

Information sheet for revocation procedure

Recognised refugees (persons entitled to political asylum) and refugees that have received protection from deportation must reckon with this protection being revoked when the threatening situation changes.

Revocation procedures are aimed at withdrawing refugee status. For recognised refugees, this is linked to the loss of their social rights according to the Geneva Refugee Convention and moreover constitutes a substantial threat to their right of residence in Germany. Refugees whose protection from deportation is subsequently revoked also have to reckon with a loss of their right of residence.

A re-examination of refugee status is mandatory after three years. According to the Directive Implementation Act, which came into effect on 28.08.2007, the Bundesamt für Migration und Flüchtlinge (BAMF - Federal Office for Migration and Refugees) is obliged to examine the initiation of a revocation procedure by 31 December 2008 at the latest with regard to all refugee status decisions that became non-appealable before 1 January 2005. If the routine examination of refugee status does not lead to a revocation, a later decision at the discretion of the Federal Office is possible. All decisions regarding existing impediments to deportation can be revoked at any time.

Revocation procedure of the Federal Office for Migration and Refugees in practice

The Federal Ministry of the Interior issues the order to the Federal Office to examine whether asylum can be revoked for refugees or groups of refugees from certain states.

Review by request of the immigration authorities (Ausländerbehörden)

Applications from refugees to the immigration authority for family reunification or for granting permanent residence status often lead in practice to the initiation of a revocation procedure as immigration authorities ask the Federal Office to carry out an appropriate examination.

Since the ZuwG (Immigration Act) of 01.01.05 came into effect, applications for naturalisation are put to one side until a possible revocation has been decided on.

People affected must reckon with the initiation of a revocation procedure in the following situations:

- Travel to the country of origin
- Application for family reunification
- Application for naturalisation
- Application for permanent residence status
- Individual request by the immigration authority

That is why, before every application for family reunification, naturalisation or the granting of permanent residence status, one should consult an advisory centre or a specialised lawyer to clarify whether there is a risk of revocation and what the associated consequences regarding the right of residence might be.

When is a revocation considered?

The German law concerning aliens and international public law envisage the possibility of a revocation of refugee status. The basic legal principles can be found in § 73 AsylVfG (German asylum law) and Article 1C (5) of the Geneva Refugee Convention.

A revocation is thus possible if the conditions decisive for the assessment of persecution have altered considerably subsequently. A situation must have arisen in which the refugee can no longer refuse to claim the protection of the country of which he is a citizen. The situation in the country of origin must, however, have changed fundamentally and permanently. Not every "improvement" in the social and political situation will lead to a revocation. Furthermore, the BAMF must check whether the refugee has compelling reasons, based on earlier persecution, for refusing to return to his or her country of origin (cf. 73 AsylVfG (German refugee law), Art. 11 Qualification Directive, Art 1 C Geneva Refugee Convention).

The recognition of other obstacles to deportation can also be revoked. If the immigration authority is of the opinion, when examining the application for an extension to the residence permit, that the obstacles to deportation no longer exist, it generally demands that the Federal Office carries out an examination. The Federal Office then decides whether a revocation will ensue and perhaps issues appropriate notification.

What should one do?

Before the issue of a decision that refugee status or the ascertainment of impediments to deportation is revoked, the refugees concerned will, as a rule, have an opportunity to respond (so-called hearing). We recommend that you contact an advisory centre or a lawyer at this point. If the Federal Office is not convinced by any comment submitted, the revocation notice will be served. Legal action can be brought against this decision.

The period in which an action must be brought is two weeks and commences with the notification of the delivery of the decision. The proceedings in court generally have a delaying effect. This means that as long as it has not been finally revoked, the person concerned keeps his or her refugee passport, refugee status and residences permit.

What are the consequences of the revocation?

Whoever loses refugee status and can no longer invoke other obstacles to deportation is treated according to the rules and regulations governing the general right of residence. The residence permit can be revoked. This also applies in the case of indefinite leave to remain! A loss of the right of residence is not, however, decisive either. As a rule, in such cases, the immigration authority checks whether the residence permit will be extended or revoked on the basis of the duration of the residency and the integration that has ensued in the meantime - particularly also economic integration.