

HAUT COMMISSARIAT  
DES NATIONS UNIES  
POUR LES RÉFUGIÉS



OFFICE OF THE UNITED NATIONS  
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Madam,

I wish to express UNHCR's appreciation for Denmark's leadership, partnership, and support in finding solutions to the situation of forcibly displaced persons. By way of example, Denmark's long-standing resettlement programme has provided a solution for some of the most vulnerable refugees, and we hope it will be renewed soon.

In this spirit of constructive partnership, I would like to refer to the planned review of 1,100 cases of Somalis from Southern and Central Somalia who are beneficiaries of subsidiary protection in Denmark. I am aware that this also includes 100 Somalis who were resettled to Denmark with the help of UNHCR. I understand that this review is intended to determine if they are in continued need of international protection and whether to cease their status. UNHCR notes that States have generally refrained, in individual cases, from applying the "ceased circumstances" clauses in Articles 1C (5) and (6) of the 1951 Convention, which require changes of a durable and fundamental nature.

I was also informed that this review is based on your assessment that the situation in Southern and Central Somalia, including in Mogadishu, no longer qualifies as one of generalized violence. This assessment has already led to the Danish Refugee Appeal Board's refusal to renew the residence permits of a number of Somali beneficiaries of subsidiary protection. However, UNHCR does not consider the situation in Somalia to be fundamentally improved for the purposes of application of the "ceased circumstances" clauses, and our *Position on Returns to Southern and Central Somalia*, issued in May 2016, remains applicable.

UNHCR considers that the general security situation in Mogadishu and the regions of Southern and Central Somalia remains volatile. The violence is often fuelled by disputes over land and political control. Civilians continue to be affected severely by violence and conflict, with reports of injuries and killings, widespread sexual and gender-based violence, forced recruitment of children, and large-scale displacement, with limited protection capacity by police and security forces. The ongoing violence also continues to have a detrimental impact on the humanitarian situation.

UNHCR therefore urges States to refrain from both ceasing international protection status granted to Somalis and forcibly returning individuals to areas of Southern and Central Somalia that are affected by military action, remain fragile and insecure after recent military action, or are under full or partial control of non-State armed groups. From our perspective, *non-refoulement* obligations under international refugee and human rights law continue to apply when considering returns to Southern and Central Somalia.

Ms Inger Støjberg  
Minister of Immigration, Integration and Housing  
Denmark

In this connection, it is important to note that the forced return of individuals who have had their international protection status cease is significantly different from supporting the return of those who wish to do so based on a free and informed choice. UNHCR may support voluntary return to Somalia from neighbouring countries or countries in the region, but only when the voluntariness of the decision to return to Somalia is confirmed and verified.

Based on its experience, UNHCR has consistently held the position that refugees and others in need of international protection are entitled to a secure status, which should not be subject to regular review. In 2015, UNHCR's Executive Committee called on States to support refugees' ability to integrate locally through the timely grant of a secure legal status and residency rights. Short-term residence permits and frequent reviews thereof would be counter-productive to integration.

For refugees who arrived in Denmark through resettlement, UNHCR has additional concerns. Resettlement is widely recognised as a durable solution rather than a temporary one. It is a process through which persons are recognized as refugees, and selected and transferred to a third State which has agreed to admit them as refugees with permanent residence status. A number of Executive Committee Conclusions have underlined the importance of resettlement countries to the effective integration of refugees, and the permanent nature of resettlement as a durable solution.

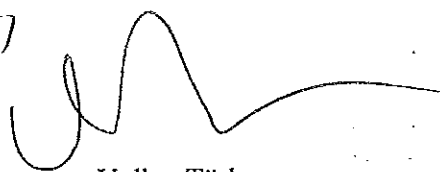
This shared understanding of the durable character of resettlement has been the basis for cooperation on resettlement between UNHCR and the core resettlement States, including Denmark. It was also the assumption that guided our submission of Somali refugees for resettlement and the expectation that the refugees continue to hold. We therefore hope very much that these refugees, who were welcomed into Danish society under a scheme that intends to offer protection and a durable solution to persons in need, will be able to remain permanently in Denmark.

As highlighted in my letter of 16 September 2016 to Ambassador Carsten Staur, regarding the proposals presented by the Government in the context of asylum, Denmark is known for its long-standing resettlement programme, as well as its excellent integration programmes, which have served as an inspiration for other countries. It is our hope that Denmark will continue to grant durable solutions based on its strong commitment and experience, and we welcome the opportunity to discuss this issue further.

Please accept, Madam, the assurances of my highest consideration.

Yours sincerely,

*With warm personal regards,*



Volker Türk