UNE issues a precedent decision on exclusion

The Immigration Appeal Board (UNE)’s Grand Board issued a precedent decision on exclusion from refugee status in a case involving a former Wagner Group member.

It clarified that in cases linked to international armed conflict, authorities must first assess exclusion for war crimes or crimes against humanity under Section 31(1a) of the Immigration Act, before considering serious non-political crimes under (b). A war crime automatically qualifies as a serious crime, so step (b) is unnecessary if (a) applies.

The board also ruled that the Wagner Group was not part of Russia’s regular armed forces before 4 November 2022. Therefore, its members at that time were not privileged combatants under international humanitarian law and could be held responsible for violent acts. Participation in such a private military group can support exclusion from refugee status.

Excluded persons do not receive refugee status but may still be granted temporary protection if a return would breach *non-refoulement.*

Source(s)

- Immigration Appeals Board | Utlendingsnemnda (6 February, 2026), Stornemnd januar 2026: Når kan en asylsøker nektes flyktningstatus? [Grand Board January 2026: When can an asylum seeker be denied refugee status?], https://www.une.no/aktuelt/arkiv/2026/stornemnd-januar-2026-nar-kan-en-asylsoker-nektes-flyktningstatus/

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