

Art. 13

1. Refugee status in the Republic of Poland shall be granted to an alien who fulfils the conditions for being recognized as a refugee, as specified in the Geneva Convention relating to the Status of Refugees of 28 July 1951 and the New York Protocol.
2. […]

Art. 14.

1. An alien shall be refused the refugee status for the reason of manifestly unfounded nature of the application for granting the refugee status, if this application:
   1) does not contain any grounds to recognize that there is well-founded fear of persecution referred to in art. 1A of the Geneva Convention;
   […]
2. An application for granting the refugee status does not contain any grounds to recognize that there is well-founded fear of persecution referred to in art. 1A of the Geneva Convention, in particular if the alien:
   1) presents reasons for applying for granting the refugee status other than fear of persecution due to his/her race, religion, nationality, membership in a particular social group or his / her political opinions;
   2) does not provide any information on the circumstances related to his/her fear of persecution;
   3) presents manifestly incredible or impossible information as well as incoherent or manifestly contradictory facts.

[…]

Art. 15.

1. An alien shall be refused the refugee status, if:

1) he/she does not fulfill conditions to be recognized as the refugee, referred to in the Geneva Convention and the New York Protocol, in particular when he/she claims the fear of persecution, if this persecution is limited only to certain parts of the territory of his/her country of origin or another country in which he/she has permanently resided, while he/she could freely move to other part of the territory of such country and enjoy there protection provided in art. 33 sec. 1 of the Geneva Convention;

2) the circumstances excluding the recognition as the refugee, referred to in the Geneva Convention, have arisen;

3) has been granted the refugee status in another country, which provides him/her with real protection.

2. An alien who claims the fear of persecution, which is limited to a part of the territory referred to in sec. 1, p. 1 must not be refused the refugee status only for this reason, if the circumstances of the case indicate that it would not be reasonable to expect him/her to move to another part of the country in which he/she has been persecuted.

Art. 38.

1. An alien who has been granted the refugee status may be withdrawn this status if any of the circumstances referred to in art. 1 sec. C of the Geneva Convention have arisen.

[…]

PORTUGAL

Lei n.º 27/2008, de 30 de Junho, Concessão de asilo ou protecção subsidiária, https://www.refworld.org/legal/legislation/natlegbod/2008/48156

Please note that, as of 1 July 2026, the EU Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 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, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (see European Union) entered into application. The national law should therefore be read and applied in compliance with this Regulation.

Artigo 2.ºDefinições

1 - Para efeitos do disposto na presente lei entende-se por:

[…]

n) «Motivos da perseguição», os que fundamentam o receio fundado de o requerente ser perseguido, que devem ser apreciados tendo em conta as noções de:

i) «Raça», que inclui, nomeadamente, considerações associadas à cor, à ascendência ou à pertença a determinado grupo étnico;

ii) «Religião», que abrange, designadamente, o facto de se ter convicções teístas, não teístas e ateias, a participação ou a abstenção de participação em cerimónias de culto privadas ou públicas, quer a título individual, quer em conjunto com outras pessoas, noutros atos religiosos ou expressões de convicções, ou formas de comportamento pessoal ou comunitário fundadas em credos religiosos ou por estes impostas;

iii) «Nacionalidade», que não se limita à cidadania ou à sua ausência, mas abrange também, designadamente, a pertença a um grupo determinado pela sua identidade cultural, étnica ou linguística, pelas suas origens geográficas ou políticas comuns ou pela sua relação com a população de outro Estado;

iv) «Grupo», um grupo social específico nos casos concretos em que:

Os membros desse grupo partilham de uma característica inata ou de uma história comum que não pode ser alterada, ou partilham de uma característica ou crença considerada tão fundamental para a identidade ou consciência dos membros do grupo que não se pode exigir que a ela renunciem; e

Esse grupo tenha uma identidade distinta no país em questão, porque é encarado como diferente pela sociedade que o rodeia;

v) «Opinião política», que inclui, designadamente, o facto de se possuir uma opinião, ideia ou ideal em matéria relacionada com os potenciais agentes da perseguição às suas políticas ou métodos, quer essa opinião, ideia ou ideal sejam ou não manifestados por atos do requerente;

[...]

ac) «Refugiado», o estrangeiro ou apátrida que, receando com razão ser perseguido em consequência de atividade exercida no Estado da sua nacionalidade ou da sua residência habitual em favor da democracia, da libertação social e nacional, da paz entre os povos, da liberdade e dos direitos da pessoa humana ou em virtude da sua raça, religião, nacionalidade, convicções políticas ou pertença a determinado grupo social, se encontre fora do país de que é nacional e não possa ou, em virtude daquele receio, não queira pedir a proteção desse país ou o apátrida que, estando fora do país em que tinha a sua residência habitual, pelas mesmas razões, não possa ou, em virtude do referido receio, a ele não queira voltar, e aos quais não se aplique o disposto no artigo 9.º;

[...]

2 - Para efeitos do disposto na subalínea iv) da alínea n) do número anterior, dependendo das circunstâncias no país de origem, um grupo social específico pode incluir um grupo baseado na identidade de género ou numa característica comum de orientação sexual, não podendo esta ser entendida como incluindo atos tipificados como crime, de acordo com a lei, bem como considerar os aspetos relacionados com o género, embora este por si só não deva criar uma presunção para a qualificação como grupo.

Artigo 3.º- Concessão do direito de asilo

1 - É garantido o direito de asilo aos estrangeiros e aos apátridas perseguidos ou gravemente ameaçados de perseguição, em consequência de atividade exercida no Estado da sua nacionalidade ou da sua residência habitual em favor da democracia, da libertação social e nacional, da paz entre os povos, da liberdade e dos direitos da pessoa humana.

2 - Têm ainda direito à concessão de asilo os estrangeiros e os apátridas que, receando com fundamento ser perseguidos em virtude da sua raça, religião, nacionalidade, opiniões políticas ou integração em certo grupo social, não possam ou, por esse receio, não queiram voltar ao Estado da sua nacionalidade ou da sua residência habitual.

3 - O asilo só pode ser concedido ao estrangeiro que tiver mais de uma nacionalidade quando os motivos de perseguição referidos nos números anteriores se verifiquem relativamente a todos os Estados de que seja nacional.

4 - Para efeitos do n.º 2, é irrelevante que o requerente possua efetivamente a característica associada à raça, religião, nacionalidade, grupo social ou político que induz a perseguição, desde que tal característica lhe seja atribuída pelo agente da perseguição.

Artigo 5.º- Atos de perseguição

1 - Para efeitos do artigo 3.º, os atos de perseguição suscetíveis de fundamentar o direito de asilo devem constituir, pela sua natureza ou reiteração, grave violação de direitos fundamentais, ou traduzir-se num conjunto de medidas que, pelo seu cúmulo, natureza ou repetição, afetem o estrangeiro ou apátrida de forma semelhante à que resulta de uma grave violação de direitos fundamentais.

2 - Os atos de perseguição referidos no número anterior podem, nomeadamente, assumir as seguintes formas:

a) Atos de violência física ou mental, inclusive de natureza sexual;

b) Medidas legais, administrativas, policiais ou judiciais, quando forem discriminatórias ou aplicadas de forma discriminatória;

c) Ações judiciais ou sanções desproporcionadas ou discriminatórias;

d) Recusa de acesso a recurso judicial que se traduza em sanção desproporcionada ou discriminatória;

e) Ações judiciais ou sanções por recusa de cumprir o serviço militar numa situação de conflito na qual o cumprimento do serviço militar implicasse a prática de crime ou ato suscetível de provocar a exclusão do estatuto de refugiado, nos termos da alínea c) do n.º 1 do artigo 9.º;

f) Atos cometidos especificamente em razão do género ou contra menores.

3 - As informações necessárias para a tomada de decisões sobre o estatuto de proteção internacional não podem ser obtidas de tal forma que os agentes de perseguição fiquem informados sobre o facto de o estatuto estar a ser considerado ou que coloque em perigo a integridade física do requerente ou da sua família em Portugal ou no Estado de origem.

4 - Para efeitos do reconhecimento do direito de asilo tem de existir um nexo entre os motivos da perseguição e os atos de perseguição referidos no n.º 1 ou a falta de proteção em relação a tais atos.

Artigo 6.º- Agentes de perseguição

1 - São agentes de perseguição:

a) O Estado;

b) Os partidos ou organizações que controlem o Estado ou uma parcela significativa do respetivo território;

c) Os agentes não estatais, se ficar provado que os agentes mencionados nas alíneas a) e b) são incapazes ou não querem proporcionar proteção contra a perseguição, nos termos do número seguinte.

2 - Para efeitos da alínea c) do número anterior, considera-se que existe proteção sempre que os agentes mencionados nas alíneas a) e b) do número anterior adotem medidas

adequadas para impedir, de forma efetiva e não temporária, a prática de atos de perseguição por via, nomeadamente, da introdução de um sistema jurídico eficaz para detetar, proceder judicialmente e punir esses atos, desde que o requerente tenha acesso a proteção efetiva.

Artigo 8.º - Proteção sur place

1 - O receio fundado de ser perseguido, nos termos do artigo 3.º, ou o risco de sofrer ofensa grave, nos termos do artigo anterior, podem ter por base acontecimentos ocorridos ou atividades exercidas após a saída do Estado da nacionalidade ou da residência habitual, especialmente se for demonstrado que as atividades que baseiam o pedido de proteção internacional constituem a expressão e a continuação de convicções ou orientações já manifestadas naquele Estado.

2 - O disposto no número anterior não é aplicável quando o receio ou o risco tiverem origem em circunstâncias criadas pelo estrangeiro ou apátrida após a sua saída do Estado da nacionalidade ou da residência habitual, exclusivamente com o fim de beneficiar, sem fundamento bastante, do estatuto de refugiado ou de proteção subsidiária.

Artigo 9.º - Exclusão do asilo e proteção subsidiária

1 - Não pode beneficiar do estatuto de refugiado o estrangeiro ou apátrida quando:

a) Esteja abrangido pelo âmbito do ponto D do artigo 1.º da Convenção de Genebra, relativa à proteção ou assistência por parte de órgãos ou agências das Nações Unidas, que não seja o ACNUR, desde que essa proteção ou assistência não tenha cessado por qualquer razão sem que a situação da pessoa em causa tenha sido definitivamente resolvida em conformidade com as resoluções aplicáveis da Assembleia Geral das Nações Unidas;

b) As autoridades competentes do país em que tiver estabelecido a sua residência considerarem que tem os direitos e os deveres de quem possui a nacionalidade desse país ou direitos e deveres equivalentes;

c) Existam suspeitas graves de que:

i) Praticou crime contra a paz, crime de guerra ou crime contra a humanidade, nos termos dos instrumentos internacionais que estabelecem disposições relativas a estes crimes;

ii) Praticou crime doloso de direito comum punível com pena de prisão superior a três anos fora do território português, antes de ter sido admitido como refugiado;

iii) Praticou atos contrários aos objetivos e princípios das Nações Unidas enunciados no preâmbulo e nos artigos 1.º e 2.º da Carta das Nações Unidas.

d) Represente um perigo para a segurança do Estado-Membro em que se encontra.

[...]

4 - São ainda consideradas, para efeitos da aplicação da alínea c) do n.º 1 e das alíneas a) e c) do n.º 2, as pessoas às quais seja aplicável o disposto nos artigos 26.º e 27.º do Código Penal.

Artigo 41.º- Causas de cessação, revogação, supressão ou recusa de renovação do direito de protecção internacional

1 - O direito de asilo cessa quando o estrangeiro ou o apátrida:

a) Decida voluntariamente valer-se de novo da proteção do país de que tem nacionalidade;

b) Tendo perdido a sua nacionalidade, a recupere voluntariamente;

c) Adquira uma nova nacionalidade e goze da proteção do país cuja nacionalidade adquiriu;

d) Regresse voluntariamente ao país que abandonou ou fora do qual permaneceu por receio de ser perseguido;

e) Não possa continuar a recusar valer-se da proteção do país de que tem a nacionalidade, por terem deixado de existir as circunstâncias segundo as quais foi reconhecido como refugiado;

f) Tratando-se de apátrida, esteja em condições de regressar ao país em que tinha a sua residência habitual, por terem deixado de existir as circunstâncias segundo as quais foi reconhecido como refugiado;

g) Renuncie expressamente ao direito de asilo.

[...]

3 - Para efeitos do disposto nas alíneas e) e f) do n.º 1 e no n.º 2, e sem prejuízo do disposto no artigo 47.º, a cessação só pode ser declarada caso a AIMA, I. P., conclua que a alteração das circunstâncias no Estado da nacionalidade ou residência habitual do beneficiário do direito de asilo ou de proteção subsidiária é suficientemente significativa e duradoura para afastar o receio fundado de perseguição ou o risco de sofrer ofensa grave.

4 - As alíneas e) e f) do n.º 1 não se aplicam ao refugiado que possa invocar razões imperiosas relacionadas com perseguições anteriores para recusar valer-se da proteção do país da sua nacionalidade ou, na eventualidade de ser apátrida, do seu antigo país de residência habitual.

[...]

QATAR

Law No. (11) of 2018 on the Regulation of the Political Asylum, 9 April 2018, https://www.refworld.org/legal/legislation/natlegbod/2018/147108

Article (1)

In applying the provisions of this Law, the following words and expressions shall have the meanings assigned to each of them, unless the context requires other meaning:

[…]

Political Refugee : Every person outside his/her state of nationality, or the state in which his/her habitual residence is situated if he/she is stateless, and who cannot or does not wish to return to it because of a justified fear of exposure to the risk of being sentenced to death, corporal punishment, torture, brutal or degrading treatment or persecution because of his/her race, religion, belonging to a particular social group or political views.

Article (3)

Political asylum shall not be granted to the following categories:

1- A person who has committed serious non-political crimes outside the State of Qatar.

2- A person who has committed war crimes or crimes against humanity within the meaning of these crimes in international agreements.

3- A person who has committed acts contrary to the purposes and principles of the United Nations.

4- A person who has more than one nationality and is under the protection of one of the states of which he/she is considered as a national, and has no good reason based on his/her justified fear.

Article (12)

The decision of granting the Political Refugee status shall be cancelled, and his/her Residency Permit shall be withdrawn, in any of the following cases:

1- If it is proved that the granting him/her the right of political asylum was based on forged papers or documents or with the use of deception and fraud.

2- If it is proved that he/she has more than one nationality and is under the protection of one of the states of which he/she is considered as a national, and has no good reason based on his/her justified fear.

3- If the reasons for political asylum have ceased and the return to his/her original state became feasible.

4- If he/she is granted Qatari nationality, or has acquired the nationality of another state, and started enjoying the protection of the state of his/her new nationality.

5- If he/she voluntarily returns to reside in the state outside of which he/she became a resident.

REPUBLIC OF KOREA (THE)

Refugee Act, Act No. 14408,
https://www.refworld.org/legal/legislation/natlegbod/2012/86658

Article 2 (Definitions) The terms used in this Act shall be defined as follows:
1.The term “refugee” means a foreigner who is unable or does not desire to receive protection from the nation of his/her nationality in well-grounded fear that he/she is likely to be persecuted based on race, religion, nationality, the status of a member of a specific social group, or political opinion, or a stateless foreigner who is unable or does not desire to return to the nation in which he/she resided before entering the Republic of Korea (hereinafter referred to as “nation of settlement”) in such fear;
[…]

Article 19 (Restriction on Recognition of Refugee Status)
Where the Minister of Justice has sufficient grounds to recognize that a refugee applicant falls under any of the following cases even in recognition that the refugee applicant constitutes a refugee, he/she may make a decision of non-recognition of refugee status, notwithstanding Article 18 (1):

1. Where a refugee applicant is currently provided with protection or aid by organizations or agencies of the United Nations other than the United Nations Refugee Agency: Provided, That cases where the provision of such protection or aids is suspended for some reason without the final resolution of the status of the person who currently receives such protection or aids in accordance with the relevant resolution adopted at a general assembly of the United Nations shall be excluded;
2. Where a refugee applicant has committed a crime against world peace, war crime, or crime against humanity prescribed by international treaties or generally-approved international regulations;
3. Where a refugee applicant has committed a grave non-political crime outside the Republic of Korea before entering the Republic of Korea;
4. Where a refugee applicant has committed an act against the objectives and principles of the United Nations.

Article 22 (Cancellation, etc. of Decision to Recognize Refugee Status) (1) Where a decision to recognize refugee status is found to have been made by submitting false documents, delivering false statements, or concealing facts, the Minister of Justice may cancel refugee status.

(2) Where a recognized refugee falls within any of the following cases, the Minister of Justice may withdraw the decision to recognize refugee status:

1. Where a refugee applicant receives protection from a nation of his/her nationality again;
2. Where a refugee applicant reinstates his/her nationality voluntarily after losing his/her nationality;
3. Where a refugee applicant is under the protection of a nation of the nationality he/she has newly acquired;
4. Where a refugee applicant resettles in the nation in which he/she resides of his/her free will after leaving such nation or staying outside such nation in fear of persecution;
5. Where a refugee applicant becomes unable to refuse protection from a nation of his/her nationality any more due to cessation of the causes which were the major grounds for the decision to recognize refugee status;
6. Where a refugee applicant is able to return to the former nation of his/her permanent settlement due to cessation of the cause of stateless person by which he/she became an eligible refugee.

[…]

REPUBLIC OF MOLDOVA (THE)

Law No. 270-XVI of 2008 on Asylum in the Republic of Moldova, 13 March 2009, https://www.refworld.org/legal/legislation/natlegbod/2009/67087

Article 17. Refugee status

(1) Refugee status shall be granted, upon request, to an alien who, by virtue of a well-founded fear of being persecuted on grounds of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of which he or she is a citizen and who is unable or, owing to this fear, does not wish to place himself under the protection of that country; or who, having no nationality and being outside the country in which he had his legal and habitual residence, as a result of such events, is unable or, owing to that fear, does not wish to return.

Article 18. Grounds for exclusion from recognition refugee status

(1) An alien shall be excluded from the recognition of refugee status if:

a) benefits from protection or assistance from a body or institution of the United Nations Organization, other than UNHCR. If such protection or assistance has ceased for any reason without the situation of the persons concerned having been definitively regulated, in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, they shall enjoy rights arising from this law;

b) he/she is considered to have the rights and obligations related to the citizenship of the Republic of Moldova or the rights and obligations equivalent to them.

(2) An alien shall be excluded from the recognition of refugee status if there are reasonable grounds to believe that:

a) has committed a crime against peace, a war crime or a crime against humanity, as defined in the international treaties to which the Republic of Moldova is a party, as well as in the criminal legislation of the Republic of Moldova;

b) has committed a serious, particularly serious or exceptionally serious common law crime before entering the territory of the Republic of Moldova;

c) has committed acts that are contrary to the purposes and principles of the United Nations, set forth in the preamble and in Articles 1 and 2 of the Charter of the United Nations;

d) planned, facilitated or participated in the commission of terrorist acts, as defined in the international treaties to which the Republic of Moldova is a party;

e) poses a danger to public order or to the security of the Republic of Moldova.

(3) The constituent elements of the offense mentioned in para. (2) letters a)–c) presents a reason for exclusion of the foreigner from the recognition of the refugee status, if these acts

were committed in any form of instigation or participation, according to the provisions of the criminal law of the Republic of Moldova.

Article 45. Persecution and serious harm

(1) The acts considered to be persecution, within the meaning of Article 17, must:

a) be sufficiently serious by their nature or by their repetition to constitute a serious violation of fundamental human rights, in particular the rights from which no derogations can be made according to Article 15 para. (2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms, concluded in Rome on November 4, 1950, ratified by the Republic of Moldova through the Parliament Decision no. 1298-XII of July 24, 1997;

b) represent a multitude of measures, including human rights violations, that are serious enough to affect a person to the extent mentioned in letter a).

(2) The acts of persecution that can be qualified as such according to para. (1) may take the form of:

a) acts of physical and mental violence, including sexual violence;

b) legal, administrative, police and/or judicial measures that are discriminatory or that are applied in a discriminatory manner;

c) discriminatory or disproportionate accusation or punishment;

d) the impossibility of retrial as a result of a discriminatory or disproportionate punishment;

e) the accusation or punishment as a result of the refusal to perform military service in case of conflict, when the performance of military service would involve the commission of crimes or acts that fall under the exclusion clauses provided in Article 17;

f) abuse and discriminatory acts against persons on the basis of gender or abuse and discriminatory acts against children.

[…]

Article 46. Reasons for persecution

(1) In assessing the grounds for persecution, the competent authorities shall take into account the following factors:

a) the concept of race, which includes considerations of colour, descent or belonging to a certain ethnic group;

b) the concept of religion, which includes the orientation towards theistic, nontheistic and atheistic beliefs, participation or non-participation in formal rituals in public or privately, either alone or together with others, other religious acts or expressions of beliefs, or forms of personal or common conduct based or imposed by a particular religion;

c) the concept of nationality will not be limited to the notion of citizenship or statelessness, but will include belonging to a group determined by its cultural, ethnic or linguistic identity, by common geographical or political origins or by the relationship it has with the population of another state;

d) the concept of social group, if:

- the members of the said group have innate characteristics or a common past, which cannot be changed, or traits or beliefs so important for identity and consciousness that the person cannot be forced to give them up;
- the group has a distinct identity in that country because it is perceived as different from the rest of society;

b) Depending on the circumstances of the country of origin, a particular social group may include a group based on traits common to sexual orientation. Sexual orientation cannot be considered a feature of the social group, within the meaning of this article, when the actions specific to sexual orientation are criminal acts according to the legislation of the Republic of Moldova. Gender issues may be included in the concept of sexual orientation, provided that this is not the sole reason for the application of this article;

c) the concept of political opinion, which includes having an opinion on a certain issue, related to any agents of persecution mentioned in Article 47 and their policies and methods, regardless of whether that opinion was expressed or not by the applicant.

(2) According to the notion of refugee, there must be a connection between the grounds mentioned in this article and the acts of persecution established in art.45 para. (1) and (2).

(3) In assessing the well-founded fear of persecution, it does not matter whether the applicant has the racial, religious, nationality, social or political traits that determined the persecution action, provided that such a characteristic has been attributed to him by the persecution agent.

Article 47. Agents of persecution or serious harm

Agents of persecution or serious injury are:

a) the state;

b) parties or organizations that have under control the state or a significant part of the territory of the state;

c) non-governmental agencies, if it can be demonstrated that the agents referred to in letters a) and b), including international organizations, are unable or unwilling to provide protection against persecution or serious harm within the meaning of Article 471.

Article 471. Protection agents

(1) Protection against persecution or serious injury may be provided only by:

a) state;

b) parties or organizations, including international organizations that control the State or a significant part of its territory, provided that they are willing and able to provide protection in accordance with para. (2).

(2) Protection against persecution or serious harm must be effective and not temporary. This is granted, in general, when the agents mentioned in para. (1) take reasonable measures to prevent persecution or serious harm, when they have an effective legal system that allows for the discovery, prosecution and punishment of actions that constitute persecution or serious harm and when the applicant has access to such protection.

Article 48. The well-founded fear of being persecuted or the actual risk of being subjected to injury

Serious

(1) In assessing the well-founded fear of persecution or the real risk of being subjected to serious harm, the competent authorities shall rely on both events that occurred prior to leaving the country of origin and those that occurred after leaving the country of origin.

(2) A well-founded fear of persecution or a real risk of being subjected to serious harm may be based on actions taken by the applicant after leaving the country of origin, in particular where it has been established that those actions constitute the expression and continuation of the beliefs or orientations which he had in the country of origin.

Article 49. Internal refuge

(1) When examining the asylum application, it may be established that the applicant is not in need of international protection if in a region of his country of origin there is no justified well-founded fear of persecution or the real risk of being subjected to serious harm and if the applicant can reasonably be expected to remain in that region.

(2) When examining the situation referred to in para. (1) The current general situation in that region of the country and the applicant's personal circumstances existing at the time of the decision on the asylum application shall be taken into account.

Article 81. Termination of refugee status

(1) The refugee status shall cease if the alien:

a) has voluntarily returned to the protection of the country of which he/she is a citizen;

b) after losing his citizenship, he has voluntarily regained it;

c) has acquired a new citizenship and enjoys the protection of the country whose nationality he has acquired;

d) has voluntarily resettled in the country he left or outside due to fear of persecution;

e) can no longer continue to refuse the protection of the country of origin because the circumstances that determined the recognition of the refugee status have ceased to exist;

f) being a stateless person, due to the fact that the circumstances as a result of which he was recognized as a refugee have ceased to exist, he can return to the country where he had his habitual residence.

(2) When applying para. (1) letters e) and f), the competent authorities will assess whether the change in circumstances is so significant and is not temporary that the fear of persecution of the refugee is no longer justified.

(3) The provisions of para. (1) letters e) and f) do not apply to the person who has been recognized as a refugee and who, for compelling reasons referring to previous persecutions, refuses the protection of the country of origin.

ROMANIA

Law No. 122/2006 on Asylum in Romania, 25 August 2006, https://www.refworld.org/legal/legislation/natlegbod/2006/102136

Please note that, as of 1 July 2026, the EU Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 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, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (see European Union) entered into application. The national law should therefore be read and applied in compliance with this Regulation.

Article 2 – Definition of terms

For the purposes of this Law, the following terms and expressions shall have the following meanings:

[…]

f1) refugee - a foreign citizen or stateless person who fulfills the conditions laid down in the Convention relating to the Status of Refugees, concluded in Geneva on July 28, 1951, hereinafter referred to as the Geneva Convention, to which Romania acceded by Law no. 46/1991;

[…]

Article 23 – Recognition of refugee status

Refugee status is recognized, upon application, to a foreign national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside his country of origin and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, and stateless persons who, being outside the country of their former habitual residence for the aforementioned reasons, are unable or, owing to such fear, unwilling to return to that country and to whom the grounds for exclusion from refugee status set out in this law do not apply.

Article 25 - Grounds for exclusion from refugee status

(1) Refugee status is not recognized for foreign nationals and stateless persons in respect of whom there are serious reasons for believing that:

a) have committed an offense against peace and humanity, a war crime or other crime as defined by the relevant international treaties to which Romania is a party or other international document that Romania is bound to respect;

b) have committed a serious non-political crime outside Romania, before being admitted to the territory of the Romanian state;

c) have committed acts contrary to the purposes and principles set forth in the Preamble and Articles 1 and 2 of the Charter of the United Nations;

d) have instigated or aided or abetted the commission of the acts referred to in points a)-c).

(2) Refugee status is also not recognized for foreign citizens and stateless persons who have planned, facilitated or participated in the commission of terrorist acts, as defined in the international instruments to which Romania is a party.

(3) Refugee status shall not be recognized to foreign nationals and stateless persons who, having their place of residence in another State, are considered by the competent authorities of that State as having rights and obligations deriving from the nationality of that State, or are deemed by the competent authorities of that State to have equivalent rights and obligations.

(4) Foreign nationals and stateless persons who fall within the scope of Article 1 Section D of the Geneva Convention relating to protection or assistance from a United Nations body or agency other than the United Nations High Commissioner for Refugees are excluded from refugee status.

(5) Where the cessation of the protection or assistance referred to in para. (4) is due to legitimate and objective circumstances over which the person has no control or which are beyond his or her control and without his or her situation having been definitively settled in accordance with the relevant United Nations General Assembly resolutions, the alien shall be recognized as a refugee by operation of law.

[…]

(7) Where the cessation of the protection or assistance provided for in para. (4) is of his or her own free will, the person concerned shall not be entitled to claim refugee status.

Article 25.1 – Protection inside the country of origin

1) When examining an asylum application, the competent authorities may determine that the applicant not has need of protection international protection in Romania, where there are no substantial grounds for believing that he would be exposed to persecution or a serious risk of persecution in a part of his country of origin or where he has access to protection from such acts.

(2) In the situation referred to in para. (1), it shall be determined whether the applicant can travel safely to that part of the country of origin in order to settle there, taking into account

the general conditions prevailing in the part of the country of origin considered to be safe, as well as the personal situation of the applicant, on the basis of accurate and up-to-date information obtained from relevant sources such as the United Nations High Commissioner for Refugees.

Article 98 – Ending refugee status

(1) Refugee status recognized pursuant to Article 23 or 24 shall cease when its beneficiary:

a) has voluntarily returned to the protection of the country of nationality; or

b) after losing his or her nationality, voluntarily regained it; or

c) has acquired a new nationality and enjoys the protection of the State of which he or she has acquired nationality; or

d) has voluntarily resettled in the country which he/she left or outside which he/she has been staying as a result of the reasons which refugee status was recognized; or

e) may no longer continue to refuse the protection of the country of his nationality on the ground that the circumstances in connection with which he was recognized as a refugee have ceased to exist, and may not invoke compelling reasons relating to previous persecution as a ground for refusing protection;

f) being a person without nationality, he is able to return to the country of his habitual residence, since the circumstances under which he was recognized as a refugee do not exist.

g) expressly renounce, in writing, the refugee status recognized by the Romanian state.

(2) The provisions of para. (1) (e) shall not apply to a person who has been recognized as a refugee and who, for compelling reasons relating to previous persecution, refuses the protection of the country of which he or she is a national.

(3) The provisions of para. (1) (f) shall not apply to a person who has been recognized as a refugee and who, for compelling reasons relating to previous persecution, refuses to return to the country where he or she used to reside.

(4) The beneficiary of refugee status who is in the situation referred to in para. (1) point (g) shall be informed, in a language which he or she understands or may reasonably be presumed to understand, of the consequences of the act

RUSSIAN FEDERATION (THE)

Federal Law of February 19, 1993 N 4528-I "On Refugees", 19 February 1993, https://www.refworld.org/legal/legislation/natlegbod/1993/147699

Article 1 – Basic Concepts

1. For the purposes of the present Federal Law, the following basic concepts shall be applied:
1) The refugee - a person who is not a citizen of the Russian Federation and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, ethnicity, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.
[…]

Article 2. Scope of the present Federal Law
1. The provisions of this Federal Law shall not apply to a person:
   1) with respect to whom there are serious reasons for assuming that he has committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments drawn up to make provision in respect to such crimes;
   2) who has committed a serious non-political crime outside the territory of the Russian Federation and prior to his admission to the territory of the Russian Federation as a person applying for recognition as a refugee;
   3) is guilty of acts contrary to the purposes and principles of the United Nations;
   4) is recognized by the competent authorities of the State in which he has taken residence as having rights and obligations which are attached to the possession of the nationality of that State;
   5) which at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.
2. This federal law does not apply to foreign citizens and stateless persons who have left the country of nationality (his former habitual residence), for economic reasons or because of famine, epidemic or emergency situations of natural and man-made disasters.

Article 9. The loss of a person's refugee status and deprivation of refugee status
1. The person loses the status of a refugee if:

1) they obtain a permit for permanent residence in the territory of the Russian Federation or the acquisition of citizenship of the Russian Federation;
2) if they are again able to voluntarily avail themselves of the protection of the state of their nationality;
3) having been deprived of nationality, he has voluntarily reacquired it;
4) they acquire citizenship of a foreign state, and enjoy the protection of the country of their new nationality;
5) they have voluntarily re-established themselves in the country, which they left or were outside of owing to fear of persecution on the grounds specified in subparagraph 1 of paragraph 1 of Article 1 hereof;
6) They can no longer refuse to avail the protection of the country of their nationality, whose territory they had to leave on grounds specified in subparagraph 1 of paragraph 1 of Article 1 hereof, due to the fact that these circumstances do not exist anymore;
7) they do not have a nationality and can return to their former country of habitual residence due to the fact that the circumstances referred to in subparagraph 1 of paragraph 1 of Article 1 hereof, no longer exist in this country .

[…]

RWANDA

Law No. 042/2024 of 19/04/2024 governing Refugees and Applicants for Refugee Status in Rwanda, 19 April 2024,
https://www.refworld.org/legal/legislation/natlegbod/2024/149472

Article 2: Interpretation

In this Law:

(a) "refugee" means a person who has been granted refugee status in accordance with this Law and international conventions relating to refugees ratified by Rwanda;

[…]

Article 3: Criteria for refugee status eligibility

A person is eligible for refugee status if –

(a) he or she has a well-founded fear of persecution due to his or her race, religion, nationality, membership of a particular social group or political opinion or other reasons relating to the protection of his or her life and he or she cannot obtain protection from the country he or she is fleeing; or

(b) he or she leaves his or her place of habitual residence in order to seek refugee status in another place outside his or her country of origin or nationality due to an external occupation or events seriously disturbing public order of the part or the whole country.

Article 4: Grounds for refugee status ineligibility

Without consideration of provisions of Article 3 of this Law, a person is ineligible for refugee status if there are reasonable grounds to believe that –

(a) he or she has committed a crime against peace, war crime, crime of genocide and other crimes against humanity as defined by Rwandan laws and international conventions ratified by Rwanda and;

(b) he or she has been convicted of offences contrary to the main purposes and principles of the United Nations and of the African Union; or

(c) he or she is prosecuted for a felony other than a politically-motivated crime before he or she applies for refugee status in Rwanda.

Article 25: Cessation of refugee status

(1) Refugee status ceases for a person who –

(a) has voluntarily re-availed him or herself of the protection of the country of his or her nationality;

(b) had lost his or her nationality and has voluntarily re-acquired it;

(c) has acquired a new nationality and enjoys the protection of the country of his or her new nationality;

(d) has voluntarily re-established him or herself in the country which he or she had fled; or

(e) had been granted refugee status but can no longer continue to avail him or herself of the protection of the country of refugee status because the circumstances in connection with which he or she had been recognised as a refugee have ceased to exist.

[…]

SENEGAL

Loi No. 2022-01 portant statut des réfugiés et apatrides, 2022-01, 14 April 2022, https://www.refworld.org/legal/legislation/natlegbod/2022/147321

Article 2 – Au sens de la présente loi, on entend par :
[…]
réfugié : toute personne qui, craignant, avec raison, d'être persécutée, du fait de sa race, de sa religion, de sa nationalité, de son appartenance à un certain groupe social ou de ses opinions politiques, se trouve hors du pays dont elle a la nationalité et qui ne peut ou, du fait de cette crainte, ne veut se réclamer de la protection de ce pays ; ou qui, si elle n'a pas de nationalité et se trouve hors du pays dans lequel elle avait sa résidence habituelle ne peut ou, en raison de ladite crainte, ne veut y retourner.

Le terme « réfugié » s'applique également à toute personne qui, du fait d'une agression, d'une occupation extérieure, d'une domination étrangère ou d'événements troublant gravement l'ordre public dans une partie ou dans la totalité de son pays d'origine ou du pays dont elle a la nationalité, est obligée de quitter sa résidence habituelle pour chercher refuge dans un autre endroit à l'extérieur de son pays d'origine ou du pays dont elle a la nationalité.

Article 15 – Est exclue du bénéfice du statut de réfugié ou d'apatride, toute personne dont on a des raisons sérieuses de penser :

- qu'elle a commis un crime contre la paix, un crime de guerre ou un crime contre l'humanité au sens des instruments internationaux ;
- qu'elle a commis un crime grave de droit commun en dehors du pays d'accueil avant d'être admise comme réfugiée ou apatride ;
- qu'elle s'est rendue coupable d'agissements contraires aux buts et aux principes des Nations Unies et de l'Union africaine.

Article 16.- Perd le statut de réfugié toute personne se trouvant dans l'un au moins des cas ci-dessous :

- si elle s'est volontairement réclamée à nouveau de la protection du pays dont elle a la nationalité ;
- si, ayant perdu sa nationalité, elle l'a volontairement recouvrée ;
- si elle a acquis une nouvelle nationalité et jouit de la protection du pays dont elle a la nationalité ;

- si elle est retournée volontairement s'établir dans le pays qu'elle a quitté ou hors duquel elle est demeurée de crainte d'être persécutée ;
- si les circonstances à la suite desquelles elle a été reconnue réfugiée ont cessé d'exister et qu'elle ne peut plus continuer à refuser de se réclamer de la protection du pays dont elle a la nationalité, sauf si elle peut invoquer, pour refuser de se réclamer de la protection du pays dont elle a la nationalité, des raisons impérieuses tenant à des persécutions antérieures ;
- si, s'agissant d'un apatride, les circonstances à la suite desquelles elle a été reconnue comme apatride ont cessé d'exister et qu'elle est en mesure de retourner dans le pays où elle avait sa résidence habituelle, sauf si elle peut invoquer, pour refuser de se réclamer de la protection du pays dans lequel elle avait sa résidence habituelle, des raisons impérieuses tenant à des persécutions antérieures.

Le bénéfice du statut d'apatride prévu par la présente loi cesse d'être applicable, à toute personne qui acquiert une nationalité qu'elle avait perdue auparavant ou une nouvelle nationalité.

SERBIA

Law on Asylum and Temporary Protection, Official Gazette no. 24/2018, 3 April 2018, https://www.refworld.org/legal/legislation/natlegbod/2018/147281

Основни појмови

Члан 2.

[…]

6) избеглица је странац који се због оправданог страха од прогона због своје расе, пола, језика, вероисповести, националне припадности или припадности одређеној друштвеној групи или због својих политичких уверења не налази у држави свог порекла и није у могућности или због тог страха не жели да се стави под заштиту те државе, као и лице без држављанства које се налази изван државе свог уобичајеног боравишта и које не може или због тог страха не жели да се врати у ту државу;

[…]

10) држава порекла је држава чије држављанство има странац или држава у којој је лице без држављанства имало уобичајено боравиште, а ако странац има више држављанстава, државом порекла сматра се свака држава чији је држављанин;

11) уобичајено боравиште је место у којем се странац задржавао под околностима на основу којих се може закључити да на том месту или подручју није боравио само привремено;

[…]

Право на уточиште

Члан 24.

Право на уточиште, односно статус избеглице одобрава се тражиоцу који се налази изван државе свог порекла или државе уобичајеног боравишта, а оправдано страхује од прогона због своје расе, пола, језика, вероисповести, националне припадности, припадности одређеној друштвеној групи или политичког уверења, а због чега не може или не жели да прихвати заштиту те државе.

[…]

Разлози прогона

Члан 26.

Разлози прогона из члана 24. овог закона процењују се с обзиром на садржај следећих појмова:

1) раса се односи на боју коже, порекло и припадност одређеној етничкој групи;

2) вероисповест се односи на верска и атеистичка уверења, учествовање или неучествовање у приватним или јавним формалним верским обредима, самостално или у заједници с другима, друге верске обреде или изражавање вере, као и облике личног или заједничког понашања који се заснивају на верском уверењу или из њега произлазе;

3) национална припадност се односи на припадност групи која је одређена по свом културном, етничком или језичком идентитету, заједничком географском или политичком пореклу или односом са становништвом неке друге државе, а може обухватити и држављанство;

4) политичко уверење се односи на мишљење, став или уверење о стварима повезаним с могућим починиоцима прогона из члана 29. овог закона, као и њиховим политикама или методама, без обзира на то да ли је тражилац поступао по том мишљењу, ставу или уверењу;

5) одређена друштвена група односи се на друштвене групе чији чланови имају заједничке урођене особине или заједничко порекло, које се не могу изменити, или имају заједничке карактеристике или уверења која су у тој мери значајна за њихов идентитет или свест да се та лица не смеју присилити да их се одрекну, при чему та група има посебан идентитет у држави порекла јер се сматра другачијом од друштва које је окружује. Зависно од околности у држави порекла, одређена друштвена група може означавати и групу која се заснива на заједничким карактеристикама пола, рода, родног идентитета и сексуалног опредељења.

Приликом процене да ли постоји оправдан страх од прогона, није важно да ли тражилац заиста поседује расне, родне, верске, националне, друштвене или политичке карактеристике или карактеристике у погледу језика или родног идентитета које су разлог за прогон ако му починилац прогона приписује такве карактеристике.

Начело sur place

Члан 27.

Оправдан страх од прогона или стварни ризик од трпљења озбиљне неправде може се заснивати на:

1) догађајима који су се десили након што је тражилац напустио државу порекла или уобичајеног боравишта или

2) активностима тражиоца након што је напустио државу порекла или уобичајеног боравишта, нарочито када се утврди да је тражилац наставио да изражава своја уверења или оријентацију коју је имао у држави порекла или уобичајеног боравишта.

Ако тражилац поднесе накнадни захтев за азил, битне чињенице и докази настали након правноснажности одлуке, а који се односе на утврђивање испуњености услова за одобрење права на азил, не могу се заснивати искључиво на околностима које је тражилац проузроковао личним поступањем како би испунио услове за одобрење права на азил.

Дела прогона

Члан 28.

Дела која се сматрају прогоном у складу са чланом 24. овог закона морају бити:

1) довољно озбиљна по својој природи или понављању да представљају озбиљно кршење основних људских права, нарочито права која не могу бити ограничена према члану 15. став 2. Европске конвенције за заштиту људских права и основних слобода или

2) скуп различитих мера, укључујући кршење људских права, које су довољно озбиљне да могу утицати на појединца на сличан начин као дела из тачке 1) овог става.

Дела прогона из става 1. овог члана, су нарочито:

1) физичко или психичко насиље, укључујући сексуално и родно засновано насиље;

2) законске, административне, полицијске или судске мере које су дискриминишуће или које се примењују на дискриминишући начин;

3) судски поступак или кажњавање које је несразмерно или дискриминишуће;

4) ускраћивање судске заштите услед чега се изричу несразмерне и дискриминишуће казне;

5) судски поступак или кажњавање због одбијања да се обавља војна обавеза приликом сукоба, када би обављање војне обавезе укључивало кривична дела или радње које су наведене као разлози за ускраћивање права на азил сагласно чл. 33. и 34. овог закона;

6) дела која су по својој природи специфично везана за пол или децу.

Између разлога прогона и дела прогона, као и непостојања заштите од таквих дела мора постојати повезаност.

Починиоци прогона или озбиљне неправде

Члан 29.

Починиоци прогона из члана 24. овог закона и озбиљне неправде из члана 25. став 2. овог закона, могу бити:

1) државни органи;

2) странке или организације које контролишу државу или знатан део државног подручја;

3) недржавни органи, ако се докаже да државни органи или странке, односно организације које контролишу знатан део државног подручја, укључујући међународне организације нису у могућности или не желе пружити заштиту од прогона или трпљења озбиљне неправде.

Даваоци заштите у држави порекла

Члан 30.

Заштиту од прогона и трпљења озбиљне неправде у држави порекла или држави уобичајеног боравишта у смислу чл. 24. и 25. овог закона, под условом да могу и желе, пружају:

1) државни органи или

2) странке и државне или међународне организације које контролишу државу или знатан део државног подручја.

Заштита из става 1. овог члана мора бити ефикасна и трајна.

Заштита из става 1. овог члана подразумева постојање ефикасног правног система за спречавање, откривање и кажњавање дела која представљају прогон или озбиљну неправду, као и могућност приступа таквој заштити.

Заштита унутар државе

Члан 31.

При процени основаности захтева за азил утврђује се и могућност заштите тражиоца унутар државе његовим пресељењем у одређени део државе порекла или државе уобичајеног боравишта где:

1) не постоје оправдани разлози за страх од прогона, нити постоји опасност од трпљења озбиљне неправде или

2) тражилац може добити ефикасну заштиту од прогона или трпљења озбиљне неправде.

Пресељење из става 1. овог члана се сматра могућим:

1) ако тражилац до тог дела државе може путовати на сигуран и законит начин;

2) ако ће тражиоцу бити дозвољен улазак у тај део државе;

3) ако се разумно може очекивати да се тражилац у том делу државе настани.

Приликом процене постоје ли основани разлози за страховање тражиоца од прогона и постоји ли стварна опасност од неправде, односно има ли тражилац приступ заштити од прогона или озбиљне неправде у неком делу државе свог порекла, узимају се у обзир опште околности познате за тај део државе, као и личне околности тражиоца.

[…]

Разлози за ускраћивање права на уточиште

Члан 33.

Право на уточиште се неће одобрити тражиоцу ако постоје основани разлози на основу којих се сматра да је починио, подстрекавао или на други начин учествовао у извршењу:

1) злочина против мира, ратног злочина или злочина против човечности, у складу са одредбама садржаним у међународним конвенцијама донетим у циљу спречавања таквих злочина;

2) тешког кривичног дела које није политичког карактера, које је почињено изван територије Републике Србије пре него што је тражилац ушао на територију Републике Србије;

3) дела супротна циљевима и принципима Уједињених нација, како је истакнуто у Преамбули и чл. 1. и 2. Повеље Уједињених нација.

Право на уточиште се неће одобрити тражиоцу који представља опасност по националну безбедност и јавни поредак Републике Србије.

Право на уточиште се неће одобрити тражиоцу који већ има одобрен боравак у држави која му на основу тог боравка признаје иста права и обавезе као држављанима те државе.

Право на уточиште се неће одобрити тражиоцу који ужива заштиту или прима помоћ неког органа или агенције Уједињених нација, осим УНХЦР-а.

Ако заштита или помоћ из става 4. овог члана престану из било ког разлога на који тражилац није могао утицати, а његов положај није коначно решен у складу са одговарајућим резолуцијама које је усвојила Генерална скупштина Уједињених нација, одобриће му се право на азил.

IX. ПРЕСТАНАК ПРАВА НА АЗИЛ И УДАЉЕЊЕ СТРАНЦА

Престанак права на уточиште

Члан 81.

Право на уточиште престаје из следећих разлога:

1) ако лице поново ужива заштиту државе порекла и пристаје на ту заштиту;

2) ако је лице поново стекло држављанство које је раније изгубило;

3) ако је лице стекло ново држављанство и тиме ужива заштиту нове државе;

4) ако се лице својом вољом вратило у државу коју је напустило или ван које је остало из страха од прогона или злостављања;

5) ако лице више не може да одбије заштиту своје државе порекла јер су престале околности у вези са којима му је додељена заштита;

6) ако се лице без држављанства може вратити у државу свог уобичајеног боравишта јер су престале околности у вези са којима му је додељена заштита.

Приликом разматрања разлога из става 1. тач. 5) и 6) овог члана узима се у обзир да ли је промена околности значајна и стална, па се страх од прогона више не може сматрати оправданим.

Престанак заштите у складу са ставом 1. тач. 5) и 6) овог члана не примењују се на лице које одбија да користи заштиту своје државе порекла, односно државе у којој је имало уобичајено боравиште ако се може позвати на уверљиве разлоге везане за могући прогон или злостављање.

[…]

SIERRA LEONE

Act No. 6 of 2007, The Refugees Protection Act, 2007, 30 August 2007, https://www.refworld.org/legal/legislation/natlegbod/2007/52868

2. Meaning of "refugee"

(1) Subject to this section, a person is a refugee for the purposes of this Act, if–

(a) owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, he is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or

(b) not having a nationality and being outside the country of his former habitual residence, he is unable or, owing to a well-founded fear of being persecuted for reasons of race, religion, membership of a particular social group or political opinion, is unwilling to return to it; or

(c) owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, he is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality; or

(d) he has been considered a refugee under the Arrangements of the 12th May, 1926 and the 30th June, 1928, or under the Conventions of the 28th October, 1933 and the 10th February, 1938, the Protocol of the 14th September, 1939 or the Constitution of the International Refugee Organization ; or

(e) he is a member of a class of persons declared under subsection (2) to be refugees.

[…]

(4) A person shall cease to be a refugee for the purposes of this Act if–

(a) he has committed a crime against peace, a war crime or a crime against humanity, as defined in any international instrument to which Sierra Leone is a party and which has been drawn up to make provision in respect of such crimes; or

(b) he has committed a serious non-political crime outside Sierra Leone prior to his admission to Sierra Leone as a refugee; or

(c) he has been guilty of acts contrary to the purposes and principles of the United Nations Organization or the African Union; or

(d) having more than one nationality, he has not availed himself of the protection of one of the countries of which he is a national and has no valid reason, based on well-founded fear of persecution or on a reason referred to in paragraph (c) of subsection (1), for not having availed himself of its protection.

(5) A person shall cease to be a refugee for the purposes of this Act if–

(a) he voluntarily re-avails himself of the protection of the country of his nationality; or
(b) having lost his nationality, he voluntarily re-acquires it; or
(c) he becomes a citizen of Sierra Leone or acquires the nationality of some other country and enjoys the protection of the country of his new nationality; or
(d) he voluntarily re-establishes himself in the country which he left, or outside which he remained owing to a reason referred to in paragraph (c) of subsection (1), as the case may be; or
(e) he can no longer, because the circumstances in connection with which he was recognized as a refugee has ceased to exist–

(i) continue to refuse to avail himself of the protection of his country of nationality; or

(ii) if he has lost his nationality, continue to refuse to return to the country of his former habitual residence:

Provided that this paragraph shall not apply to a person who is referred to in paragraph (d) of subsection (1) and who satisfies the Implementing Agency that he has compelling reasons, arising out of persecution, for refusing so to avail himself or so to return, as the case may be; or
(f) he is a person referred to in paragraph (c) of subsection (1), or is a member of a class of persons declared under subsection (2) to be refugees on the ground that they are refugees as declared in paragraph (c) of subsection (1), and–

(i) he has committed a serious nonpolitical crime outside Sierra Leone after his admission into Sierra Leone as a refugee; or

(ii) he has seriously infringed the purposes and objectives of the OAU Convention.

SLOVAKIA

Act No. 480 of 2002, Act on Asylum and Amendment of Some Acts, 1 January 2003, https://www.refworld.org/legal/legislation/natlegbod/2003/123046

Please note that, as of 1 July 2026, the EU Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 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, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (see European Union) entered into application. The national law should therefore be read and applied in compliance with this Regulation.

Section 2 - Definition of Terms

[…]

d) persecution means serious or repeated conduct constituting a severe violation of basic human rights or an accumulation of various measures which affect an individual in a similar manner based, in particular, on

1. the use of physical or mental violence including sexual violence,
2. legal, administrative, police or judicial measures which are discriminatory, or which are implemented in a discriminatory manner,
3. denial of judicial protection resulting in disproportionate or discriminatory punishment,
4. criminal prosecution or punishment which is disproportionate or discriminatory,
5. criminal prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts under Section 13 par. 2,
6. acts of a gender-specific or child-specific nature;

e) actor of persecution or serious harm means

1. a State;
2. political parties or political movements or organisations controlling the State or a substantial part of its territory; or
3. non-State actors, if it can be demonstrated that the entities mentioned in points 1 and 2 are unable or unwilling to provide protection against persecution or serious harm;

[…]

Section 8 - Granting asylum

Unless stipulated otherwise in this Act, the Ministry shall grant asylum to an applicant who

a) has well-founded fear of being persecuted in his/her country of origin on the grounds of their race, ethnic origin or religion, holding of particular political opinions or membership of a particular social group and, owing to such fears, is unable or unwilling to return to this country; or

b) is persecuted in his/her country of origin for exercise of political rights and freedoms.

Section 13 - Denial of Asylum

[…]

(2) The Ministry shall also deny granting asylum if there is a well-founded suspicion that the applicant

a) has committed a crime against peace, a war crime or a crime against humanity, as defined in relevant international instruments,

b) has committed a serious non-political crime outside the territory of the Slovak Republic prior to applying for granting asylum or subsidiary protection,2 or

c) has been found guilty of acts contrary to the purposes and principles of the United Nations.

(3) Provisions of Paragraph 2 shall also apply to persons participating in the commission of crimes under Paragraph 2 as well as to persons otherwise participating in the commission of said crimes.

(4) The Ministry shall also deny granting asylum if

a) the applicant can avail himself/herself of protection or assistance provided by bodies or agencies of the United Nations such as the United Nations High Commissioner for Refugees (hereinafter referred to as the “UNHCR”); this shall not apply if such protection or assistance has ceased for any reason without the position of such persons being definitely settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations;

b) the applicant is recognized by the competent authorities of the country in which he/she has taken up residence as having the rights and obligations which are attached to the possession of the nationality of that country; or rights and obligations equivalent to those;

c) the applicant who has several citizenships refused protection of a State of his/her citizenship, provided that it is not a State under Section 8; or

d) the applicant does not have well-founded fear of his/her persecution in another part of his/her country of origin or can avail himself/herself of an effective protection in said different part of his/her country of origin, he/she can safely and legally travel to and enter said part of the country of origin and can reasonably be expected to settle there;

at that the Ministry shall have regard to the general circumstances prevailing in that part of the country of origin and to personal circumstances of the applicant while assessing the well-foundedness of such fear of persecution or the applicant's access to protection.

[…]

Section 15 - Withdrawal of Asylum

(1) Asylum withdrawal procedure shall commence on the initiative of the Ministry.

(2) The Ministry shall withdraw asylum if

a) the person granted asylum has voluntarily availed himself/herself of the protection granted to him/her by the country of his/her citizenship;

b) the person granted asylum voluntarily re-acquired his/her original citizenship after its previous loss;

c) the person granted asylum acquired citizenship and accepted the protection of the new country of his/her citizenship;

d) the person granted asylum rejects without any grounds to avail himself/herself of the protection granted to him/her by the country of his/her citizenship despite the fact that circumstances for which he/she was granted asylum ceased to exist; this shall not apply if the person granted asylum proves his/her serious reasons based on previous persecution on grounds of which he/she refuses the protection of the country of his/her citizenship;

e) the person granted asylum is capable of returning to the country of his/her residence because the circumstances under which asylum was granted to him/her ceased to exist;

this shall not apply if the person granted asylum proves serious reasons based on previous persecution on grounds of which he/she refuses to return to the country of his/her residence;

f) the person granted asylum is again voluntarily staying in the country he/she had left for fear of persecution;

g) there is well-founded suspicion that the person granted asylum committed an act under Section 13 Paragraphs 2 or 3, or if a reason exists pursuant to Section 13 Paragraph 4 (a) and (b); or

h) the asylum was granted on the basis of false data or forged documents or on the grounds that the person granted asylum concealed facts significant for a reliable establishment of the facts of the case.

[…]

SLOVENIA

International Protection Act and subsequent amendments (including the Act Amending the International Protection Act), 24 April 2016, https://www.refworld.org/legal/legislation/natlegbod/2016/147347

Please note that, as of 1 July 2026, the EU Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 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, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (see European Union) entered into application. The national law should therefore be read and applied in compliance with this Regulation.

I. POGLAVJE
SPLOŠNE DOLOČBE

2. člen (opredelitev pojmov)

Posamezni izrazi, uporabljeni v tem zakonu, imajo naslednji pomen:
[…]
17. »izvorna država« je država, katere državljanstvo ima državljan tretje države, ali država, v kateri je oseba brez državljanstva imela svoje običajno prebivališče;
18. »običajno prebivališče« je prebivališče, kjer oseba živi vsaj eno leto, ima središče svojih življenjskih interesov, tam preživlja večino svojega nočnega počitka in ima tam shranjene svoje osebne stvari;
[…]
29. »hudo kaznivo dejanje nepolitične narave« pomeni kaznivo dejanje, za katero je v Republiki Sloveniji predpisana kazen zapora, daljša od treh let, predvsem pa takšno kaznivo dejanje zoper življenje in telo, spolno nedotakljivost, zdravje in premoženje;
30. »hudo kaznivo dejanje« pomeni kaznivo dejanje, za katero je v Republiki Sloveniji predpisana kazen zapora najmanj treh let.

II. POGLAVJE
PRIZNANJE MEDNARODNE ZAŠČITE

20. Člen (mednarodna zaščita)

[…]
(2) Status begunca se prizna državljanu tretje države, ki se zaradi utemeljenega strahu pred preganjanjem iz razloga pripadnosti določeni rasi ali etnični skupini, določeni

veroizpovedi, narodni pripadnosti, pripadnosti posebni družbeni skupini ali političnemu prepričanju, nahaja zunaj države, katere državljan je, in ne more ali zaradi takega strahu noče uživati varstva te države, ali osebi brez državljanstva, ki se nahaja zunaj države, kjer je imela običajno prebivališče, in se zaradi utemeljenega strahu ne more ali noče vrniti v to državo, če ne obstajajo izključitveni razlogi iz prvega odstavka 31. člena tega zakona.
[…]

24. člen - (subjekti preganjanja ali resne škode)
Subjekti, ki lahko izvajajo preganjanje, kot je določeno v 26. in 27. členu tega zakona, ali povzročijo resno škodo, kot je določena v 28. členu tega zakona, so:

- država;
- politične stranke ali organizacije, ki nadzorujejo državo ali bistveni del njenega ozemlja;
- nedržavni subjekti, če je mogoče dokazati, da subjekti iz prejšnjih alinej, vključno z mednarodnimi organizacijami, niso sposobni ali nočejo nuditi zaščite pred preganjanjem ali resno škodo, kot je določeno v 26., 27. in 28. členu tega zakona.

25. člen - (subjekti zaščite)
(1) Zaščito pred preganjanjem ali resno škodo lahko daje:

- država ali
- politične stranke ali organizacije, vključno z mednarodnimi organizacijami, ki nadzorujejo državo ali bistveni del njenega ozemlja, če so pripravljene in sposobne zagotavljati zaščito v skladu z drugim odstavkom tega člena.

(2) Zaščita pred preganjanjem ali resno škodo mora biti dejanska in ne zgolj začasne narave. Šteje se, da je zaščita ustrezna takrat, ko subjekti iz prejšnjega odstavka sprejmejo razumne ukrepe za preprečitev preganjanja ali resne škode, med drugim z vodenjem učinkovitega pravnega sistema za odkrivanje, pregon in kaznovanje dejanj, ki pomenijo preganjanje ali resno škodo, prosilec pa ima dostop do take zaščite.

26. člen - (lastnosti dejanj preganjanja)
(1) Dejanja preganjanja v skladu s 1. A členom Ženevske konvencije morajo:

- biti dovolj resne narave ali dovolj ponavljajoče se, da predstavljajo hudo kršitev človekovih temeljnih pravic, zlasti pravic, ki jih v skladu z drugim odstavkom 15. Člena Evropske onvencije o varstvu človekovih pravic in temeljnih svoboščin ni mogoče omejiti, ali
- predstavljati zbir različnih ukrepov, vključno s kršitvami človekovih pravic, ki so dovolj resne narave ali so dovolj ponavljajoča se, da predstavljajo hudo kršitev človekovih pravic.

(2) Dejanja preganjanja v skladu s 1. A členom Ženevske konvencije so predvsem:

- dejanja fizičnega ali psihičnega nasilja, vključno z dejanji spolnega nasilja;
- pravni, upravni, policijski ali sodni ukrepi, ki so sami po sebi diskriminatorni ali izvedeni na diskriminatoren način;
- pregon ali kazen, ki je nesorazmerna ali diskriminatorna;
- nedostopnost sodnega varstva, ki ima za posledico nesorazmerno ali diskriminatorno kazen;
- pregon ali kazen zaradi zavrnitve služenja vojaškega roka v spopadu, če bi služenje vojaškega roka vključevalo kazniva dejanja ali dejanja, ki spadajo med razloge za izključitev iz prvega odstavka 31. člena tega zakona;
- dejanja, ki so povezana s spolom ali usmerjena na otroke.

27. člen - (razlogi preganjanja)

(1) Razlogi preganjanja so:

- pripadnost določeni rasi ali etnični skupini;
- pripadnost določeni veroizpovedi;
- narodna pripadnost;
- pripadnost posebni družbeni skupini;
- politično prepričanje.

(2) Razlog iz prve alineje prejšnjega odstavka obsega zlasti preganjanje zaradi barve kože, porekla ali pripadnosti etnični skupini.

(3) Razlog iz druge alineje prvega odstavka tega člena obsega zlasti teistična, neteistična in ateistična prepričanja, sodelovanje ali nesodelovanje pri zasebnih ali javnih formalnih verskih obredih posamezno ali v skupnosti drugih oseb, druga verska dejanja ali izraze prepričanja ali oblike osebnega ali skupnega vedenja, ki temelji na kakršnem koli verskem prepričanju ali izhaja iz njega.

(4) Razlog iz tretje alineje prvega odstavka tega člena, ki ni omejen na državljanstvo ali njegovo odsotnost, obsega zlasti pripadnost skupini, ki jo določa kulturna, etnična ali jezikovna identiteta, skupno zemljepisno ali politično poreklo ali odnos do prebivalcev druge države.

(5) Na podlagi razloga iz četrte alineje prvega odstavka tega člena se kot posebna družbena skupina šteje zlasti skupina:

- katere članom je skupna prirojena lastnost ali skupno poreklo, ki je nespremenljivo, ali značilnost ali prepričanje, ki je tako temeljnega pomena za identiteto ali zavedanje, da se oseba ne sme prisiliti, naj se mu odreče in
- ki ima v ustrezni državi različno identiteto, ker jo družba, ki jo obkroža, dojema kot različno.

(6) Glede na okoliščine v izvorni državi lahko določena družbena skupina zajema skupino, ki temelji na skupni lastnosti spolne usmerjenosti. Spolne usmerjenosti se ne razume kot nekaj, kar vključuje dejanja, ki po nacionalnem pravu Republike Slovenije veljajo za kazniva. Pri določitvi pripadnosti posebni družbeni skupini ali opredelitvi značilnosti takšne skupine je treba upoštevati vidike, ki so povezani s spolom, vključno s spolno identiteto.
(7) Razlog iz pete alineje prvega odstavka tega člena obsega zlasti imeti mnenje, stališče ali prepričanje o zadevi, povezani s potencialnimi subjekti preganjanja iz 24. Člena tega zakona in z njihovo politiko ali metodami, ne glede na to, ali je prosilec tudi ravnal v skladu s tem mnenjem, stališčem ali prepričanjem.
(8) Med razlogi preganjanja in dejanji preganjanja ali odsotnostjo zaščite pred temi dejanji mora obstajati vzročna zveza.
(9) Pri ocenjevanju dejstva, ali ima prosilec utemeljen strah pred preganjanjem, ni pomembno, ali prosilec dejansko ima rasne, verske, nacionalne, družbene ali politične lastnosti, ki se preganjajo, pod pogojem, da takšne značilnosti prosilcu pripisuje subjekt iz 24. člena tega zakona.

[…]

29. člen - (notranja zaščita)

(1) V okviru obravnavanja prošnje za mednarodno zaščito pristojni organ prošnjo v skladu s tretjo alinejo prvega odstavka 49. člena tega zakona zavrne kot neutemeljeno, če prosilec ne potrebuje mednarodne zaščite, ker v delu izvorne države:

- ni razlogov za utemeljen strah pred preganjanjem ali utemeljeno tveganje da utrpi resno škodo, ali
- ima dostop do zaščite pred preganjanjem ali resno škodo pri subjektih zaščite, na način, določen v 25. členu tega zakona, in če v ta del države lahko varno in zakonito potuje ter ima dostop do tega dela države in če se od njega lahko razumno pričakuje, da se bo v njem nastanil.

(2) Pri ugotavljanju možnosti notranje zaščite pristojni organ upošteva splošne okoliščine, ki prevladujejo v tem delu države, in osebne okoliščine prosilca.

30. člen - (potreba po mednarodni zaščiti, ki se pojavi na kraju samem – »sur place«)

(1) Utemeljen strah pred preganjanjem ali utemeljena nevarnost, da prosilec utrpi resno škodo, lahko temeljita na dogodkih in dejavnostih, ki so se zgodili oziroma pri katerih je sodeloval prosilec po zapustitvi izvorne države. To dejstvo je treba upoštevati zlasti, kadar se ugotovi, da so te dejavnosti izraz in nadaljevanje prepričanj ali usmeritev, ki jih je prosilec zagovarjal že v izvorni državi.

(2) Če so imele dejavnosti prosilca od odhoda iz izvorne države izključni namen ustvarjanja potrebnih pogojev za priznanje mednarodne zaščite po tem zakonu, v primeru ponovne prošnje priznanje statusa begunca ne more temeljiti samo na tako ustvarjenih pogojih

31. člen - (izključitev)

(1) Status begunca se prosilcu ne prizna, če:

- že uživa pomoč ali zaščito organov in agencij Združenih narodov, razen Visokega komisariata;
- obstajajo utemeljeni razlogi za sum, da je storil kaznivo dejanje proti miru, vojni zločin ali zločin proti človeštvu, kot jih določajo mednarodni akti;
- obstajajo utemeljeni razlogi za sum, da je pred vstopom v Republiko Slovenijo storil hudo kaznivo dejanje nepolitične narave v drugi državi, tudi če je bilo storjeno zaradi domnevno političnih ciljev;
- obstajajo utemeljeni razlogi za sum, da je storil dejanja, ki nasprotujejo namenom in načelom Združenih narodov, določenim v Preambuli ter v 1. in 2. členu Ustanovne listine Združenih narodov;
- obstajajo utemeljeni razlogi, da se ga obravnava kot nevarnega za varnost ali ozemeljsko celovitost Republike Slovenije, kar se kaže zlasti v ogrožanju suverenosti, izvrševanja mednarodnih obveznosti in ogrožanju varstva ustavne ureditve;
- po pravnomočni obsodbi za hudo kaznivo dejanje predstavlja nevarnost za Republiko Slovenijo.

[…]

(3) Za dejanja, določena v drugi, tretji in četrti alineji prvega odstavka tega člena, in za dejanja iz prejšnjega odstavka se štejejo tudi dejanja napeljevanja in druge oblike udeležbe pri teh dejanjih.

[…]

67. člen - (razlogi za prenehanje mednarodne zaščite)

(1) Beguncu preneha status, če:

- prostovoljno sprejme zaščito države, katere državljan je,
- državljanstvo po njegovi izgubi prostovoljno ponovno pridobi,
- pridobi novo državljanstvo in uživa zaščito države, ki mu ga je podelila,
- se prostovoljno ponovno nastani v državi, ki jo je zapustil in v katero se ni vračal zaradi strahu pred preganjanjem,
- prenehajo okoliščine, zaradi katerih mu je bil priznan status begunca in ne more več zavračati zaščite države, katere državljan je,
- se kot oseba brez državljanstva zaradi prenehanja okoliščin, zaradi katerih mu je bil priznan status begunca, lahko vrne v prejšnjo državo običajnega prebivališča.

(2) Osebi, ki ji je priznana subsidiarna zaščita, preneha status, kadar okoliščine, zaradi katerih ji je bila priznana subsidiarna zaščita, prenehajo ali se spremenijo do te mere, da taka zaščita ni več potrebna.
(3) Če obstajajo okoliščine iz pete in šeste alineje prvega odstavka ter drugega odstavka tega člena, status ne preneha, če oseba navede utemeljene razloge, ki izhajajo iz preganjanja v preteklosti ali resne škode, povzročene v preteklosti, zaradi katerih noče izkoristiti zaščite države, katere državljan je, oziroma države prejšnjega običajnega prebivališča, če gre za osebo brez državljanstva.
(4) Če oseba s priznano mednarodno zaščito umre, status preneha z dnem smrti osebe.
(5) Status osebi z mednarodno zaščito preneha z dnem sprejema v državljanstvo Republike Slovenije.
(6) Če se oseba s priznano mednarodno zaščito zaščiti nedvoumno odpove, ji mednarodna zaščita preneha z dnem pravnomočne odločbe o prenehanju statusa.

SOUTH AFRICA

Act No. 130 of 1998, Refugees Act, 20 November 1998,
https://www.refworld.org/legal/legislation/natlegbod/1998/105119

1. Definitions

In this Act, unless the context shows that another meaning is intended-

[…]

"social group" includes a group of persons of particular gender, sexual orientation, disability, class or caste;

[…]

3. Refugee status

Subject to Chapter 3, a person qualifies for refugee status for the purposes of this Act if that person—

(a) owing to a well-founded fear of being persecuted by reason of his or her race, gender, tribe, religion, nationality, political opinion or membership of a particular social group, is outside the country of his or her nationality and is unable or unwilling to avail himself or herself of the protection of that country, or, not having a nationality and being outside the country of his or her former habitual residence is unable or, owing to such fear, unwilling to return to it; or

(b) owing to external aggression, occupation, foreign domination or other events seriously disturbing public order in either a part or the whole of his or her country of origin or nationality, is compelled to leave his or her place of habitual residence in order to seek refuge in another place outside his or her country of origin or nationality; or

[…]

4.Exclusion from refugee status

(1) An asylum seeker does not qualify for refugee status for the purposes of this Act if a Refugee Status Determination Officer has reason to believe that he or she—

(a) has committed a crime against peace, a crime involving torture, as defined in the Prevention and Combating of Torture of Persons Act, 2013 (Act 13 of 2013), a war crime or a crime against humanity, as defined in any international legal instrument dealing with any such crimes; or

(aA) has committed any of the following offences under the Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004 (Act 33 of 2004):

(i) The offence of terrorism referred to in section 2 of the said Act;

(ii) an offence associated or connected with terrorist activities referred to in section 3 of the said Act;

(iii) any Convention offence as defined in section 1 of the said Act; or

(iv) an offence referred to in section 13 or 14 of the said Act (in so far as it relates to the aforementioned sections).

(b) has committed a crime outside the Republic, which is not of a political nature and which, if committed in the Republic, would be punishable by imprisonment without the option of a fine; or

(c) has been guilty of acts contrary to the objects and principles of the United Nations or the African Union; or

(d) enjoys the protection of any other country in which he or she is a recognised refugee, resident or citizen; or

(e) has committed a crime in the Republic, which is listed in Schedule 2 of the Criminal Law Amendment Act, 1997 (Act 105 of 1997), or which is punishable by imprisonment without the option of a fine; or

(f) has committed an offence in relation to the fraudulent possession, acquisition or presentation of a South African identity card, passport, travel document, temporary residence visa or permanent residence permit; or

(g) is a fugitive from justice in another country where the rule of law is upheld by a recognised judiciary; or

(h) having entered the Republic, other than through a port of entry designated as such by the Minister in terms of section 9A of the Immigration Act, fails to satisfy a Refugee Status Determination Officer that there are compelling reasons for such entry; or

(i) has failed to report to the Refugee Reception Office within five days of entry into the Republic as contemplated in section 21, in the absence of compelling reasons, which may include hospitalisation, institutionalisation or any other compelling reason: Provided that this provision shall not apply to a person who, while being in the Republic on a valid visa, other than a visa issued in terms of section 23 of the Immigration Act, applies for asylum.

(2) For the purposes of subsection (1) (c), no exercise of a human right recognised under international law may be regarded as being contrary to the objects and principles of the United Nations or the African Union.

5. Cessation of refugee status

(1) A person ceases to qualify for refugee status for the purposes of this Act if—

(a) he or she voluntarily re-avails himself or herself in the prescribed circumstances of the protection of the country of his or her nationality; or

(b) having lost his or her nationality, he or she by some voluntary and formal act re-acquires it; or

(c) he or she becomes a permanent resident or a citizen of the Republic or acquires the nationality of some other country and enjoys the protection of that country: Provided that a person whose permanent residence status is withdrawn is not prevented from re-applying for refugee status; or

(d) he or she voluntarily re-establishes himself or herself in the country which he or she left or outside of which he or she remained owing to fear of persecution, or returns to visit such country; or

(e) he or she can no longer continue to refuse to avail himself or herself of the protection of the country of his or her nationality because the circumstances in connection with which he or she has been recognised as a refugee have ceased to exist and no other circumstances have arisen which justify his or her continued recognition as a refugee; or

(f) he or she has committed a crime in the Republic, which is listed in Schedule 2 of the Criminal Law Amendment Act, 1997 (Act 105 of 1997), or which is punishable by imprisonment without the option of a fine; or

(g) he or she has committed an offence in relation to the fraudulent possession, acquisition or presentation of a South African identity card, passport, travel document, temporary residence visa or permanent residence permit; or

(h) the Minister may issue an order to cease the recognition of the refugee status of any individual refugee or category of refugees, or to revoke such status.

(2) Subsection (1)(e) does 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 the country of nationality.

(3) The refugee status of a person who ceases to qualify for it in terms of subsection (1) may be withdrawn in terms of section 36.

SOUTH SUDAN

Refugee Act of 2012, Act No. 20, 5 June 2012,
https://www.refworld.org/legal/legislation/natlegbod/2012/91073

5. Interpretation.

[…]

"Non-political crime" means a crime which is not of a political character or a crime which does not involve opposition to the government of a country on an issue connected with the political control or government of that country, or a crime which is not incidental to or forming part of an organised political upheaval committed as part of an organised political party or body contending for power or political control of a country;

[…]

"Persecution" includes any threat to the life or freedom, or serious violation of human rights of a person on account of that person's race, religion, nationality sex, political opinion or membership of a particular social group and as long as a person is threatened with any harm which can reasonably be seen as part of a course of systematic conduct directed against that person as an individual or as a member of a class of person, on account of race, religion, nationality, sex, political opinion or membership of a particular social group, that person is being persecuted for purposes of this Act;

[…]

"Refugee" or recognised refugee" means a person who, having qualified to be granted refugee status under Section 7 of this Act, has been recognized as a refugee by the Eligibility Committee under Section 24 (2) of this Act or is a member of a class of persons declared to be refugees under Section 30 of this Act;

[…]

7. Definition of Refugee.

Subject to provisions of Chapter IV of this Act, a person qualifies for refugee status for purposes of this Act, if that person:

(a) based on a well-founded fear of being persecuted by reason of his or her race, tribe, religion, nationality, political opinion or membership of a particular social group, is outside the country of his or her nationality and is unable or unwilling to avail himself or herself of the protection of his or her country, or, not having a nationality and being outside the country of his or her former habitual residence is unable or, owing to such fear, unwilling to return to it;

(b) based on external aggression, occupation, foreign domination or events seriously disturbing or disrupting public order in either a part or the whole of his or her country of origin or nationality, is compelled to leave his or her place of habitual residence in order to seek refuge elsewhere;

(c) is a dependant of a person contemplated in paragraph (a) or (b);

(d) based on well- founded fear of persecution due to gender discriminating practices, that person is compelled to leave his or her place of habitual residence in order to seek refuge in another place outside the country of his or her origin or nationality;

(e) that person is considered a refugee under any treaty obligation to which South Sudan is a party, or any law in force at the commencement of this Act and bilateral agreements concerning refugees.

8. Exclusion from Refugee Status.

(1) A person does not qualify for refugee status for purposes of this Act if there is reason to believe that such person:

(a) has committed a crime against peace, a war crime or a crime against humanity or genocide as defined in any international legal instrument dealing with any such crimes;

(b) has committed a serious non-political crime outside of South Sudan prior to admission to South Sudan as a refugee;

(c) has been guilty of acts contrary to the objects and principles of the United Nations or the Organization of African Unity; or

(d) enjoys the protection of any other country in which he or she has taken residence.

(2) For purposes of subsection (l) (c), no exercise of a human right recognized under international law may be regarded as being contrary to the objects and principles of the United Nations.

9. Cessation of Refugee Status.

(1) A person ceases to qualify for refugee status for purposes of this Act if:

(a) that person voluntarily re-avails himself or herself of the protection of the country of his or her nationality;

(b) becomes a citizen of South Sudan or acquires the nationality of some other country and enjoys the protection of the country of his or her new nationality; or

(c) voluntarily re-establishes him or herself in the country which he or she left.

[…]

SPAIN

Ley 12/2009, de 30 de octubre, reguladora del derecho de asilo y de la protección subsidiaria, https://www.refworld.org/es/leg/legis/pleg/2009/126197

Please note that, as of 1 July 2026, the EU Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 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, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (see European Union) entered into application. The national law should therefore be read and applied in compliance with this Regulation.

Artículo 3. La condición de refugiado.

La condición de refugiado se reconoce a toda persona que, debido a fundados temores de ser perseguida por motivos de raza, religión, nacionalidad, opiniones políticas, pertenencia a determinado grupo social, de género, orientación sexual o de identidad sexual, se encuentra fuera del país de su nacionalidad y no puede o, a causa de dichos temores, no quiere acogerse a la protección de tal país, o al apátrida que, careciendo de nacionalidad y hallándose fuera del país donde antes tuviera su residencia habitual, por los mismos motivos no puede o, a causa de dichos temores, no quiere regresar a él, y no esté incurso en alguna de las causas de exclusión del artículo 8 o de las causas de denegación o revocación del artículo 9.

Artículo 6. Actos de persecución.

1. Los actos en que se basen los fundados temores a ser objeto de persecución en el sentido previsto en el artículo 3 de esta Ley, deberán:

a) ser suficientemente graves por su naturaleza o carácter reiterado como para constituir una violación grave de los derechos fundamentales, en particular los derechos que no puedan ser objeto de excepciones al amparo del apartado segundo del artículo 15 del Convenio Europeo para la Protección de los Derechos Humanos y de las Libertades Fundamentales, o bien

b) ser una acumulación lo suficientemente grave de varias medidas, incluidas las violaciones de derechos humanos, como para afectar a una persona de manera similar a la mencionada en la letra a).

2. Los actos de persecución definidos en el apartado primero podrán revestir, entre otras, las siguientes formas:

a) actos de violencia física o psíquica, incluidos los actos de violencia sexual;

b) medidas legislativas, administrativas, policiales o judiciales que sean discriminatorias en sí mismas o que se apliquen de manera discriminatoria;

c) procesamientos o penas que sean desproporcionados o discriminatorios;

d) denegación de tutela judicial de la que se deriven penas desproporcionadas o discriminatorias;

e) procesamientos o penas por la negativa a prestar servicio militar en un conflicto en el que el cumplimiento de dicho servicio conllevaría delitos o actos comprendidos en las cláusulas de exclusión establecidas en el apartado segundo del artículo 8 de esta Ley;

f) actos de naturaleza sexual que afecten a adultos o a niños.

3. Los actos de persecución definidos en el presente artículo deberán estar relacionados con los motivos mencionados en el artículo siguiente.

Artículo 7. Motivos de persecución.

1. Al valorar los motivos de persecución se tendrán en cuenta los siguientes elementos:

a) el concepto de raza comprenderá, en particular, el color, el origen o la pertenencia a un determinado grupo étnico;

b) el concepto de religión comprenderá, en particular, la profesión de creencias teístas, no teístas y ateas, la participación o la abstención de hacerlo, en cultos formales en privado o en público, ya sea individualmente o en comunidad, así como otros actos o expresiones que comporten una opinión de carácter religioso, o formas de conducta personal o comunitaria basadas en cualquier creencia religiosa u ordenadas por ésta;

c) el concepto de nacionalidad no se limitará a poseer o no la ciudadanía, sino que comprenderá, en particular, la pertenencia a un grupo determinado por su identidad cultural, étnica o lingüística, sus orígenes geográficos o políticos comunes o su relación con la población de otro Estado;

d) el concepto de opiniones políticas comprenderá, en particular, la profesión de opiniones, ideas o creencias sobre un asunto relacionado con los agentes potenciales de persecución y con sus políticas o métodos, independientemente de que el solicitante haya o no obrado de acuerdo con tales opiniones, ideas o creencias;

e) se considerará que un grupo constituye un grupo social determinado, si, en particular:

- las personas integrantes de dicho grupo comparten una característica innata o unos antecedentes comunes que no pueden cambiarse, o bien comparten una característica o creencia que resulta tan fundamental para su identidad o conciencia que no se les puede exigir que renuncien a ella, y

- dicho grupo posee una identidad diferenciada en el país de que se trate por ser percibido como diferente por la sociedad que lo rodea o por el agente o agentes perseguidores.

En función de las circunstancias imperantes en el país de origen, se incluye en el concepto de grupo social determinado un grupo basado en una característica común de orientación sexual o identidad sexual, y, o, edad, sin que estos aspectos por sí solos puedan dar lugar a la aplicación del presente artículo. En ningún caso podrá entenderse como orientación sexual, la realización de conductas tipificadas como delito en el ordenamiento jurídico español.

Asimismo, en función de las circunstancias imperantes en el país de origen, se incluye a las personas que huyen de sus países de origen debido a fundados temores de sufrir persecución por motivos de género y, o, edad, sin que estos aspectos por sí solos puedan dar lugar a la aplicación del presente artículo.

2. En la valoración acerca de si la persona solicitante tiene fundados temores a ser perseguida será indiferente el hecho de que posea realmente la característica racial, religiosa, nacional, social o política que suscita la persecución, a condición de que el agente de persecución se la atribuya.

Artículo 8. Causas de exclusión.

1. Quedarán excluidas de la condición de refugiados:

a) las personas que estén comprendidas en el ámbito de aplicación de la sección D del artículo 1 de la Convención de Ginebra en lo relativo a la protección o asistencia de un órgano u organismo de las Naciones Unidas distinto del Alto Comisionado de las Naciones Unidas para los Refugiados. Cuando esta protección o asistencia haya cesado por cualquier motivo, sin que la suerte de tales personas se haya solucionado definitivamente con arreglo a las Resoluciones aprobadas sobre el particular por la Asamblea General de las Naciones Unidas, aquéllas tendrán, «ipso facto», derecho a los beneficios del asilo regulado en la presente Ley;

b) las personas a quienes las autoridades competentes del país donde hayan fijado su residencia les hayan reconocido los derechos y obligaciones que son inherentes a la posesión de la nacionalidad de tal país, o derechos y obligaciones equivalentes a ellos.

2. También quedarán excluidas las personas extranjeras sobre las que existan motivos fundados para considerar que:

a) han cometido un delito contra la paz, un delito de guerra o un delito contra la humanidad, de los definidos en los instrumentos internacionales que establecen disposiciones relativas a tales delitos;

b) han cometido fuera del país de refugio antes de ser admitidas como refugiadas, es decir, antes de la expedición de una autorización de residencia basada en el reconocimiento de la condición de refugiado, un delito grave, entendiéndose por tal los que lo sean conforme al Código Penal español y que afecten a la vida, la libertad, la indemnidad o la libertad sexual, la integridad de las personas o el patrimonio, siempre que fuesen realizados con fuerza en las cosas, o violencia o intimidación en las personas, así como en los casos de la delincuencia organizada, debiendo entenderse incluida, en todo caso, en el término delincuencia organizada la recogida en el apartado cuarto del artículo 282 bis de la Ley de Enjuiciamiento Criminal, en relación con los delitos enumerados;

c) son culpables de actos contrarios a las finalidades y a los principios de las Naciones Unidas establecidos en el Preámbulo y en los artículos 1 y 2 de la Carta de las Naciones Unidas.

3. El apartado segundo se aplicará a las personas que inciten a la comisión de los delitos o actos mencionados en él, o bien participen en su comisión.

Artículo 13. Agentes de persecución o causantes de daños graves.

Los agentes de persecución o causantes de daños graves podrán ser, entre otros:

a) el Estado;

b) los partidos u organizaciones que controlen el Estado o una parte considerable de su territorio;

c) agentes no estatales, cuando los agentes mencionados en los puntos anteriores, incluidas las organizaciones internacionales, no puedan o no quieran proporcionar protección efectiva contra la persecución o los daños graves.

Artículo 14. Agentes de protección.

1. Podrán proporcionar protección:

a) el Estado, o

b) los partidos u organizaciones, incluidas las organizaciones internacionales, que controlen el Estado o una parte considerable de su territorio.

2. En general, se entenderá que existe protección cuando los agentes mencionados en el apartado primero adopten medidas razonables y efectivas para impedir la persecución o el padecimiento de daños graves, tales como el establecimiento de un sistema jurídico eficaz para la investigación, el procesamiento y la sanción de acciones constitutivas de persecución o de daños graves, y siempre que el solicitante tenga acceso efectivo a dicha protección.

3. Se tendrá en cuenta la orientación que pueda desprenderse de los actos pertinentes de las instituciones de la Unión Europea o de organizaciones internacionales relevantes, al

efecto de valorar si una organización internacional controla un Estado o una parte considerable de su territorio y proporciona la protección descrita en el apartado anterior.

Artículo 15. Necesidades de protección internacional surgidas «in situ».

1. Los fundados temores de ser perseguido o el riesgo real de sufrir daños graves a que se refieren, respectivamente, los artículos 6 y 10 de esta Ley, pueden asimismo basarse en acontecimientos sucedidos o actividades en que haya participado la persona solicitante con posterioridad al abandono del país de origen o, en el caso de apátridas, el de residencia habitual, en especial si se demuestra que dichos acontecimientos o actividades constituyen la expresión de convicciones u orientaciones mantenidas en el país de origen o de residencia habitual.

2. En estos supuestos, se ponderará, a efectos de no reconocer la condición de refugiado, el hecho de que el riesgo de persecución esté basado en circunstancias expresamente creadas por la persona solicitante tras abandonar su país de origen o, en el caso de apátridas, el de su residencia habitual.

Artículo 42. Cese del estatuto de refugiado.

1. Cesarán en la condición de refugiados quienes:

a) expresamente así lo soliciten;

b) se hayan acogido de nuevo, voluntariamente, a la protección del país de su nacionalidad;

c) habiendo perdido su nacionalidad, la hayan recobrado voluntariamente;

d) hayan adquirido una nueva nacionalidad y disfruten de la protección del país de su nueva nacionalidad;

e) se hayan establecido, de nuevo, voluntariamente, en el país que habían abandonado, o fuera del cual habían permanecido, por temor a ser perseguidos;

f) hayan abandonado el territorio español y fijado su residencia en otro país;

g) no puedan continuar negándose a la protección del país de su nacionalidad por haber desaparecido las circunstancias en virtud de las cuales fueron reconocidos como refugiados; el Estado español tendrá en cuenta si el cambio de circunstancias es lo suficientemente significativo, sin ser de carácter temporal, como para dejar de considerar fundados los temores del refugiado a ser perseguido;

h) no teniendo nacionalidad, puedan regresar al país de su anterior residencia habitual por haber desaparecido las circunstancias en virtud de las cuales fueron reconocidos como refugiados.

2. El cese en la condición de refugiado no impedirá la continuación de la residencia en España conforme a la normativa vigente en materia de extranjería e inmigración. A estos

efectos se tendrá en cuenta el período de tiempo que los interesados hayan residido legalmente en nuestro país.

SUDAN (THE)

Asylum Act 2014,
https://www.refworld.org/legal/legislation/natlegbod/2014/123480

Article 3 – Interpretation

[…]

"Refugee", means every alien, found outside the country of his nationality, by reason of justifiable fear of being subjected to persecution, for his race, religion, nationality, affiliation to a particular social group, or political opinion, or due to aggression, foreign occupation or domination , or because of events seriously threatening public security, in either part of his country of origin, or the country he holds its nationality, or on the lands of any one of them completely, and cannot, or undesirous, due to such fear, of being sheltered by the protection of such country; or every person, who is of no nationality, and found outside the former country of his habitual nationality, as a result of such events, and is unable, or undesirous, by reason of such fear, to return to such country; and has been registered, as a refugee, in accordance with the provisions of this Act ;

Article 5 - Exclusion from refugee status

No person shall enjoy the refugee status, where there are present in him serious reasons to believe that he has committed:-

(a) an offence against peace, war crime or crime against humanity, within the meaning used for such crimes, in the international instruments, which is laid down to provide for provisions with respect thereto;

(b) a serious non-political offence, prior to his entry into the Sudan as a refugee;

(c) acts in contravention of the objectives and principles of the United Nations Organization, the African Union or the Arab League.

Article 6 - Cases of lapse of the refugee status

The refugee status of a refugee person shall lapse, where he:-

(a) voluntarily invokes protection of the State of his nationality; or

(b) has voluntarily reacquired his nationality, after loss thereof ; or

(c) acquires a new nationality, and enjoys the protection of such country, as may have granted him the nationality; or

(d) voluntarily returns to reside the country, which he has left, or resided out of the same, in fear of persecution; or

(e) has become unable to continue refusing the protection of the State of his nationality, by reason of removal of such causes, as have led to his being deemed a refugee; or
(f) has no nationality, and by reason of such causes, as have led to his being recognized as having the refugee status, has become unable to return to the country of his former habitual residence.

SWEDEN

Aliens Act (2005:716), 31 March 2006,
https://www.refworld.org/legal/legislation/natlegbod/2006/122675

Please note that, as of 1 July 2026, the EU Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 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, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (see European Union) entered into application. The national law should therefore be read and applied in compliance with this Regulation.

4 kap. Flyktingar och andra skyddsbehövande
Definitioner
1 § Med flykting avses i denna lag en utlänning som

- befinner sig utanför det land som utlänningen är medborgare i, därför att han eller hon känner välgrundad fruktan för förföljelse på grund av ras, nationalitet, religiös eller politisk uppfattning eller på grund av kön, sexuell läggning eller annan tillhörighet till en viss samhällsgrupp, och
- inte kan, eller på grund av sin fruktan inte vill, begagna sig av detta lands skydd.

Första stycket gäller oberoende av om det är landets myndigheter som är ansvariga för att utlänningen riskerar att utsättas för förföljelse eller om utlänningen riskerar att utsättas för förföljelse från enskilda och inte kan antas bli erbjuden ett effektivt skydd som inte är av tillfällig natur.
Vid bedömningen av om skydd erbjuds beaktas endast skydd som ges av staten eller av parter eller organisationer som kontrollerar hela eller en betydande del av statens territorium.

Första och andra styckena gäller även för en statslös utlänning som befinner sig utanför det land där han eller hon tidigare har haft sin vanliga vistelseort.

Av 2 b § följer att en utlänning som omfattas av denna paragraf i vissa fall är utesluten från att anses som flykting. *Lag (2014:1400)*.

2 § Med alternativt skyddsbehövande avses i denna lag en utlänning som i andra fall än som avses i 1 § befinner sig utanför det land som utlänningen är medborgare i, därför att

1. det finns grundad anledning att anta att utlänningen vid ett återvändande till hemlandet skulle löpa risk att straffas med döden eller att utsättas för kroppsstraff, tortyr eller annan omänsklig eller förnedrande behandling eller bestraffning, eller som civilperson löpa en allvarlig och personlig risk att skadas på grund av urskillningslöst våld med anledning av en yttre eller inre väpnad konflikt, och

2. utlänningen inte kan, eller på grund av sådan risk som avses i 1 inte vill, begagna sig av hemlandets skydd.

Första stycket gäller oberoende av om det är landets myndigheter som är ansvariga för att utlänningen löper sådan risk som avses där eller om utlänningen löper sådan risk genom handlingar från enskilda och inte kan antas bli erbjuden ett effektivt skydd som inte är av tillfällig natur.
Vid bedömningen av om skydd erbjuds beaktas endast skydd som ges av staten eller av parter eller organisationer som kontrollerar hela eller en betydande del av statens territorium.

Första och andra styckena gäller även för en statslös utlänning som befinner sig utanför det land där han eller hon tidigare har haft sin vanliga vistelseort.

Av 2 c § följer att en utlänning som omfattas av denna paragraf i vissa fall är utesluten från att anses som alternativt skyddsbehövande. *Lag (2014:1400)*.

2 a § Har upphävts genom *lag (2021:765)*.

2 b § En utlänning är utesluten från att anses som flykting om det finns synnerlig anledning att anta att han eller hon har gjort sig skyldig till

1. brott mot freden, krigsförbrytelse eller brott mot mänskligheten, såsom dessa definieras i de internationella instrument som har upprättats för att beivra sådana brott,

2. ett grovt icke-politiskt brott utanför Sverige innan han eller hon kom hit, eller

3. gärningar som strider mot Förenta nationernas syften och grundsatser enligt inledningen och artiklarna 1 och 2 i Förenta nationernas stadga.

Det som anges i första stycket gäller även en utlänning som har anstiftat eller på annat sätt deltagit i förövandet av de brott eller gärningar som där nämns. *Lag (2009:1542)*.

2 c § En utlänning är utesluten från att anses som alternativt skyddsbehövande om det finns synnerlig anledning att anta att han eller hon

1. har gjort sig skyldig till sådana brott eller gärningar som avses i 2 b § första stycket 1 eller 3,

2. har gjort sig skyldig till ett grovt brott, eller

3. utgör en fara för rikets säkerhet. Det som anges i första stycket gäller även en utlänning som har anstiftat eller på annat sätt deltagit i förövandet av de brott eller gärningar som avses i första stycket 1 och 2.
Lag (2021:765).
[…]

När en utlänning upphör att vara flykting eller alternativt skyddsbehövande

5 § En flykting upphör att vara flykting om han eller hon

1. av fri vilja på nytt använder sig av det lands skydd där han eller hon är medborgare,

2. av fri vilja på nytt förvärvar det medborgarskap som han eller hon tidigare har förlorat,

3. förvärvar medborgarskap i ett nytt land och får det landets skydd,

4. av fri vilja återvänder för att bosätta sig i det land där han eller hon är medborgare eller som statslös tidigare hade sin vistelseort, eller

5. på grund av väsentliga och bestående förändringar i hemlandet eller i det land där han eller hon som statslös tidigare hade sin vistelsort inte längre befinner sig i en sådan situation att han eller hon kan anses som flykting och därför inte kan fortsätta att vägra använda sig av hemlandets eller vistelselandets skydd.

Första stycket 5 gäller dock inte en flykting som på grund av tidigare förföljelse har tungt vägande skäl för att inte vilja använda sig av det lands skydd där han eller hon är

medborgare eller där han eller hon som statslös tidigare hade sin vistelseort. *Lag (2014:1400)*.

5 a § En utlänning upphör att vara alternativt skyddsbehövande om de omständigheter som medförde att han eller hon bedömdes som skyddsbehövande inte längre finns eller har ändrats i sådan omfattning att skydd inte längre behövs. Vid bedömningen ska endast väsentliga och bestående förändringar beaktas.

Första stycket gäller dock inte en utlänning som på grund av tidigare upplevelser som utgjort grund för skyddsbehov har tungt vägande skäl för att inte vilja använda sig av det lands skydd där han eller hon är medborgare eller där han eller hon som statslös tidigare hade sin vistelseort. *Lag (2021:765)*.

SWITZERLAND

Asylum Act, SR 142.31, 26 June 1998,
https://www.refworld.org/legal/legislation/natlegbod/1998/122895

Article 3 – Definition of the term refugee

1. Refugees are persons who in their native country or in their country of last residence are subject to serious disadvantages or have a well-founded fear of being exposed to such disadvantages for reasons of race, religion, nationality, membership of a particular social group or due to their political opinions.

2. Serious disadvantages include a threat to life, physical integrity or freedom as well as measures that exert intolerable psychological pressure. Motives for seeking asylum specific to women must be taken into account.

3. Persons who are subject to serious disadvantages or have a well-founded fear of being exposed to such disadvantages because they have refused to perform military service or have deserted are not refugees. The provisions of the Convention of 28 July 1951 relating to the Status of Refugees are reserved.

4. Persons who claim grounds based on their conduct following their departure that are neither an expression nor a continuation of a conviction already held in their native country or country of origin are not refugees. The provisions of the Convention of Refugee Convention are reserved.

Article 53 – Unworthiness of Refugee Status

Refugees shall not be granted asylum if:

a. they are unworthy of it due to serious misconduct;

b. they have violated or endanger Switzerland's internal or external security; or

c. they have been made subject to an expulsion order under Article 66*a* or 66*a*^{bis} SCC or Article 49*a* or 49*a*^{bis} MCC.

Article 64 Expiry

1. Asylum in Switzerland shall expire if:

a. the refugee has lived more than one year abroad;

b. the refugee has been granted asylum or permission to stay permanently in another country;

c. the refugee renounces their refugee status;

d. removal or expulsion has been enforced;

e. an expulsion order under Article 66*a* or 66*a*^{bis} SCC or Article 49*a* or 49*a*^{bis} MCC has become legally enforceable.

2. SEM may extend the deadline in accordance with paragraph 1 letter a under special circumstances.
3. Refugee status and asylum shall expire if the foreign national acquires Swiss nationality in accordance with Article 1 number C letter 3 of the Refugee Convention of 28 July 1951.

SYRIAN ARAB REPUBLIC

Syrian Arab Republic: Law No. 2 of 2014 (11 March 2014) regulating the Entry, Exit and Residency of Arab and Foreigners in Syria, No. 2, 11 March 2014, https://www.refworld.org/legal/legislation/natlegbod/2014/147359

Article 1 – Definitions

"A Refugee": Anyone who has been granted the status of a refugee in accordance with international agreements, taking into account the legal status of registered Palestinian refugees in Syria.

TAJIKISTAN

Law No. 1124 of 2014 on Refugees, Law No. 1124 of 2014, 26 July 2014, https://www.refworld.org/legal/legislation/natlegbod/2014/57522

Article 2. Principal definitions (Law №919 of 28.12.12)

This Law uses the following principal definitions:

Refugee is a person who is not a citizen of the Republic of Tajikistan and resides in its territory owing to well-founded fear of being persecuted in the country of his citizenship for reasons of race, religion, nationality, membership of a particular social group or political opinion, and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having a certain citizenship and being in the Republic of Tajikistan as a result of such events, is unable or, owing to such fear, is unwilling to return to the country of his permanent residence;

[…]

Article 3. Persons undeserving international protection or not in need of it

1. Provisions of the current Law shall not apply to asylum-seekers and refugees in the following cases:

- if there are sufficient grounds to presume that they have committed a war crime, a crime against peace, or a crime against humanity as defined in the international instruments recognized by the Republic of Tajikistan;
- if there are sufficient grounds to presume that they have committed a serious non-political crime outside the Republic of Tajikistan prior to arrival;
- if there are sufficient grounds to believe that they have been guilty of acts contrary to the purpose and principles of the United Nations Organization;
- if they are receiving protection or assistance from the United Nations organs or agencies other than the United Nations High Commissioner for Refugees;

2. The provisions of this Law shall not apply to persons who have fled their country of nationality (former residence) for social and economic reasons, as a result of famine, epidemic or emergency situations of natural and technological nature (Law №1124 of 26.07.14).

Article 13. Cessation and cancellation of refugee status (Law №1124 of 26.07.14)

1. Refugee status shall cease if the person (Law №1124 of 26.07.14):

- has been granted the permanent residence permit in the Republic of Tajikistan;
- obtained the citizenship of the Republic of Tajikistan or of other country;
- left the Republic of Tajikistan for permanent residence;

- voluntarily re-availed himself of the protection of the country of his nationality or residence (Law № 1124 of 26.07.14);
- voluntarily returned to the country of his nationality which he left due to the fear of persecution (Law of №1124 26.07.14);
- can not refuse from the protection of the country of his permanent residence because the circumstances that served as basis to recognize him as a refugee have ceased to exist.

[…]

TIMOR-LESTE

Law No 11/2017 of 2017, Immigration and Asylum Act, 24 May 2017, https://www.refworld.org/legal/legislation/natlegbod/2017/147066

Article 2 – Definitions

For the purposes of this law, the following definitions shall apply:

[…]

m) "ground or grounds for persecution" shall be any act of persecution which may give rise to a right to asylum, irrespective of its individual or collective character, which constitutes a serious infringement of fundamental human rights by its nature or reiteration, or a set of measures which by their nature or repetition affect the foreigner or stateless person in a manner similar to that resulting from a serious violation of fundamental rights;

n) "political opinion" means the opinion or idea related to the agents of persecution, in particular as to their policies and methods, whether or not this opinion or idea is expressed;

[…]

v) "refugee" means a foreigner or stateless person to whom the right to asylum is granted under the terms of this Decree and Article 1, A (1) and (2) of the 1951 Geneva Convention on the Status of Refugees, the scope of which was extended by the New York Protocol of January 31, 1967, and ratified by National Parliament Resolution No. 20/2003, of September 17;

[…]

Article 91 - Guarantee of the right of asylum

1. The right of asylum is guaranteed to aliens and stateless persons persecuted or seriously threatened with persecution as a result of an activity carried out in the State of their nationality or habitual residence in favour of democracy, social and national liberation, peace between peoples, freedom and the human rights.

2. Aliens and stateless persons have the right to asylum when, on the basis of fear of being persecuted for reasons of race, religion, nationality, political opinion or integration in a certain social group, they can not or, because of this fear, do not want to return to the State of their nationality or habitual residence.

3. Asylum may be granted to a foreigner who has more than one nationality only when the grounds referred to in the preceding paragraphs apply to all the States of which he is a national.

Article 92 - Persecution

For the purposes of the preceding article, the persecution on which the right to asylum is based is a set of acts or measures or an isolated act or measure which, by its nature or repetition, constitutes a serious violation of fundamental rights and which may be committed, in particular:

a) by a State;

b) By parties or organisations that control the State or a significant portion of its territory;

b) by non-State actors, where it is clear that the State or parties or organisations mentioned in the preceding subparagraphs are unable or unwilling to provide protection against persecution.

Article 93 - Exclusion of the right of asylum

1. Foreigners or stateless persons shall not be granted asylum or any other form of protection if they are:

a) protected or assisted by a body or institution of the United Nations other than the Office of the United Nations High Commissioner for Refugees (UNHCR), unless such protection or assistance has ceased without their destination having been finally settled;

b) residing in a country whose competent authorities consider that the latter has the rights and duties of a national of that country;

b) for which there are serious grounds for considering that they:

(i) have committed a crime against peace, war crime or crime against humanity, as defined in the international instruments establishing provisions relating to such crimes;

(ii) have committed a serious ordinary-law crime punishable with imprisonment for more than three years, outside their national territory, before they have been granted asylum or other forms of protection except when they have been convicted or could have been convicted on grounds exclusively political, ideological or religious;

(iii) have engaged in acts contrary to the purposes and principles of the United Nations.

2. Asylum may also be refused if it results in a serious or proven threat to internal or external security or public order.

Article 116 - Causes of extinguishment of the right of asylum

The following constitute grounds for termination of the right of asylum:

a) The verification of any of the causes of exclusion of article 93;

b) Express resignation;
c) The practice of prohibited acts or activities, in accordance with the provisions of this law;
d) proof of the falsity of the grounds relied on for the grant of asylum or the existence of facts which, if known at the time of the grant, would have resulted in a negative decision;
e) The request for and obtaining by the refugee of the protection of the country of which he is a national;
f) The voluntary re-acquisition of nationality which he has lost;
g) The voluntary acquisition by the refugee of new nationality, provided that he enjoys protection of his country;
h) The voluntary resettlement in the country that he left or outside of which he remained for the purpose of being persecuted;
i) the cessation of the grounds for granting the right of asylum;
j) The decision of expulsion of the refugee judicially rendered;
k) Abandonment by the refugee of national territory, setting himself in another country.

TOGO

Loi No. 2016-021 du 2016, portant statut des réfugiés au Togo, 24 August 2016, https://www.refworld.org/legal/legislation/natlegbod/2016/115586

Section 2 : Clauses d'inclusion

Article 3 : Aux fins de la présente loi, est reconnue comme réfugié en République togolaise, toute personne qui :

- craignant avec raison d'être persécutée du fait de sa race, de sa religion, de sa nationalité, de son appartenance à un certain groupe social ou de ses opinions politiques, se trouve hors du pays dont elle a la nationalité et qui ne peut ou, du fait de cette crainte, ne veut se réclamer de la protection de ce pays ; ou qui, si elle n'a pas de nationalité et se trouve hors du pays dans lequel elle avait sa résidence habituelle à la suite de tels événements, ne peut ou, en raison de ladite crainte, ne veut y retourner ;
- du fait d'une agression, d'une occupation extérieure, d'une domination étrangère ou d'événements troublant gravement l'ordre public dans une partie ou dans la totalité de son pays d'origine ou du pays dont elle a la nationalité, est obligée de quitter sa résidence habituelle pour chercher refuge dans un autre endroit à l'extérieur de son pays d'origine ou du pays dont elle a la nationalité.

Dans le cas d'une personne qui a plusieurs nationalités, l'expression « du pays dont elle a la nationalité » vise chacun des pays dont cette personne a la nationalité ; on ne considère pas qu'une personne ne jouit pas de la protection du pays dont elle a la nationalité si, sans raison valable, fondée sur une crainte justifiée, elle ne se réclame pas de la protection de l'un des pays dont elle a la nationalité.

Section 3 : Clauses d'exclusion

Article 4 :

Est exclue du bénéfice du statut de réfugié, toute personne dont il est établi :

- qu'elle a commis un crime contre la paix, un crime de guerre ou un crime contre l'humanité au sens des lois togolaises et des instruments juridiques internationaux ratifiés par le Togo en la matière ;
- qu'elle a commis un crime grave de droit commun hors du territoire togolais avant d'y être admis comme réfugié ; ou
- qu'elle s'est rendue coupable d'agissements contraires aux buts et aux principes des Nations Unies.

L'exclusion du bénéfice du statut de réfugié peut intervenir dans le cadre de la procédure normale de détermination du statut de réfugié ou après que l'intéressé a déjà obtenu le statut. Elle ne s'étend ni au conjoint ou à la conjointe ni aux personnes dépendantes du réfugié qui jouissent déjà du statut de réfugié.

Lorsque le requérant d'asile principal est exclu du statut de réfugié, les personnes à sa charge devront établir qu'elles peuvent bénéficier du statut de réfugié pour des motifs personnels. Si ces dernières sont reconnues comme réfugiées, la personne exclue ne pourra invoquer le principe de l'unité de famille pour bénéficier du statut dérivé.

Section 4 : Acquisition et perte du statut de réfugié

Article 5 : En application de la convention de Genève du 28 juillet 1951 relative au statut des réfugiés telle qu'amendée par le protocole de New-York du 31 janvier 1967 et de la convention de l'OUA du 10 septembre 1969 régissant les aspects propres aux problèmes de réfugiés en Afrique, le statut de réfugié est accordé par le Togo à toute personne qui remplit les conditions telles qu'énoncées à l'article 3. Le bénéficiaire du statut de réfugié jouit de tous les avantages prévus par la présente loi.
[…]

Article 8 : Le bénéfice du statut de réfugié se perd dans les cas suivants:

a) si le réfugié s'est réclamé volontairement à nouveau de la protection effective du pays dont il a la nationalité;
b) si, ayant perdu sa nationalité, il l'a volontairement recouvrée;
c) s'il a acquis une nouvelle nationalité et jouit de la protection effective de ce pays;
d) s'il est retourné volontairement s'installer dans le pays qu'il a quitté ou hors duquel il est demeuré de crainte d'être persécuté;
e) si les circonstances à la suite desquelles il a été reconnu réfugié ont cessé d'exister et il ne peut plus continuer à refuser de se réclamer de la protection du pays dont il a la nationalité;
f) si, n'ayant pas de nationalité, du fait que les circonstances à la suite desquelles elle a été reconnue comme réfugiée ayant cessé d'exister, il se réclame à nouveau de la protection du pays dans lequel il avait sa résidence habituelle;
g) s'il a obtenu l'asile dans un autre pays ou l'autorisation d'y résider;
h) s'il fait l'objet d'une mesure d'expulsion conformément aux dispositions de l'article 22 de la présente loi;
i) s'il a obtenu la nationalité togolaise.

TÜRKIYE

Law No. 6458 of 2013, Law on Foreigners and International Protection, 4 April 2013, https://www.refworld.org/legal/legislation/natlegbod/2013/104955

Refugees

ARTICLE 61 –

(1) A person who as a result of events occurring in European countries and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his citizen ship and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his former residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it, shall be granted refugee status upon completion of the refugee status determination process.

Conditional refugees

ARTICLE 62 –

(1) A person who as a result of events occurring outside European countries and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it, shall be granted conditional refugee status upon completion of the refugee status determination process. Conditional refugees shall be allowed to reside in Turkey temporarily until they are resettled to a third country.

Exclusion from international protection

ARTICLE 64 –

(1) The applicant shall be excluded from international protection if:

(a) receiving protection or assistance from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees;

(b) recognised by the authorities of the country of [former] residence as having the rights and obligations which are attached to the nationals of that country;

(c) there is strong evidence to believe that they are guilty of offences specified in paragraph one of Article 1 of the Convention.

(2) When protection or assistance for a person who falls within the scope of sub-paragraph (a) of the first paragraph is no longer available for any reason whatsoever, such person may benefit from protection provided for by this Law, unless a final solution to is reached on their status on the basis of UN General Assembly resolutions.
(3) In cases where there is evidence to believe that the applicant, prior to international protection claim, have committed inhuman acts for any reason whatsoever outside of Turkey, the assessment shall be done pursuant to subparagraph (c) of the first paragraph.
(4) Applicants that instigate or otherwise participate in committing the crimes or acts mentioned in subparagraph (c) of the first paragraph or third paragraph shall be excluded from international protection.
(5) In addition to circumstances mentioned in subparagraph (c) of the first paragraph and in third and fourth paragraphs, a foreigner or a stateless persons in respect of whom there are serious indications of posing a public order or public security threat, as well as a foreigner or a stateless person outside the scope of subparagraph (c) of the first paragraph who has previously committed a serious crime for which imprisonment would have been ordered if committed in Turkey, and have left his/her country of origin solely to avoid punishment for that crime, shall be excluded from subsidiary protection.
(6) Exclusion of the applicant from international protection shall not require the exclusion of their family members provided that none of the reasons for exclusion applies to other family members.

Termination of the international protection status
ARTICLE 85 –
(1) The international protection status shall terminate in cases where the beneficiary if/when:

a) voluntarily re-avail themselves of the protection in their country of citizenship;
b) voluntarily regain the citizenship that they have been deprived of;
c) acquired a new nationality, and enjoy the protection of the country of their new nationality;
ç) voluntarily returned to the country from which they have fled or stayed outside of due to fear of persecution;
d) would avail himself or herself of the protection of the country of citizenship as the circumstances on which the status had been granted no longer apply;
e) having been a stateless person would able to return to the country of former habitual residence as the circumstances on which the status had been granted no longer apply.

(2) In the assessment under subparagraphs (d) and (e) of the first paragraph, it shall be taken into account whether the circumstances upon which the status was granted no longer apply or have changed significantly and permanently.[…]

TURKMENISTAN

Law on Refugees, 16 June 2017,
https://www.refworld.org/legal/legislation/natlegbod/2017/116281

Article 1. Principal definitions.

The following principle definitions are used in this Law:
1) Refugee means a person, who owing to well-founded fear of being persecuted for reasons of race, sex, religion, nationality, membership of a particular social group or political opinion is present in Turkmenistan, who is unable or, owing to such fear, is unwilling to avail himself of the protection of his country, or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it;
[…]

Article 6. The scope of operation of the present Law.
Provisions of the present Law shall not apply to a person, in respect of whom there are serious reasons for considering that:

1) He has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provisions in respect of such crimes;
2) He has committed a serious non-political crime outside Turkmenistan prior to his admission to Turkmenistan;
3) He has been guilty of acts contrary to the purposes and principles of the United Nations;
4) His rights and duties linked to citizenship of a particular state are recognized and guaranteed by the authorized agencies of this state;
5) He enjoys protection of and (or) assistance from other agencies and offices of the United Nations, except for the Office of the United Nations High Commissioner for Refugees.

Article 10. Granting refugee status.
Refugee status shall be granted to a person, who owing to well-founded fear of being persecuted in the country of his nationality for reasons of race, sex, religion, nationality, membership of a particular social group or political opinion is present in Turkmenistan, who is unable or, owing to such fear, is unwilling to avail himself of the protection of his country, or who, not having a nationality and being outside the country of his former habitual

residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

Refugee status shall be granted to a person for a period of preservation of the grounds, based on which refugee status was granted to him, in the country of his nationality or former habitual residence.

Article 13. Loss of cancellation of refugee status or complementary protection.

1. A person shall lose refugee status or complementary protection, if he:

1) Has voluntarily availed of protection of the country of his nationality again;

2) Upon losing his citizenship, has voluntarily acquired it again;

3) Has acquired new citizenship and enjoys protection of the country of his new nationality;

4) Has voluntarily settled again in a country, which he has left or outside of which he was staying as a result of fear of persecution;

5) Can no longer refuse to enjoy protection of the country of his nationality, or the grounds based on which he was recognized as a refugee no longer exist;

6) While not having nationality of a particular state, can return to the country of his former habitual residence, or the grounds based on which he was recognized as a refugee no longer exist;

7) Has voluntarily renounced refugee status or complementary protection;

8) Has acquired citizenship of Turkmenistan.

[…]

TURKS AND CAICOS ISLANDS (GBR)

Chapter No. 5.01 of 2021, Immigration Ordinance, 31 March 2021, https://www.refworld.org/legal/legislation/natlegbod/2021/124222

Interpretation

2. (1) In this Ordinance—

[…]

"refugee" means a person who is a refugee for the purposes of the Refugee Convention;

"Refugee Convention" means the Convention relating to the Status of Refugees done at Geneva on the 28th July 1951 and the Protocol to the Convention;

[…]

82. (1) A person who is in legal custody under section 54(1) or a person to whom leave to enter the Islands has been granted under section 58(1) may apply to the Minister for asylum, and in considering such application, the Minister shall have regard to the Refugee Convention and any directions given by the Governor relating to asylum applications.

[…]

85. The Director may revoke a person's indefinite leave granted under section 84 if someone of whom he is a dependant ceases to be a refugee as a result of—

(a) voluntarily availing himself of the protection of his country of nationality;

(b) voluntarily acquiring a lost nationality;

(c) acquiring the nationality of a country other than the Turks and Caicos Islands and availing himself of its protection; or

(d) voluntarily establishing himself in a country in respect of which he was a refugee.

UGANDA

The Refugee Act 2006, Act 21, 24 May 2006,
https://www.refworld.org/legal/legislation/natlegbod/2006/102125

2. Interpretation

In this Act, unless the context otherwise requires—

[…]

"non-political crime" means a crime, which is not of a political character, or a crime, which does not involve opposition to the government of a country on an issue connected with the political control or government of that country; or a crime which is not incidental to, or forming part of, a political upheaval, committed as part of an organised political party or body contending for power or political control of a country;

[…]

"persecution" includes any threat to the life or freedom, or serious violation of the human rights of a person on account of that person's race, religion, nationality, sex, political opinion or membership of a particular social group; and as long as a person is threatened with any harm which can reasonably be seen as part of a course of systematic conduct directed against that person as an individual or as a member of a class of persons, on account of race, religion, nationality, sex, political opinion or membership of a particular social group, that person is being persecuted for the purposes of this Act;

[…]

"refugee" or "recognised refugee" means a person who, having qualified to be granted refugee status under section 4 of this Act, has been granted refugee status by the Eligibility Committee under section 20 (2) of this Act, or is a member of class of persons declared to be refugees under section 25 of this Act;

4. Qualifications for refugee status

A person qualifies to be granted refugee status under this Act if—

(a) owing to a well-founded fear of being persecuted for reasons of race, sex, religion, nationality, membership of a particular social group or political opinion, that person is outside the country of his or her nationality and is unable, or owing to that fear, is unwilling to return to or avail himself or herself of the protection of that country;

(b) not having a nationality and being outside the country of his or her former habitual residence owing to a well-founded fear of being persecuted for reasons of race, sex, religion, membership of a particular social group or political opinion, that person is unwilling or unable to return to the country of his or her former habitual residence;

(c) owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either a part or the whole of his or her country of origin or nationality, that person is compelled to leave his or her place of habitual residence in order to seek refuge in another place outside his or her country of origin or nationality;
(d) owing to a well-founded fear of persecution for failing to conform to gender discriminating practices, that person is compelled to leave his or her place of habitual residence in order to seek refuge in another place outside the country of origin or nationality;
(e) that person is considered a refugee under any treaty obligation to which Uganda is a party, or any law in force at the commencement of this Act; or
(f) that person is a member of a class of persons declared to be refugees under section 25 of this Act.

5. Disqualification for refugee status

A person does not qualify to be granted refugee status if—

(a) that person has committed a crime against peace, a war crime or a crime against humanity as defined in any international instrument to which Uganda is a party;
(b) that person has committed a serious non-political crime outside Uganda prior to his or her admission to Uganda as a refugee;
(c) that person has been guilty of acts contrary to the purpose or principles of the United Nations Organisation or the OAU; or
(d) having more than one nationality, that person has not availed himself or herself of the protection of the second country of which he or she is a national and has no valid reason, based on a well founded fear of persecution or on a reason referred to in section 4(c) of this Act, for not having availed himself or herself of that second country's protection.

6. Cessation of refugee status

(1) A person shall cease to be a refugee if—

(a) that person voluntarily re-avails himself or herself of the protection of the country of his or her nationality, or voluntarily re-establishes himself or herself in the country of origin;
(b) that person surrenders his or her refugee status;
(c) having lost his or her nationality, he or she acquires it again;
(d) that person becomes a citizen of Uganda or acquires the nationality of some other country and enjoys the protection of the country of his or her new nationality; or

(e) the circumstances in connection with which that person was recognised as a refugee have ceased to exist, but he or she without compelling reasons arising out of previous persecution—

(i) continues to refuse to avail himself or herself of the protection of the country of origin or nationality; or

(ii) continues to refuse to return to the country of former habitual residence or to take on another available nationality;

(f) being of a class of persons declared to be refugees in accordance with section 25 of this Act—

(i) that person has committed a serious non-political crime outside Uganda after admission into Uganda as a refugee; or

(ii) that person has seriously infringed the purposes and objectives of the Geneva Convention or the OAU Convention.

(2) The procedure laid down in section 39 of this Act shall apply in relation to a person who ceases to be a refugee in terms of this section.

UKRAINE

Law No. 3671-VI, On Refugees and Persons in Need of Subsidiary Protection or Asylum, 8 July 2011, https://www.refworld.org/legal/legislation/natlegbod/2011/96805

Article 1. Definitions

1. For the purposes of this Law, the following definitions shall apply:

1) refugee shall mean a person who is not a national of Ukraine and who owing to a well-founded fear of becoming a victim of persecution for reasons of race, religion, ethnicity, nationality (citizenship), being a member of a particular social group or political opinion, is outside the country of his/her nationality and is unable to enjoy the protection of such a country or unwilling to enjoy such protection owing to such fear, or, not having nationality (citizenship) and being outside the country of his/her previous permanent residence, is unable or unwilling to return to it owing to the specified fear;

[…]

10) country of nationality shall mean a country of nationality (citizenship) of a person; If a person has more than one nationality, he/she shall not be considered as lacking the protection of the country of his/her nationality, if he/she failed to enjoy the protection of any of the countries of his/her nationality (citizenship) without any valid reason owing to the well-founded fear;

11) country of previous permanent residence of a stateless person shall mean a country in which a stateless person permanently resided before arriving in Ukraine;

12) country of origin shall mean a country or countries of the nationality of a foreigner or country of previous permanent residence of a stateless person;

Article 6. Conditions under which a person shall not be recognised as a refugee or person in need of subsidiary protection

1. The status of a refugee or person in need of subsidiary protection shall not be granted to a person:

who committed a crime against peace, war crime or crime against humanity and humankind as

defined in the international law;

who prior to arrival in Ukraine committed a non-political crime outside Ukraine with the purpose of being recognised as a refugee or person in need of subsidiary protection, if such an act is classified by the Criminal Code of Ukraine as a grave or especially grave crime;

who is guilty of committing actions, which are contrary to the United Nations goals and principles;

in whose respect it is established that there are no conditions provided for by clauses 1 or 13, part 1, Article 1 of this Law;

who prior to arrival in Ukraine had been recognised as a refugee or person in need of subsidiary protection in another country; who prior to arrival in Ukraine with the intention to be recognised as a refugee or person in need of subsidiary protection stayed in a safe third country. This paragraph shall not apply to children separated from their families or to persons who were born or permanently resided in Ukraine and to their descendants (children, grandchildren).

Article 11. Cessation and deprivation of the refugee status and subsidiary protection, and cancellation of the decision on recognising a person as a refugee or person in need of subsidiary protection

1. A person shall cease to have the refugee status and subsidiary protection if he/she:

1) voluntarily again enjoyed the protection of the country of nationality (citizenship);

2) obtained the nationality of Ukraine or voluntarily obtained previous nationality or nationality

of a third state, and enjoys its protection;

3) voluntarily returned to the country, which he/she left or outside the territory of which he/she

stayed due to well-founded fear of becoming a victim of persecution;

4) while being a stateless person, can return to the country of previous permanent residence because circumstances under which he/she was recognised as a refugee or person in need of subsidiary protection have ceased to exist;

5) was granted asylum or permanent residence permit in another country;

6) cannot refuse to enjoy the protection of the country of his/her nationality because circumstances under which he/she was recognised as a refugee or person in need of subsidiary protection have ceased to exist;

2. Provisions of clause 4, part 1 of this Article shall not apply to a refugee or person in need of subsidiary protection if he/she is capable of providing compelling reasons arising out of previous persecution for his/her refusal to return to the country of previous permanent residence.

3. Provisions of clause 6, part 1 of this Article shall not apply to a refugee or person in need of subsidiary protection if he/she can provide compelling reasons arising out of previous persecutions for his/her refusal to enjoy the protection of the country of his/her nationality.

4. Personal application of a refugee or a person in need of subsidiary protection, or solicitation of the Security Service of Ukraine, or another government authority can be the grounds for submission on cessation of the refugee status or subsidiary protection to a

central executive authority implementing the state policy on refugees and persons in need of subsidiary or temporary protection.
[…]

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRLAND (THE)

Nationality, Immigration and Asylum Act 2002, 2002 Chapter 41, 7 November 2002, https://www.refworld.org/legal/legislation/natlegbod/2002/9272

30Refugee Convention: general

(1) The following sections apply for the purposes of the determination by any person, court or tribunal whether a person (referred to in those sections as an "asylum seeker") is a refugee within the meaning of Article 1(A)(2) of the Refugee Convention—

(a)section 31 (persecution);

(b)section 32 (well-founded fear);

(c)section 33 (reasons for persecution);

(d)section 34 (protection from persecution);

(e)section 35 (internal relocation).

(2) Section 36 applies for the purposes of the determination by any person, court or tribunal whether the provisions of the Refugee Convention do not apply to a person as a result of Article 1(F) of that Convention (disapplication of Convention to serious criminals etc).

(3) Section 37 applies for the purposes of the determination by any person, court or tribunal whether Article 31(1) of the Refugee Convention (immunity from certain penalties) applies in relation to a person who is a refugee within the meaning of Article 1(A)(2) of the Refugee Convention.

(4) The Refugee or Person in Need of International Protection (Qualification) Regulations 2006 (S.I. 2006/2525) are revoked.

(5) Subsections (1) and (2), and sections 31 to 36, apply only in relation to a determination relating to a claim for asylum where the claim was made on or after the day on which this section comes into force.

(6) For the purposes of subsection (5), a claim for asylum includes a claim, in any form or to any person, which falls to be determined as mentioned in subsection (1).

31Article 1(A)(2): persecution

(1) For the purposes of Article 1(A)(2) of the Refugee Convention, persecution can be committed by any of the following (referred to in this Part as "actors of persecution")—

(a) the State,

(b) any party or organisation controlling the State or a substantial part of the territory of the State, or

(c) any non-State actor, if it can be demonstrated that the actors mentioned in paragraphs (a) and (b), including any international organisation, are unable or unwilling to provide reasonable protection against persecution.

(2) For the purposes of that Article, the persecution must be—

(a) sufficiently serious by its nature or repetition as to constitute a severe violation of a basic human right, in particular a right from which derogation cannot be made under Article 15 of the Human Rights Convention, or

(b) an accumulation of various measures, including a violation of a human right, which is sufficiently severe as to affect an individual in a similar manner as specified in paragraph (a).

(3) The persecution may, for example, take the form of—

(a) an act of physical or mental violence, including an act of sexual violence;

(b) a legal, administrative, police or judicial measure which in itself is discriminatory or which is implemented in a discriminatory manner;

(c) prosecution or punishment which is disproportionate or discriminatory;

(d) denial of judicial redress resulting in a disproportionate or discriminatory punishment;

(e) prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts as described in Article 1(F) of the Refugee Convention (on which, see section 36).

32 Article 1(A)(2): well-founded fear

(1) In deciding for the purposes of Article 1(A)(2) of the Refugee Convention whether an asylum seeker's fear of persecution is well-founded, the following approach is to be taken.

(2) The decision-maker must first determine, on the balance of probabilities—

(a) whether the asylum seeker has a characteristic which could cause them to fear persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion (or has such a characteristic attributed to them by an actor of persecution), and

(b) whether the asylum seeker does in fact fear such persecution in their country of nationality (or in a case where they do not have a nationality, the country of their former habitual residence) as a result of that characteristic.

(See also section 8 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (asylum claims etc: behaviour damaging to claimant's credibility).)

(3) Subsection (4) applies if the decision-maker finds that—

(a) the asylum seeker has a characteristic mentioned in subsection (2)(a) (or has such a characteristic attributed to them), and

(b) the asylum seeker fears persecution as mentioned in subsection (2)(b).

(4) The decision-maker must determine whether there is a reasonable likelihood that, if the asylum seeker were returned to their country of nationality (or in a case where they do not have a nationality, the country of their former habitual residence)—

(a) they would be persecuted as a result of the characteristic mentioned in subsection (2)(a), and

(b) they would not be protected as mentioned in section 34.

(5) The determination under subsection (4) must also include a consideration of the matter mentioned in section 35 (internal relocation).

33 Article 1(A)(2): reasons for persecution

(1) For the purposes of Article 1(A)(2) of the Refugee Convention—

(a) the concept of race may include consideration of matters such as a person's colour, descent or membership of a particular ethnic group;

(b) the concept of religion may include consideration of matters such as—

(i) the holding of theistic, non-theistic or atheistic beliefs,

(ii) the participation in formal worship in private or public, either alone or in community with others, or the abstention from such worship,

(iii) other religious acts or expressions of view, or

(iv) forms of personal or communal conduct based on or mandated by any religious belief;

(c) the concept of nationality is not confined to citizenship (or lack of citizenship) but may include consideration of matters such as membership of a group determined by its cultural, ethnic or linguistic identity, common geographical or political origins or its relationship with the population of another State;

(d) the concept of political opinion includes the holding of an opinion, thought or belief on a matter related to a potential actor of persecution and to its policies or methods, whether or not the person holding that opinion, thought or belief has acted upon it.

(2) A group forms a particular social group for the purposes of Article 1(A)(2) of the Refugee Convention only if it meets both of the following conditions.

(3) The first condition is that members of the group share—

(a) an innate characteristic,

(b) a common background that cannot be changed, or

(c) a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it.

(4) The second condition is that the group has a distinct identity in the relevant country because it is perceived as being different by the surrounding society.

(5) A particular social group may include a group based on a common characteristic of sexual orientation, but for these purposes sexual orientation does not include acts that are criminal in any part of the United Kingdom.

34 Article 1(A)(2): protection from persecution

(1) For the purposes of Article 1(A)(2) of the Refugee Convention, protection from persecution can be provided by—

(a) the State, or

(b) any party or organisation, including any international organisation, controlling the State or a substantial part of the territory of the State.

(2) An asylum seeker is to be taken to be able to avail themselves of protection from persecution if—

(a) the State, party or organisation mentioned in subsection (1) takes reasonable steps to prevent the persecution by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution, and

(b) the asylum seeker is able to access the protection.

35 Article 1(A)(2): internal relocation

(1) An asylum seeker is not to be taken to be a refugee for the purposes of Article 1(A)(2) of the Refugee Convention if—

(a) they would not have a well-founded fear of being persecuted in a part of their country of nationality (or in a case where they do not have a nationality, the country of their former habitual residence), and

(b) they can reasonably be expected to travel to and remain in that part of the country.

(2) In considering whether an asylum seeker can reasonably be expected to travel to and remain in a part of a country, a decision-maker—

(a) must have regard to—

(i) the general circumstances prevailing in that part of the country, and

(ii) the personal circumstances of the asylum seeker;

(b) must disregard any technical obstacles relating to travel to that part of that country.

36Article 1(F): disapplication of Convention in case of serious crime etc

(1) A person has committed a crime for the purposes of Article 1(F)(a) or (b) of the Refugee Convention if they have instigated or otherwise participated in the commission of the crimes specified in those provisions.

(2) In Article 1(F)(b), the reference to a serious non-political crime includes a particularly cruel action, even if it is committed with an allegedly political objective.

(3) In that Article, the reference to a crime being committed by a person outside the country of refuge prior to their admission to that country as a refugee includes a crime committed by that person at any time up to and including the day on which they are issued with a relevant biometric immigration document by the Secretary of State.
(4) For the purposes of subsection (3), a relevant biometric immigration document is a document that—

(a) records biometric information (as defined in section 15(1A) of the UK Borders Act 2007), and

(b)is evidence of leave to remain in the United Kingdom granted to a person as a result of their refugee status.

Home Office, Immigration Rules part 11: Asylum (paragraphs 326A to 349), 3 January 2017, https://www.refworld.org/policy/legalguidance/ukho/2017/115667

Applications for asylum

328. All asylum applications will be determined by the Secretary of State in accordance with the Refugee Convention and the Immigration Rules. Every asylum application made by a person at a port or airport in the United Kingdom will be referred by the Immigration Officer for determination by the Secretary of State in accordance with these Rules.

Refugee Convention ceases to apply (cessation)

339A. This paragraph applies when the Secretary of State is satisfied that one or more of the following applies:

(i) they have voluntarily re-availed themselves of the protection of the country of nationality;

(ii) having lost their nationality, they have voluntarily re-acquired it;

(iii) they have acquired a new nationality, and enjoy the protection of the country of their new nationality;

(iv) they have voluntarily re-established themselves in the country which they left or outside which they remained owing to a fear of persecution;

(v) they can no longer, because the circumstances in connection with which they have been recognised as a refugee have ceased to exist, continue to refuse to avail themselves of the protection of the country of nationality; or

(vi) being a stateless person with no nationality, they are able, because the circumstances in connection with which they have been recognised as a refugee have ceased to exist, to return to the country of former habitual residence

In considering (v) and (vi), the Secretary of State shall have regard to whether the change of circumstances is of such a significant and non-temporary nature that the refugee's fear of persecution can no longer be regarded as well-founded.

Exclusion from the Refugee Convention

339AA. This paragraph applies where the Secretary of State is satisfied that the person should have been, or is, excluded from being a refugee in accordance with Article 1D and 1E of the 1951 Refugee Convention and Article 1F of the Refugee Convention, as defined in section 36 of the Nationality and Borders Act 2022.

UNITED REPUBLIC OF TANZANIA (THE)

Refugees Act, 1998, 15 April 1999,
https://www.refworld.org/legal/legislation/natlegbod/1999/57411

4.Definition of Refugee, cessation and exclusion

(1) Subject to the provisions of sub-sections (3) and (4) of this section and for the purposes of this Act a refugee is any person who:

(a) is outside the country of his nationality or if he has no nationality, the country of his former habitual residence, because he has or had a well-founded fear of persecution by reason of his race, religion, nationality membership of a particular social group or political opinion and is unable or, because of such fear, is unwilling to avail himself of the protection of the Government of the country of his nationality, or, if he has no nationality, to return to the country of his former habitual residence;

(b) owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality;

(c) belongs to a group of persons which by notice in the Government Gazette has been declared to be refugees for the reasons set out in paragraphs (a) and (b) above.

(2) In the case of a person who has several nationalities the term "a country of which he is a national" shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of which he is a national if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

(3) A person shall cease to be considered to be a refugee for the purposes of this Act if-

(a) he has voluntarily re-availed himself of the protection of the country of his nationality; or

(b) having lost his nationality he has voluntarily re-acquired it; or

(c) he has acquired a new nationality, and enjoys the protection of the country of his new nationality; or

(d) he has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or

(e) he can no longer because the circumstances in connection with which he was recognised as a refugee having ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality, or if he has no nationality the country of his former habitual residence;

(f) he has committed a serious non-political crime outside his country of refuge after his admission to that country as a refugee; or

(g) he has seriously infringed the purposes and objectives of the 1969 OAU Refugee convention governing the "Specific Aspects for Refugee Problems in Africa"; (h)he has involved himself in subversive activities whilst enjoying asylum in Tanzania.

(4) A person shall not be considered a refugee for the purposes of this Act if-

(a) he has committed a crime against peace, a war crime or a crime against humanity, as defined in International instruments drawn up to make provision in respect of such crimes; or

(b) he committed a serious non-political crime outside the country of refuge prior to his admission in Tanzania as a refugee; or

(c) he has been guilty of any act contrary to the purposes and principles of the OAU and/or UN;

(d) he has already been granted refugee status or asylum in another country prior to his entry to Tanzania provided that a person qualifying for resettlement or family re-unification in accordance with the provisions of this Act or a person arriving from a territory where there has been a serious breach of peace, shall have his application for asylum considered;

(e) prior to his entry into Tanzania he has transited through one or more countries and is unable to show reasonable cause for failure to seek asylum in those countries, provided that a person who has transited through a country or countries where there is a serious serviced breach of peace.

UNITED STATES OF AMERICA (THE)

Immigration and Nationality Act, 27 June 1952,
https://www.refworld.org/legal/legislation/natlegbod/1952/147163

Section 101(a)(42) – Definition of "Refugee"

1. Definition of Refugee

INA §101(a)(42), 8 U.S.C. §1101(a)(42):

The term *"refugee"* means (42) The term "refugee" means (A) any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or (B) in such special circumstances as the President after appropriate consultation (as defined in section 1157(e) of this title) may specify, any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The term "refugee" does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion. For purposes of determinations under this chapter, a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion, and a person who has a well founded fear that he or she will be forced to undergo such a procedure or subject to persecution for such failure, refusal, or resistance shall be deemed to have a well founded fear of persecution on account of political opinion.

INA §208(b)(2)(A), 8 U.S.C. §1158(b)(2)(A):

(b)Conditions for granting asylum

(1) In General

(B)Burden of proof

(1) In general

The burden of proof is on the applicant to establish that the applicant is a refugee, within the meaning of section 1101(a)(42)(A) of this title. To establish that the applicant is a refugee within the meaning of such section, the applicant must establish that race, religion,

nationality, membership in a particular social group, or political opinion was or will be at least one central reason for persecuting the applicant.

(2) Exceptions

(A) In general

Paragraph (1) shall not apply to an alien if the Attorney General determines that—

i. the alien ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;
ii. the alien, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the United States;
iii. there are serious reasons for believing that the alien has committed a serious nonpolitical crime outside the United States prior to the arrival of the alien in the United States;
iv. there are reasonable grounds for regarding the alien as a danger to the security of the United States;
v. the alien is described in subclause (I), (II), (III), (IV), or (VI) of section 1182(a)(3)(B)(i) of this title or section 1227(a)(4)(B) of this title (relating to terrorist activity), unless, in the case only of an alien described in subclause (IV) of section 1182(a)(3)(B)(i) of this title, the Attorney General determines, in the Attorney General's discretion, that there are not reasonable grounds for regarding the alien as a danger to the security of the United States; or
vi. the alien was firmly resettled in another country prior to arriving in the United States.

(B)Special rules

(i)Conviction of aggravated felony

For purposes of clause (ii) of subparagraph (A), an alien who has been convicted of an aggravated felony shall be considered to have been convicted of a particularly serious crime.

(ii)Offenses

The Attorney General may designate by regulation offenses that will be considered to be a crime described in clause (ii) or (iii) of subparagraph (A).

URUGUAY

Ley Nº 18.076 - Derecho al Refugio y a los Refugiados, 19 December 2006, https://www.refworld.org/es/leg/legis/pleg/2006/126549

Artículo 2º. (Cláusula de inclusión).

- Será reconocido como refugiado toda persona que:

A) Debido a fundados temores de ser perseguida por motivos de pertenencia a determinado grupo étnico o social, género, raza, religión, nacionalidad, u opiniones políticas se encuentre fuera del país de su nacionalidad y no pueda o -a causa de dichos temores- no quiera acogerse a la protección de tal país, o que careciendo de nacionalidad y hallándose a consecuencia de tales acontecimientos, fuera del país donde antes tuviera su residencia habitual, no pueda o -a causa de dichos temores-, no quiera regresar a él.

B) Ha huido del país de su nacionalidad o careciendo de nacionalidad, ha huido del país de residencia porque su vida, seguridad o libertad resultan amenazadas por la violencia generalizada, la agresión u ocupación extranjera, el terrorismo, los conflictos internos, la violación masiva de los Derechos Humanos o cualquier otra circunstancia que haya perturbado gravemente el orden público.

CAPÍTULO II CLÁUSULAS DE EXCLUSIÓN, NULIDAD Y REVOCACIÓN

Artículo 3º. (Cláusulas de no aplicabilidad). - No tendrán derecho a gozar de la condición jurídica de refugiados en territorio uruguayo:

A) Los ciudadanos uruguayos.

B) Las personas que reciben protección o asistencia actual de un órgano u organismo de la Organización de las Naciones Unidas, distinto del Alto Comisionado de las Naciones Unidas para los Refugiados. Cuando esta protección o asistencia haya cesado por cualquier motivo, sin que la suerte de tales personas se haya solucionado definitivamente, con arreglo a las resoluciones aprobadas sobre el particular por la Asamblea General de las Naciones Unidas, dichas personas tendrán el derecho a los beneficios del régimen establecido en el artículo 2º de la presente ley.

C) Las personas que gocen de la protección de las autoridades competentes en el país en que han fijado residencia, en iguales condiciones que los nacionales de ese país.

Artículo 4º. (Cláusulas de exclusión). - No tendrán derecho a gozar de la condición jurídica de refugiado en territorio uruguayo; las personas respecto de las cuales existen motivos fundados para considerar que:

A) Han cometido un delito contra la paz, un delito de guerra o un delito contra la humanidad, tal como se hayan definidos por el derecho internacional.
B) Han cometido un grave delito común, en consonancia con los principios de derecho universalmente aceptados; fuera del territorio nacional y antes de ser admitidas en él como refugiados.
C) Se han hecho culpables de actos contrarios a los propósitos y principios de la Organización de las Naciones Unidas.

PÉRDIDA DE LA CALIDAD DE REFUGIADOS

Artículo 6º. (Cláusulas de cesación).- Cesa la condición de refugiado en los siguientes casos:

A) Si el refugiado se ha acogido voluntariamente a la protección del país de su nacionalidad.
B) Si habiendo perdido su nacionalidad, la ha recobrado voluntariamente.
C) Si ha adquirido una nueva nacionalidad y disfruta de la protección de dicho país.
D) Si voluntariamente se ha establecido en el país que había abandonado o fuera del cual había permanecido por temor a ser perseguido.
E) Por haber desaparecido las circunstancias en virtud de las cuales fue reconocido como refugiado.
F) Si se trata de una persona que no tiene nacionalidad y habiendo desaparecido las circunstancias en virtud de las cuales fue reconocida como refugiada, está en condiciones de regresar al país donde tenía su residencia habitual.
G) Si ha obtenido la ciudadanía legal uruguaya (literales A), B) y C) del artículo 75 de la Constitución de la República).

Las disposiciones del presente artículo no se aplicarán a los refugiados que puedan invocar, para negarse a acogerse a la protección del país de su nacionalidad, razones imperiosas derivadas de una persecución anterior.

UZBEKISTAN

Decree No. DP-5060 of 29 May 2017 on the Approval of the Regulation on the Procedure for Granting Political Asylum in the Republic of Uzbekistan, 29 May 2017, https://www.refworld.org/legal/legislation/natlegbod/2017/116927

Chapter 1. General Provisions

1. Political asylum in the Republic of Uzbekistan is granted to foreign citizens and stateless persons (hereinafter referred to as "persons"), with due consideration of national interests of the Republic of Uzbekistan on the ground of generally recognized principles and norms of international law, in line with the Constitution, laws and other regulatory legal acts of the Republic of Uzbekistan and the present Regulation.

2. Political asylum in the Republic of Uzbekistan is granted to persons and members of their families seeking asylum and protection from persecution or from a real threat to become a victim of persecution in the country of their citizenship or permanent residence for social and political activity, religious beliefs, race or national affiliation, and other cases of human rights violations, which are provided for by international law.

3. […]

4. Political asylum in the Republic of Uzbekistan is not granted if the person: is prosecuted for acts (or omission to act) recognized as an offense in the Republic of Uzbekistan or is guilty of committing acts that are contrary to the fundamental purposes and principles of the United Nations;

- is involved as a defendant in a criminal case or is subject to a condemnatory court judgement that entered into legal force and is enforceable in the territory of the Republic of Uzbekistan;
- came from a third country, where s/he was not threatened by persecution;
- has citizenship of a third country where s/he is not persecuted;
- deliberately provided false information;
- is unable or unwilling to return to the country of his/her citizenship or to the country of his/her permanent residence for economic, environmental or social reasons, as well as in connection with natural and man-made emergency situations.

Chapter 4. Grounds and procedure for registration of loss of political asylum in the Republic of Uzbekistan

23. A person who is granted political asylum in the Republic of Uzbekistan loses political asylum in the following cases:

- voluntary return to the country of his/her citizenship or to the country of his/her permanent residence;

- departure for permanent residence in a third country;
- voluntary refusal of political asylum in the territory of the Republic of Uzbekistan;
- acquisition of citizenship of the Republic of Uzbekistan or citizenship of another country.

24. Political asylum granted to a person in the Republic of Uzbekistan may also be lost for reasons of national security, and in case if the person is engaged in activities that are contrary to the fundamental purposes and principles of the United Nations, or if the person committed an offense and is subject to a condemnatory court judgement that entered into legal force and is enforceable.

[…]

VANUATU

Immigration Act No. 17 of 2010, 17 January 2011,
https://www.refworld.org/legal/legislation/natlegbod/2011/123662

DETERMINATION OF REFUGEE STATUS

65 Criteria for refugee status

(1) Subject to subsection (2), the Principal Immigration Officer must determine an asylum claimant is recognised as a refugee in Vanuatu if the Principal Immigration Officer is satisfied that:

(a) the asylum claimant holds a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion; and

(b) the asylum claimant:

(i) is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or

(ii) does not have a nationality and being outside his or her country of former habitual residence is unable, or, owing to such fear, is unwilling to return to it; and

(c) the asylum claimant is not excluded from recognition as a refugee in Vanuatu under subsection (2).

(2) An asylum claimant is excluded from recognition as a refugee in Vanuatu if the Principal Immigration Officer is satisfied that the asylum claimant:

(a) is receiving protection or assistance from an agency of the United Nations; or

(b) has been recognised by the competent authorities of a country in which he or she has taken residence or held residence as having the rights and obligations which are attached to possession

of the nationality of that country; or

(c) has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes; or

(d) has been convicted by a court in another country of an offence and sentenced to a term of imprisonment of 2 years or more, life imprisonment or death; or

(e) has been found guilty of acts contrary to the purposes and principles of the United Nations; or

(f) is a threat to the national security or defence of Vanuatu if he or she remains in Vanuatu; or

(g) is a member of, or adheres to, any organisation or group of persons that has engaged in, or has claimed responsibility for, a terrorist act in or outside Vanuatu and the continued presence of that person in Vanuatu constitutes a threat to public safety; or

(h) has engaged in, or has claimed responsibility for, a terrorist act in or outside Vanuatu and the continued presence of that person in Vanuatu constitutes a threat to public safety; or

(i) is receiving effective protection and assistance from a third country or prescribed international agency in Vanuatu; or

(j) has travelled through a third country on route to Vanuatu, being a country in which he or she has a right to enter and reside.

70 Cancellation of refugee status

(1) The Principal Immigration Officer may, on his or her own initiative or if requested by a refugee in Vanuatu, cancel a person's recognition as a refugee in Vanuatu.

(2) The Principal Immigration Officer must cancel a person's recognition as a refugee in Vanuatu if the Principal Immigration Officer is satisfied that:

(a) he or she voluntarily re-availed himself or herself of the protection of the country of his or her nationality; or

(b) having lost his or her nationality, he or she has voluntarily re-acquired it; or

(c) he or she has acquired a new nationality, and enjoys the protection of the country of his or her new nationality; or

(d) he or she 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

(e) because the circumstances in connection with which he or she has been recognised as a refugee have ceased to exist, he or she:

(i) can no longer continue to refuse to avail himself or herself of the protection of the country of his or her nationality; or

(ii) being a person who has no nationality, is able to return to the country of his or her former habitual residence; or

(f) the recognition given by the Principal Immigration Officer was procured by fraud, forgery, false or misleading representation, or concealment of relevant information; or

(g) subsection 65(2) was not properly considered by the Principal Immigration Officer for any reason, including by reason of fraud, forgery, false or misleading representation, or concealment of relevant information.

[…]

VENEZUELA (BOLIVARIAN REPUBLIC OF)

Ley orgánica sobre refugiados o refugiadas asilados o asiladas, 3 September 2001, https://www.refworld.org/legal/legislation/natlegbod/2001/18314

Artículo 5.- Condición de Refugiado o refugiada.
El Estado venezolano considerará como refugiado o refugiada a toda persona a quien la autoridad competente le reconozca tal condición, en virtud de haber ingresado al territorio nacional debido a fundados temores de ser perseguida por motivos de raza, sexo, religión, nacionalidad, pertenencia a determinado grupo social u opiniones políticas, y se encuentre fuera del país de su nacionalidad y no pueda o no quiera acogerse a la protección de tal país; o que, careciendo de nacionalidad, no pueda o no quiera regresar al país donde antes tuviera su residencia habitual.

Artículo 9.- Excepciones al Reconocimiento de la Condición de Refugiado o refugiada.
La condición de refugiado o refugiada no será reconocida a las personas comprendidas en los supuestos siguientes:

1. Que hayan cometido delitos contra la paz, crímenes de guerra o contra la humanidad, definidos en los instrumentos internacionales.
2. Que estén incursos en delitos comunes cometidos fuera del país de refugio y sean incompatibles con la condición de refugiado o refugiada;
3. Que sean culpables de actos contrarios a las finalidades y a los principios de las Naciones Unidas.

Artículo 10.- De la Cesación de la Condición de Refugiado o refugiada.
La condición de refugiado o refugiada cesará en los casos siguientes:

a) Si se ha acogido de nuevo, voluntariamente, a la protección del país de su nacionalidad;
b) Si, habiendo perdido su nacionalidad, la ha recobrado voluntariamente;
c) Si ha adquirido una nueva nacionalidad y disfruta de la protección del país de su nueva nacionalidad;
d) Si voluntariamente se ha establecido de nuevo en el país que había abandonado o fuera del cual había permanecido por temor de ser perseguida;
e) Si, por haber desaparecido las circunstancias en virtud de las cuales fue reconocida como refugiado o refugiada, no puede continuar negándose a acogerse a la protección del país de su nacionalidad.

ZAMBIA

The Refugees Act, 2017, Act No. 1 of 2017, 13 April 2017,
https://www.refworld.org/legal/legislation/natlegbod/2017/120426

PART I
PRELIMINARY PROVISIONS
[…]
2. (1) In this Act, unless the context otherwise requires— […]
"country of nationality" in relation to a person who has more than one nationality, means each of the countries of which that person is a national;
"country of origin" means the country of nationality of the refugee or asylum seeker, or if the refugee or asylum seeker has no country of nationality, the country of former ordinary residence;
"crime against peace" means an act relating to the planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements and assurances on peace, or participation in a common plan or conspiracy for the accomplishment of any of these acts;
"crime against humanity" means any of the following acts committed as part of a widespread or systematic attack directed against a civilian population:

(a) murder;
(b) extermination;
(c) enslavement;
(d) deportation or forcible transfer of population;
(e) imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
(f) torture;
(g) rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence of comparable gravity;
(h) persecution against an identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender or other grounds that are universally recognised as impermissible under international law, in connection with an act referred to in this definition;
(i) enforced disappearance of persons;
(j) the crime of apartheid; or
(k) other inhuman acts of a similar character intentionally causing great suffering or serious injury to the body or to mental or physical health;
[…]

"refugee" means a person who owing to—

(a) a well-founded fear of being persecuted for reasons of race, religious beliefs, nationality, membership of a particular social group or political opinion is outside the country of nationality and is unable, or owing to that fear is unwilling, to be protected by that country;

(b) not having a nationality and being outside the country of that person's former habitual residence is—

(i) unable to return to that country; or

(ii) unwilling to return to that country due to a well- founded fear of being persecuted for reasons of race, religion, membership of a particular social group or political opinion;

(c) external aggression, occupation, foreign domination or serious disturbance of public order in part or the whole of that person's country of origin or nationality, is compelled to leave that person's place of habitual residence in order to seek refuge in a place outside that person's country of origin or nationality; or

(d) internal conflict, generalised violence, massive violation of human rights or other circumstances that have seriously disturbed public order in that person's country of origin, that person's life, safety or freedom has been threatened;

[…]

" serious non-political crime" means a felony as defined in section 4 of the Penal Code;

" subversive acts " means acts directed towards the overthrow of a government, and includes the crimes of treason, sedition, sabotage or an act likely to cause tension through the use of arms, press and radio in a member State of the United Nations or the African Union;

[…]

" war crimes " means grave breaches of the Geneva Conventions of 12 August, 1949, such as—

(a) wilful killing;

(b) torture or inhuman treatment, including biological experiments;

(c) wilfully causing great suffering or serious injury to body or health;

(d) extensive destruction and appropriation of property, which is not justified by military necessity and carried out unlawfully and wantonly;

(e) compelling a prisoner of war or other protected person to serve in the forces of a hostile power;

(f) wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;

(g) unlawful deportation or transfer or unlawful confinement; and

(h) taking of hostages.

(2) A person who has more than one nationality shall not be deemed to be lacking the protection of that person's country of nationality if, without any reason based on a well-founded fear, that person does not benefit from, or avail oneself of, the protection of one of the countries of which that person is a national.

14 (1) The Commissioner shall exclude a person or asylum seeker from recognition of refugee status under this Act if there are reasonable grounds to believe that the person or asylum seeker—

(a) has committed a crime against peace, a war crime or crime against humanity;

(b) has committed a serious nonpolitical crime outside Zambia before that person's arrival in Zambia;

(c) has engaged in subversive acts against any State;

(d) is receiving protection or assistance from an agency of the United Nations, other than the United Nations High Commissioner for Refugees;

(e) is a combatant or continues to take part in armed activities; and

(f) has committed acts contrary to the purposes and principles of the United Nations or the African Union.

(2) Where the protection or assistance referred to in subsection (1)(d) ceases without the person's position being definitively settled, that person may apply for recognition as a refugee under this Act.

(3) The Commissioner shall not grant a person or asylum seeker refugee status under this Act if that person or asylum seeker—

(a) having more than one nationality, had not availed oneself of the protection of one of the countries of which the person is a national, and has no valid reason, based on well-founded fear of persecution;

(b) has been granted refugee status or asylum in another country before that person's entry into Zambia, except that a person arriving from a territory where there has been serious breach of peace shall have that person's application for asylum considered; and

(c) has before that person's entry into Zambia transited through one or more countries and is unable to show reasonable cause for failure to seek asylum in those countries.

[…]

PART III

Cessation of recognition

20. (1) A person shall cease to be a recognised refugee for purposes of this Act if that person—

(a) voluntarily reavails oneself of the protection of that person's country of nationality;

(b) having lost that person's nationality, voluntarily reacquires it;

(c) becomes a citizen of Zambia or acquires the nationality of another country and enjoys the protection of the country of that person's new nationality;

(d) voluntarily reestablishes oneself in the country which that person left, or outside of which that person remained owing to a well-founded fear of persecution, external aggression, occupation, foreign domination or serious disturbance of public order in either part, or the whole, of that country;

(e) voluntarily re-establishes oneself in another country other than that person's country of nationality;

(f) has had that person's recognition as a refugee cancelled or revoked; or

(g) can no longer continue to refuse to benefit from the protection of that person's country of nationality, because the circumstances in connection with which that person was recognised as a refugee have ceased to exist.

(2) Subsection (1)(g) shall not apply to a person who demonstrates to the Commissioner that the person has compelling reasons, arising from previous persecution, for refusing to avail oneself to the protection of that person's country of nationality, or to return to that person's country of nationality.

ZIMBABWE

Act of 1983 on Refugees, 28 October 1983,
https://www.refworld.org/legal/legislation/natlegbod/1983/103879

3. Meaning of "refugee"

(1) Subject to this section, a person shall be a refugee for the purposes of this Act if—

(a) owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, he is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or

(b) not having a nationality and being outside the country of his former habitual residence, he is unable or, owing to a well-founded fear of being persecuted for reasons of race, religion, membership of a particular social group or political opinion, is unwilling to return to it; or

(c) owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, he is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality; or

(d) he has been considered a refugee under the Arrangements of the 12th May, 1926 and the 30th June, 1928, or under the Conventions of the 28th October, 1933 and the 10th February, 1938, the Protocol of the 14th September, 1939 or the Constitution of the International Refugee Organization; or (e) he is a member of a class of persons declared in terms of subsection (2) to be refugees.

(2) Subject to subsection (3), if the Minister considers that any class of persons are refugees as defined in paragraph (a), (b), (c) or (d) of subsection (1), he may declare such class of persons to be refugees, and may at any time amend or revoke such declaration:

Provided that no such amendment or revocation shall affect the right of any person—

(a) who is a member of the class of persons concerned and who entered Zimbabwe before the date of such amendment or revocation, to continue to be regarded as a refugee for the purposes of this Act; or

(b) who is a person such as is referred to in paragraph (a), (b), (c) or (d) of subsection (1), to be recognized as a refugee for the purposes of this Act.

[…]

(4) A person shall not be a refugee for the purposes of this Act if—

(a) he has committed a crime against peace, a war crime or a crime against humanity, as defined in any international instrument to which Zimbabwe is a party and which has been drawn up to make provision in respect of such crimes; or

(b) he has committed a serious non-political crime outside Zimbabwe prior to his admission to Zimbabwe as a refugee; or

(c) he has been guilty of acts contrary to the purposes and principles of the United Nations Organization or the Organization of African Unity; or

(d) having more than one nationality, he has not availed himself of the protection of one of the countries of which he is a national and has no valid reason, based on well-founded fear of persecution or on a reason referred to in paragraph (c) of subsection (1), for not having availed himself of its protection.

(5) A person shall cease to be a refugee for the purposes of this Act if—

(a) he voluntarily re-avails himself of the protection of the country of his nationality; or

(b) having lost his nationality, he voluntarily re-acquires it; or

(c) he becomes a citizen of Zimbabwe, or acquires the nationality of some other country and enjoys the protection of the country of his new nationality; or

(d) he voluntarily re-establishes himself in the country which he left, or outside which he remained owing to a reason referred to in paragraph (c) of subsection (1), as the case may be; or

(e) he can no longer, because the circumstances in connection with which he was recognized as a refugee have ceased to exist—

(i) continues to refuse to avail himself of the protection of his country of nationality; or

(ii) if he has lost his nationality, continue to refuse to return to the country of his former habitual residence:

Provided that this paragraph shall not apply to a person who is referred to in paragraph (d) of subsection (1) and who satisfies the Commissioner that he has compelling reasons, arising out of previous persecution, for refusing so to avail himself or so to return, as the case may be; or

(f) he is a person referred to in paragraph (c) of subsection (1), or is a member of a class of persons declared in terms of subsection (2) to be refugees on the ground that they are refugees as described in paragraph (c) of subsection (1), and—

(i) he has committed a serious non-political crime outside Zimbabwe after his admission into Zimbabwe as a refugee; or

(ii) he has seriously infringed the purposes and objectives of the Convention Governing the Specific Aspects of Refugee Problems in Africa, signed at Addis Ababa on the 10th September, 1969.

REFUGEE DEFINITIONS IN NATIONAL LAWS

June 2026

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