

Submission by the United Nations High Commissioner for Refugees
For the Office of the High Commissioner for Human Rights' Compilation Report
Universal Periodic Review: *Fourth Cycle, 54 Session*

ICELAND

I. BACKGROUND INFORMATION

Iceland acceded to the *1951 Convention relating to the Status of Refugees* in 1955 and to its *1967 Protocol* in 1968 (hereinafter collectively referred to as the *1951 Convention*). In 2021, Iceland acceded to the *1954 Convention relating to the Status of Stateless Persons* (the *1954 Convention*) and the *1961 Convention on the Reduction of Statelessness* (the *1961 Convention*).

As of 31 December 2025, Iceland hosted 8,462 refugees, including individuals granted temporary protection, 679 asylum-seekers, and 33 stateless persons.

The *Foreign Nationals Act*,¹ together with the *Regulation on Foreigners*,² is the main legislative framework regulating both the material and procedural aspects of asylum applications in Iceland. Additionally, there are relevant acts and regulations relating to, *inter alia*, the right to work and to citizenship, which are relevant in the context of asylum. The Ministry of Justice (MoJ) has the overall responsibility for issues covered by the *Foreign Nationals Act*. The Directorate of Immigration is responsible for handling all asylum applications, e.g. reviewing the applications and first instance decision-making. The Immigration and Asylum Appeals Board, functional since early 2015, examines any appeals to a rejected asylum application.

Citizenship matters in Iceland are regulated by the Icelandic Nationality Act³, which sets out the legal framework governing the acquisition, loss, and restoration of Icelandic nationality.

Although not a member of the European Union, Iceland seeks to coordinate asylum and migration policies with its neighbours. At the same time, it is bound by those elements of the EU Pact on Migration and Asylum that form part of the Schengen acquis, as well as by the applicable agreements on Dublin cooperation and Eurodac (the EU's biometric asylum and migration database).

Before 24 February 2022, the main countries of origin of refugees in Iceland were Venezuela, Iraq, and Syria. Until the end of 2022, the vast majority of Venezuelan asylum-seekers in Iceland were granted subsidiary protection⁴ and received four-year residence permits. As Venezuelans are no longer automatically considered to be in need of international protection since 2023, Iceland has increased efforts to enforce the return of Venezuelans found not to be in need of international protection.⁵

¹ Alþingi (Parliament), the *Foreign Nationals Act* (*Lög um útlendinga*), 2016 nr. 80 16. júní, as of 20 April 2026, <https://www.althingi.is/lagas/nuna/2016080.html>.

² Regulation on Foreigners 540/2017, <https://island.is/reglugerdir/nr/0540-2017>.

³ Icelandic Nationality Act 1952 No. 100 December 23, <https://www.althingi.is/lagas/nuna/1952100.html>.

⁴ Directorate of Immigration, Statistics, <https://island.is/en/o/directorate-of-immigration/statistics>.

⁵ UNHCR, Iceland Fact Sheet, September 2024, <https://unhcr.org/europe/sites/europe/files/2024-10/bi-annual-fact-sheet-2024-09-iceland.pdf>.

Following the full-scale invasion of Ukraine in February 2022, a national “collective protection” scheme⁶ was activated in March 2022.⁷ In November 2024, a law proposal on collective protection was approved by the Parliament, extending the maximum duration of residence permits for beneficiaries of collective protection from three years to five years, until March 2027.

Iceland had a small but long-standing annual resettlement program since 1996, which has been paused since 2020. The size of the quota gradually increased over the years to reach 100 places in 2020. However, the programme was disrupted by COVID-19, and since 2021 no new quota has been announced, reportedly due to the high number of asylum-seekers in country and pressure on the reception and housing system.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Linked to 3rd cycle UPR recommendation no. 121.230: “Establish a formal statelessness identification and determination procedure, in accordance with human rights obligations and standards, and encourage revision of the nationality law so that stateless children born in the State may have the right to acquire Icelandic nationality”

UNHCR commends the Government of Iceland for the establishment of a statelessness determination procedure, followed by the development of Standard Operating Procedures (SOPs). With the support of UNHCR, the SOPs were translated into Icelandic in 2023 and published in 2024. Additionally, the Icelandic authorities have also engaged in capacity-building activities to strengthen the implementation of the SOPs. These steps reflect Iceland’s commitment to strengthening its institutional capacity and aligning its practice with its obligations under the *1954 Convention*.

III. KEY RECOMMENDATIONS FOR FURTHER IMPROVEMENT

Issue 1: Temporariness of protection and regular status review

Following 2024 amendments to the Foreign Nationals Act, residence permits for beneficiaries of subsidiary protection have been shortened from four years to two years and are subject to mandatory reviews of protection needs.

UNHCR has long advocated that refugees and other beneficiaries of international protection be granted a secure and stable protection status that is not subject to constant or routine review.⁸ Systematic and frequent reassessment of protection status undermines the stability necessary for effective integration and creates prolonged uncertainty for beneficiaries of international protection.

That is not to suggest, however, that international protection, once accorded, can never come to an end. As set out in the *1951 Convention*, refugee status is, by its nature, temporary, as it

⁶ The term used in the Foreign Nationals Act is “collective protection” (*sameiginleg vernd*). An ongoing draft amendment to the Act proposes replacing this term with “temporary protection” (*tímabundin vernd*) throughout the legislation, in order to align Icelandic terminology with that used in Directive 2001/55/EC. However, these recommendations continue to refer to the existing legal terminology.

⁷ Government of Iceland, The Minister of Justice permits temporary protection due to mass flight, 7 March 2022, <https://www.government.is/news/article/2022-03-07-The-Minister-of-Justice-permits-temporary-protection-due-to-mass-flight>.

⁸ UN High Commissioner for Refugees (UNHCR), Guidelines on International Protection No. 3: Cessation of Refugee Status under Article 1C(5) and (6) of the 1951 Convention relating to the Status of Refugees (the “Ceased Circumstances” Clauses), HCR/GIP/03/03, 10 February 2003, <https://www.refworld.org/policy/legalguidance/unhcr/2003/en/14489>.

may be ceased in certain circumstances, including when the conditions that led to a person being recognised as a refugee no longer exist (Articles 1C(5) and 1C(6)).

The cessation of subsidiary protection granted under broader or complementary protection regimes is governed by legal criteria closely analogous to those applicable under the *1951 Convention's* "ceased circumstances" clauses. In both contexts, protection may only be withdrawn where changes in the country of origin are fundamental, durable and effective, such that the circumstances giving rise to the need for international protection have genuinely and sustainably ended. Any cessation assessment must be grounded in objective, reliable and up-to-date information, including an evaluation of the general human rights situation and the availability of effective national protection. Given the potentially serious consequences of an erroneous cessation decision, such assessments must be undertaken with particular caution. Furthermore, affected persons should be given an opportunity to present information regarding their continued need for international protection and appeal any decision to withdraw their protection status.

While some refugees may eventually be able to return to their country of origin in a situation of safety and dignity, and many strongly wish to do so, it was not intended that they would be subject to constant review of their status in the country of asylum. Nor is there evidence that frequent review of status meaningfully accelerates returns. On the contrary, UNHCR's observations of comparable protection-status review procedures in other States indicate that international protection is in practice withdrawn only in a small number of cases, following careful and individualized assessment of whether the grounds for protection continue to apply. Regrettably, the protracted nature of contemporary displacement and conflict means that for many refugees, the need for international protection persists for extended periods, as persecution and violence continue for years and the prospects for safe return remain limited, particularly in the short term.

Recommendations:

- Discontinue the regular mandatory reassessment of continued international protection needs upon extension of residence permits and ensure that any review or cessation of international protection status is strictly limited to situations where the criteria and standards set out in the *1951 Refugee Convention* are clearly met.

Issue 2: Immigration detention

The absence of a dedicated immigration detention facility has led to the use of Hólmshéiði prison for the detention of foreign nationals, including asylum-seekers, under certain circumstances.⁹ This practice raises concerns regarding the appropriateness of placing individuals who have not committed criminal offences into a prison environment, which is inherently designed for punitive purposes rather than administrative. Such an approach may negatively affect the dignity and wellbeing of detainees and risks blurring the distinction between immigration control and criminal justice measures.

UNHCR has stressed that, in line with international refugee and human rights standards, the detention of asylum-seekers should be avoided and used only as a measure of last resort. Where applied, it must be necessary, proportionate, based on an individual assessment, and only after all non-custodial alternatives to detention have been duly considered.¹⁰ And children should never be detained. Moreover, UNHCR recalls that, according to the UN Human Rights

⁹ Alþingi (Parliament), Draft law on departure centre. Parliamentary Document 293 – Item 230, <https://www.althingi.is/altext/157/s/0293.html> Analysis. 1. Introduction [...] *When a foreigner is ordered to be detained on this basis, the person concerned is usually transferred to the prison in Hólmshéiði.*

¹⁰ Ibid., paras. 17-18.

Committee, administrative expediency is not a legitimate purpose for detaining people in light of the serious consequences it has for a human being.

In a legislative proposal published in 2025, Iceland announced the establishment of a closed departure centre for foreigners awaiting deportation. According to the authorities, the departure centre is necessary to fulfil Iceland's obligations as part of the Schengen cooperation requirements, and to avoid placing foreigners in prison.¹¹ UNHCR has welcomed this initiative as a step toward enhancing Iceland's commitment to the Common European Asylum System and facilitating the effective implementation of the mandatory elements of the EU Pact on Migration and Asylum for Iceland.¹²

In the same legislative proposal through which the new departure centre is established, new grounds for detention of foreign nationals, including asylum-seekers, were also proposed.

According to the same proposal, while an unaccompanied child may not be accommodated at the departure centre, a child who is with their family may be placed at the centre for up to three days, with the possibility to extend this stay up to a maximum of nine days.

UNHCR's position is that children should never be detained for immigration-related purposes, irrespective of their legal/migratory status or that of their parents, as detention is never in their best interests. There is strong evidence that detention has a profound and negative impact on children's health and development, regardless of the conditions in which children are held, and even when detained for short periods of time or with their families. UNHCR thus recommends refraining from detaining children, even with their family, for immigration-related purposes.

Recommendations:

- Ensure effective use of restrictions on freedom of movement and alternatives to detention, where needed, and reserving detention solely as a measure of last resort.
- Refrain from detaining children, even those with families, for immigration-related purposes as detention is never in their best interests.

Issue 3: Family reunification

Due to recent amendments to the Foreign Nationals Act, beneficiaries of subsidiary protection are now subject to a two-year statutory waiting period before they can apply for family reunification.¹³ UNHCR has raised concerns about the amendment as the family reunification process, even without a statutory waiting period of two years, can be very lengthy and result in close family members having to live apart for many years. Prolonged separation affects the mental health, wellbeing and integration prospects of refugees and other beneficiaries of international protection, especially children.¹⁴

¹¹ Ministry of Justice, Departure station plans presented in consultation portal, 22 July 2025, <https://www.stjornarradid.is/efst-a-baugi/frettir/stok-frett/2025/07/22/Aform-um-brottfarastod-kynnt-i-samradsgatt/>.

¹² UNHCR, UNHCR Observations on the draft law on departure centre, December 2025, <https://www.refworld.org/legal/natlegcomments/unhcr/2025/151489>, para. 6.

¹³ See Note 1 *Foreign Nationals Act* above: Article 69. Conditions for a residence permit for family reunification: [...] *The closest relative of a foreigner residing in this country on the basis of a residence permit pursuant to the 3rd paragraph of Article 73 may, by application, receive a residence permit for family reunification provided that the conditions of Article 55 and Chapter VIII are met, if the person on whom the application is based has had his or her residence permit renewed before the submission of the application.* [...].

¹⁴ UNHCR Response to questions posed by the Judicial Affairs and Education Committee in relation to the draft law amending the Act on Foreigners No. 80/2016 (International Protection), 154th Legislative Session 2023-2024, Assembly Record 1084 - Issue 722, Government Bill, 6 May 2024, <https://www.refworld.org/legal/natlegcomments/unhcr/2024/en/149588>.

The introduction of this waiting period creates unequal treatment compared to recognized (Convention) refugees, without an objective justification for limiting the fundamental right to family life. UNHCR has consistently held that there is no reason to distinguish between refugees and beneficiaries of subsidiary protection in the enjoyment of this right. Under Article 8 of the European Convention on Human Rights and Fundamental Freedoms ("ECHR")¹⁵, everyone has the right to respect for their private and family life, irrespective of the type of residence provided.

UNHCR is also concerned that the concept of family has been defined in a limited way and that the discretionary possibility to grant family reunification to family members beyond the nuclear family is interpreted restrictively.¹⁶ Limiting eligibility primarily to spouses and minor children fails to reflect the diverse realities of family structures in refugee contexts, where extended family members, such as adult children, siblings, grandparents, or other dependent relatives, may play essential roles in care, protection, and survival. In many cases, refugees rely on broader family networks due to cultural norms or situations of dependency linked to age, disability, health conditions, or economic vulnerability. A rigid definition risks excluding individuals who form an integral part of the family unit, thereby prolonging separation and exacerbating hardship. UNHCR's 2024 Guidelines on Family Reunification reaffirm that the right to family life applies regardless of protection status and that decisions must be guided by the child's best interests, with a flexible understanding of family based on social, emotional, or economic dependency.¹⁷

Recommendations:

- Provide equal access to family reunification for refugees and beneficiaries of subsidiary protection including by removing the statutory waiting period for beneficiaries of subsidiary protection.
- Interpret dependency of family members of beneficiaries of international protection in a flexible and inclusive manner, in accordance with UNHCR's 2024 Guidelines.

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¹⁵ Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14*, ETS 5, 4 November 1950, <https://www.refworld.org/legal/agreements/coe/1950/en/18688> Art. 8.

¹⁶ See Note 1 *Foreign Nationals Act* above: Article 69. *Conditions for a residence permit for family reunification: [...] Close relatives include a spouse, common-law partner, children under the age of 18 in the person's custody and dependents, and parents aged 67 and over [...].*

¹⁷ UNHCR Guidelines on international legal standards relating to family reunification for refugees and other beneficiaries of international protection, December 2024, paras. 24, 40, and 46, as well as sources listed in footnote 101 of the Guidelines, <https://www.refworld.org/policy/legalguidance/unhcr/2024/en/149243>.