

# Prima facie approach to recognition of refugee status

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## Key points

- Refugee status may be recognized using a prima facie approach based on an assessment that there are readily apparent, objective circumstances in the country of origin which satisfy any of the applicable refugee definitions, including the 1951 Refugee Convention
- Refugees who are recognized using a prima facie approach have the same status and rights as refugees recognized through any other procedures
- A prima facie approach to recognition of refugee status is particularly suitable to humanitarian emergencies and large-scale arrivals of refugees fleeing from situations in their countries of origin that include conflict, massive human rights violations, generalized violence, or events that seriously disturb public order as well as persecution of groups of similarly situated individuals
- The profile of the caseload, as well as security, legal factors and/or operational considerations may make a prima facie approach inappropriate even in large-scale arrival situations
- When a prima facie approach to recognition is implemented, people are usually granted refugee status in the course of registration, however, a prima facie approach can also be used in individual procedures
- A prima facie approach can only be used to recognize refugee status. Decisions to reject require an individual assessment

## 1. Overview

When a prima facie approach is implemented, refugee status is recognized on the basis of readily apparent, objective circumstances in the country of origin or former habitual residence

(hereinafter country of origin), such as persecution, conflict, generalized violence, or events that seriously disturb the public order, as opposed to an individual's specific circumstances. A prima facie approach is generally implemented in so called "group procedures" with the individual component of case processing being minimal and undertaken during registration. This is often seen as the default option when a prima facie approach is discussed, particularly in emergencies. However, it is equally possible to apply a prima facie approach during individual refugee status determination (RSD) procedures, most often outside of the emergency context.

A prima facie approach to the recognition of refugee status is most often used in situations of large-scale displacement in which individual status determination is impractical, impossible or unnecessary, for example during large-scale movements when the refugee character of a group is apparent and the need to provide protection and assistance is urgent.

A prima facie approach to the recognition of refugee status is most often used by States but may in certain circumstances also be used by UNHCR. The adoption of a prima facie approach requires an assessment as to whether readily apparent, objective circumstances exist in a country of origin to apply a refugee definition to a particular group e.g., all individuals from a country or to particular profiles. In almost all emergency contexts where a prima facie approach is used, countries issue a declaration defining the profile to which the prima facie approach will apply, and the procedures are implemented at registration and refugee status is granted immediately thereafter.

Refugees recognized on a prima facie basis benefit from refugee status in the country of asylum and enjoy the rights contained in the relevant instrument on the same terms as refugees recognized using a different non-prima facie approach.

## **2. Relevance for emergency operations**

In many emergencies there are large scale arrivals, and the refugee nature of these arrivals is clear. In such a context, conducting individual [RSD](#) is impractical and unnecessary (see Entry on [Refugee status determination](#)). Where there are grounds for considering that the large majority of those in a group meet the eligibility criteria set out in one of the [refugee definitions](#), a prima facie approach implemented through group procedures during initial registration will allow refugees to have security of status and immediately benefit from the rights contained in the applicable conventions and instruments. Implementing a prima facie approach to refugee recognition can also prevent an asylum backlog from accumulating during emergencies and contribute to the effective functioning of the asylum institution.

A prima facie approach will not be appropriate for all situations of large-scale arrivals. The profile of the caseload, based on available information, as well as security and legal factors (including potential for exclusion from refugee status) and operational considerations should be taken into account. Alternative responses may be more suited to such situations, including screening and related procedures (see the Entry on [Temporary protection](#) and civilian and humanitarian character of asylum) and, in certain circumstances, individual status determination.

## 3. Main guidance

### General

A prima facie approach to refugee recognition is particularly suited to situations of large-scale arrivals of persons seeking international protection which renders individual determination of their claims impracticable and, in many cases, unnecessary because a detailed personalized account is not needed to determine that a person in a group is a refugee. A prima facie approach may also be applied in relation to groups of similarly situated individuals whose arrival is not on a large scale (or who are already in a country of asylum), but who share a readily apparent common risk of harm, for example their ethnicity, place of former habitual residence, religion, gender, political background or age, or a combination of these, which exposes them to persecution. Refugee status may be recognized on a prima facie basis in accordance with any of the applicable refugee definitions, including the 1951 Refugee Convention. A prima facie approach may be used in urban, rural, camp, and out-of-camp settings.

Each refugee recognized using a prima facie approach benefits from refugee status on the same basis as refugees recognized using a non-prima facie approach. Status granted using a prima facie approach should not be confused with an interim or provisional status, such as temporary protection or stay arrangements (see the entry on Temporary protection). Once refugee status has been determined, including through a prima facie approach, it remains valid in the country unless the conditions for cessation are met, or a status is otherwise cancelled or revoked.

### Assessment of applicability of a prima facie approach

In emergency situations, the decision to adopt a prima facie approach to recognition should be made after an assessment of relevant and reliable country of origin information has confirmed that conditions in the country of origin are such that one or more groups of persons seeking international protection should be considered refugees.

The country of origin information should be combined with information about the population seeking international protection, gathered both through registration and protection interviews to the extent feasible, to allow a reasoned decision to occur as to whether advocating for a prima facie approach is appropriate. The results of an assessment of the applicability of a prima facie approach should be shared with the relevant Regional Bureau and the Division of International Protection and, if a decision is made to advocate for the adoption of a prima facie approach, with Governments. Data protection principles should always be observed (see the [Policy on Data Protection](#)). In countries where national asylum authorities are responsible for the asylum process, UNHCR operations often provide technical advice to support the analysis and decision-making process.

A prima facie approach may not be appropriate in all situations, taking into account security, legal or operational factors. Alternative protection responses may be more suited to these situations, such as screening, alternative procedures, for example temporary protection (see entry on [Temporary protection](#)), and sometimes individual status determination.

### Decision to adopt a prima facie approach

The decision for a State to adopt a prima facie approach needs to be made in accordance with the national legal framework. States have adopted various ways to recognize refugee status using a prima facie approach, the most common requiring a formal decision or declaration from a designated authority (e.g. the relevant Minister in government). The national legal framework usually provides guidance on the form of a published declaration, decree or order that a prima facie decision should take.

A decision to adopt a prima facie approach would generally specify the following:

1. the applicable domestic law that provides the authority for declaring a prima facie approach;
2. the legal instrument pursuant to which refugee status is recognized, along with the rights and duties accompanying this status;
3. a brief description of the events/circumstances in the country of origin or former habitual residence underlying the decision;
4. a description of the profile or group to which the prima facie approach to recognition will apply;
5. periodic review and modalities of termination.

UNHCR should only adopt a prima facie approach to the recognition of refugee status after prior consultation with the Regional Bureau and the Division of International Protection.

### **Application of a prima facie approach**

Once in place, a prima facie approach applies to all those who belong to the beneficiary group, unless there is evidence suggesting that it would not be appropriate in individual cases. If a person is found not to be eligible for refugee recognition using a prima facie approach, this does not mean that the person should be rejected, rather, the person should be referred to individual refugee status determination procedures (see [Entry on refugee status determination](#)). In other words, a prima facie approach can be used only for the purpose of recognizing refugee status; decisions to reject refugee status require an individual assessment.

In emergency contexts a prima facie approach is almost always implemented during registration. It is important to carefully define the data to be gathered at registration, since such data will be used to identify which individuals should be granted refugee status as part of the prima facie group and where further individualized inquiries may be required (see the [Entry on Emergency registration](#)). Where a prima facie recognition approach is in place, protection colleagues should work closely with registration colleagues to implement robust registration procedures (using an appropriate accountability framework), facilitate their application, and ensure that persons who appear not to be suitable for recognition using a prima facie approach are identified, any relevant evidence recorded and they are properly referred to [individual refugee status determination](#).

Certain categories of persons should not, however, be included in the prima facie recognition of refugee status implemented on a group basis at registration:

- Active combatants/fighters, who should be disarmed and separated from civilians by the host country authorities. Such persons are not admissible into asylum procedures, as their

status is incompatible with the civilian and humanitarian nature of asylum. (see Entry on [Civilian and humanitarian character of asylum](#)).

Former combatants/fighters wishing to submit refugee claims should always be channeled into individual RSD procedures. Such persons may be admitted into RSD procedures once it is established that they have genuinely and permanently renounced military activities.

Persons who do not fall within the above categories, but whose profile and/or past activities raise the possibility of exclusion, should in principle not benefit from group determination of refugee status on a prima facie basis. However, the operational context and potential repercussions of differentiated treatment of certain individuals among the arrivals on the ability to gather relevant information may require such persons to be included in the prima facie approach.

Refugees recognized using a prima facie approach should be provided with documentation to this effect.

## **Post emergency phase**

It is appropriate to utilize a prima facie approach to refugee recognition as long as the circumstances prevailing in the country of origin continue to justify doing so. Decisions to adopt a prima facie approach should therefore be reviewed periodically. The asylum authority may opt to reintroduce individual RSD procedures if there is a change in the circumstances in the country of origin that had initially justified application of a prima facie approach. The asylum authority may also opt to apply individual RSD procedures if the volume of applications no longer exceeds the capacity of resources available to decide the claims on a case-by-case basis.

A decision to end a prima facie approach does not affect the refugee status of those who have already been recognized as refugees. Nor does it affect the right of asylum-seekers who are part of the group previously assessed using a prima facie approach to apply for asylum through individual [refugee status determination](#) procedures.

## **Checklist on application of the prima facie approach**

- Assess if readily apparent, objective circumstances in the country of origin or former habitual residence causing persons to leave or stay outside their country satisfies any of the applicable refugee definitions.
- If not, assess if there are groups of similarly situated individuals who share a readily apparent common risk of harm.

- Consider if security, legal and/or operational factors support the adoption of a prima facie approach or if the application of alternative protection responses is required.
- Adopt a decision on the applicability of the prima facie approach following the national legal framework.
- In most emergency contexts, apply the prima facie approach through registration procedures to identify persons who should benefit from the prima facie approach.

## **Annexes**

[UNHCR, Guidelines on International Protection No.11 Prima Facie Recognition of Refugee Status June 2015](#)

## **4. Links**

[UNHCR, Handbook and Guidelines on Procedures and Criteria for Determining Refug... UNHCR, Risk Management Tool: Fraud Prevention UNHCR, Procedural Standards for Refugee Status Determination Under UNHCR's Mand... UNHCR RSD Practitioners' Platform Tools on Prima Facie/Group Procedures \(access...](#)

## **5. Main contacts**

Contact in the Division of International Protection (HQ), the Asylum Systems and Determination Section for questions related to this entry.