Flygtningenævnets baggrundsmateriale

Bilagsnr.:	**341**
Land:	Diverse emner
Kilde:	European Union for Asylum (EUAA)
Titel:	Country Guidance: explained
Udgivet:	februar 2025
Optaget på baggrundsmaterialet:	19. juni 2025

Country Guidance

euaa
EUROPEAN UNION
AGENCY FOR ASYLUM

Country Guidance: explained

February 2025

EUROPEAN UNION AGENCY FOR ASYLUM

Country Guidance: explained

General guidance and methodological remarks

February 2025

Manuscript completed in February 2025

2nd edition

Luxembourg: Publications Office of the European Union, 2025

Print	ISBN978-92-9410-579-0	doi: 10.2847/9615935	BZ- 01-25-015-EN-Q
PDF	ISBN978-92-9410-580-6	doi: 10.2847/3924390	BZ- 01-25-015-EN-N

Please cite as: EUAA, Country Guidance: explained, February 2025, available at https://euaa.europa.eu/country-guidance-explained-february-2025

Contents

About country guidance

What is country guidance?

The country guidance documents provide country-specific common analysis and guidance in relation to the assessment criteria for qualification for international protection established in the recast Qualification Directive (QD)([1]) and in the newly adopted Qualification Regulation (QR)([2]), which will repeal the QD with its entry into application on 1 July 2026. They are developed by the European Union Agency for Asylum (EUAA, hereinafter also 'the Agency') together with a network of senior-level policy officials from EU+ countries and the documents represent their joint assessment of the situation in main countries of origin, in accordance with current EU legislation and jurisprudence of the Court of Justice of the European Union (CJEU). The European Commission and UNHCR also provide valuable input in this process.

The **aim of the country guidance documents** is to assist asylum decision-makers and policy-makers in their daily work and to foster convergence in the assessment of applications for international protection and the type of protection granted in the context of the common European asylum system.

The Agency's work on country guidance was initiated in 2016, following the Outcome of the European Council meeting of 21 April 2021 ([3]). Under the current EUAA Regulation, the development, review and update of country guidance is regulated under Article 11 of the EUAA Regulation (Regulation (EU) 2021/2303) ([4]).

From Article 11(1) EUAA Regulation

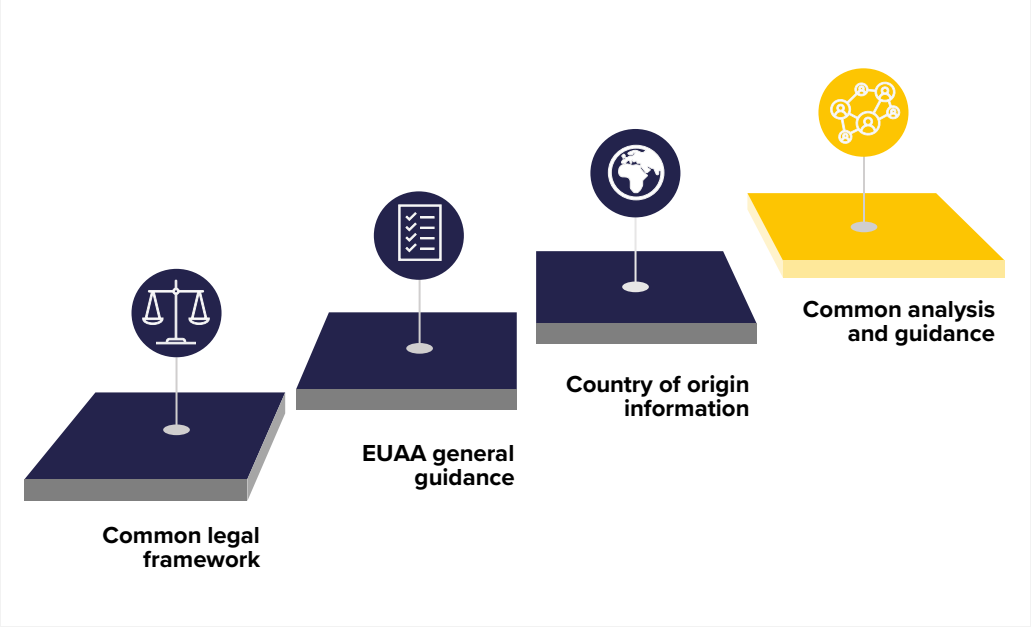
To foster convergence in applying the assessment criteria established in Directive 2011/95/EU of the European Parliament and of the Council [...], the Agency shall coordinate efforts among Member States to develop a common analysis on the situation in specific countries of origin (the 'common analysis') and guidance notes to assist Member States in the assessment of relevant applications for international protection. [...]

The common analysis in the country guidance documents builds on the common legal framework, the general EUAA guidance on qualification for international protection, and the

([1]) Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast).
([2]) Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council.
([3]) Council of the European Union, Outcome of the 3461st Council Meeting, 21 April 2016, 8065/16.
([4]) Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010.

relevant country of origin information (COI). It is a next step towards convergence in the national decision-making practices (see Figure 1).

Figure 1. Country guidance as a next step towards convergence.



Country guidance is the joint assessment of the facts under the applicable law.

It is an analysis of the available information concerning the situation in the relevant country, under the common legal framework and in light of the applicable standards in accordance with general EUAA guidance on qualification for international protection. On the basis of this analysis, the documents outline guidance to policy-makers and decision-makers in the EU.

What is the role of country guidance?

In accordance with Article 11(3) of the EUAA Regulation, Member States have the obligation to take into account the common analysis and guidance notes when examining applications for international protection, without prejudice to their competence to decide on individual applications for international protection.

See also Using country guidance.

What is the scope of country guidance?

The country guidance documents focus exclusively on applying the assessment criteria established in the recast Qualification Directive/Qualification Regulation. The different sections

aim to support the examination of international protection needs in relation to refugee status and subsidiary protection.

Refugee status

'refugee' means a third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 [exclusion] does not apply;

Article 2(d) QD/3(5) QR

In order to be regarded as an **act of persecution** within the meaning of Article 1(A) of the Geneva Convention, an act must:

(a) be sufficiently serious by its nature or repetition as to constitute a severe violation of basic human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or

(b) be an accumulation of various measures, including violations of human rights which is sufficiently severe as to affect an individual in a similar manner as mentioned in point (a).

Article 9(1) QD/QR

Subsidiary protection

'person eligible for subsidiary protection' means a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm as defined in Article 15, and to whom Article 17(1) and (2) [exclusion] does not apply, and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country;

Article 2(f) QD/3(6) QR

Serious harm consists of:

(a) the death penalty or execution; or

(b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or

(c) serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.

Article 15 QD/QR

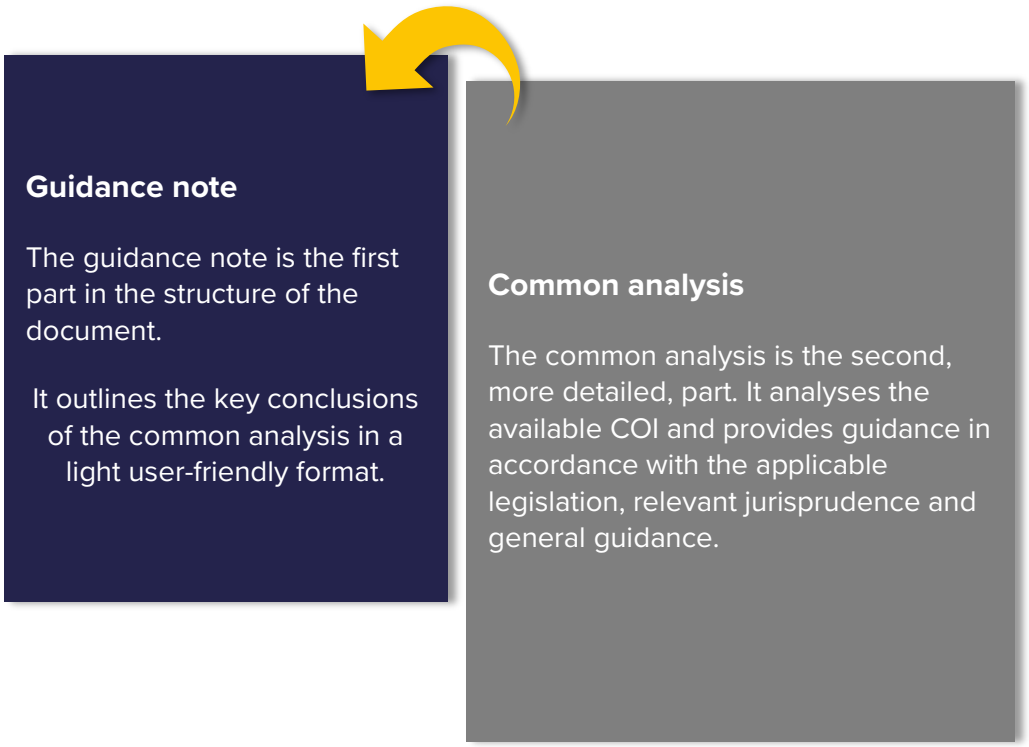
The country guidance documents focus solely on the examination of international protection needs of applicants from a particular country of origin and reflect a common analysis of such needs by EU+ countries. Nothing in the country guidance documents should be construed as an expression of a political position of the European Commission or of the EUAA.

National forms of protection or regulated stay, which go beyond the EU-regulated forms of international protection, are not included within the scope of the country guidance documents.

The issue of return, regulated under the Return Directive (Directive 2008/115/EC) ([5]) and Return Border Procedure Regulation (EU) 2024/1349([6]) is outside of the scope of country guidance. This does not exclude that some elements of the common analysis may be informative in the context of an assessment whether a removal would potentially violate the principle of non-refoulement.

What is the difference between the common analysis and the guidance note?

The country guidance documents contain two parts:



The present **Country Guidance: explained** document should be seen as a third integral part of country guidance. It outlines the general guidance relied upon in the analysis, as well as the methodological framework, approach and indicators used to assess the different elements of qualification for international protection.

([5]) Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.
([6]) Regulation (EU) 2024/1349 of the European Parliament and of the Council of 14 May 2024 establishing a return border procedure, and amending Regulation (EU) 2021/1148.

What is the general framework for country guidance?

Legal framework

In terms of applicable legal framework, the country guidance documents are based on the provisions of the 1951 Geneva Convention ([7]) and of the recast Qualification Directive/ Qualification Regulation, as well as on jurisprudence of the Court of Justice of the European Union (CJEU). The jurisprudence of the European Court of Human Rights (ECtHR) is also taken into account where appropriate.

General guidance

The common country-specific analysis builds on the general EUAA guidance on qualification for international protection. The general guidance assists in the application of key legal concepts relating to the examination of applications for international protection, along with the respective country guidance documents.

The following EUAA documents are of particular relevance:

- Practical guide: Qualification for international protection
- Practical Guide on Political Opinion
- Practical Guide on Interviewing Applicants with Religion-based Asylum Claims
- Guidance on membership of a particular social group
- Practical Guide on applicants with diverse sexual orientations, gender identities, gender expressions and sex characteristics – Examination procedures
- Practical Guide on evidence and risk assessment
- Practical guide on the internal protection alternative
- Practical guide: Exclusion
- Practical Guide on Exclusion for Serious (Non-Political) Crimes
- Practical guide on the use of country of origin information by case officers for the examination of asylum applications

Find these and other EUAA practical guides and tools at https://euaa.europa.eu/practical-tools-and-guides.

([7]) United Nations General Assembly, 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees.

In addition, when developing the country guidance assessment framework, the relevant judicial analyses published by the EUAA were taken into consideration.

Find EUAA Professional Development Series at https://euaa.europa.eu/asylum-knowledge/courts-and-tribunals.

Relevant UNHCR guidance is also taken note of. This includes the country-specific guidelines published by the UNHCR as well as their general guidance on eligibility ([8]).

What is the relationship between country of origin information and country guidance?

The development of country guidance documents would not be possible without country of origin information (COI) reports. COI is the factual basis on which country guidance provides an assessment in the form of common analysis and guidance.

In this regard, the EUAA, together with Member States and associated countries, produces COI for the purposes of the country guidance development and update.

COI reports provide information on the situation in the country of origin according to terms of reference specifically designed to meet the information needs of the detailed country guidance assessment. COI is produced in accordance with the EUAA COI methodology and is based on a wide range of carefully assessed sources.

Find information on the EUAA COI Methodology and relevant COI reports at https://euaa.europa.eu/country-origin-information.

While the country guidance is fundamentally based on COI, it is not COI itself.

The COI found within the common analysis is provided with two main objectives:

- to ensure transparency with regard to the factual basis of the assessment;
- to assist the reader by guiding them to the relevant COI for the examination of individual applications.

See also COI in country guidance documents.

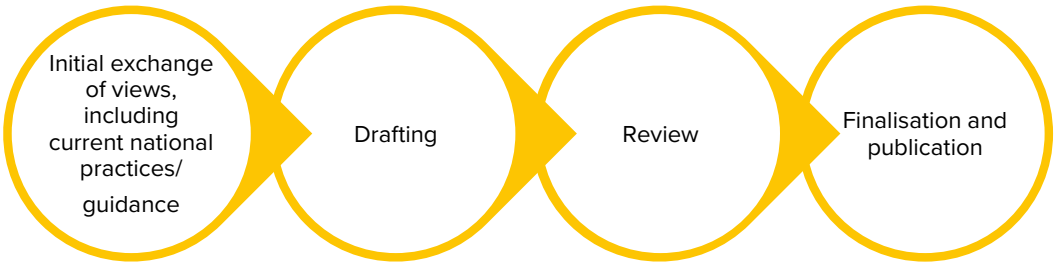
([8]) UNHCR Handbook and guidelines on procedures and criteria for determining refugee status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, as well as other guidance, policy documents and UNHCR ExCom and Standing Committee conclusions are available at https://www.refworld.org/rsd.html.

How is country guidance developed?

The common analysis and guidance are developed as the result of the joint efforts of Member States' and associated countries' experts under the EUAA coordination.

Processes have the span of several months and include the following elements (Figure 2).

Figure 2. Elements in the country guidance development and update processes.



The main stakeholders in this process are the EU Member States and associated countries. Their representatives at senior policy level are nominated to the **EUAA Country Guidance Network**, in the context of which they take part in the development, review, and update of each country guidance document. Furthermore, national administrations nominate experts who support respective processes as part of dedicated **drafting teams**. Where relevant, national experts on exclusion are further consulted via the EUAA Exclusion Network.

Each process includes several meetings at Country Guidance Network level and at Drafting Team level, as well as several written consultations.

The European Commission and UNHCR also provide valuable input throughout the development, review and update of country guidance.

The next steps of the process, which take place before a country guidance document is published, are outlined in the EUAA Regulation:

Article 11(2) EUAA Regulation

The Executive Director shall, after consulting the Commission, submit guidance notes to the Management Board for endorsement. Guidance notes shall be accompanied by the common analysis.

How are countries of origin selected?

Countries are selected by the EUAA Management Board, following suggestion by the Country Guidance Network and the planning is confirmed on an annual basis. On average, four

processes are completed each year, resulting in the publication of new or updated country guidance documents.

Elements such as the overall significance of the caseload in Member States and associated countries and the need to foster further convergence are key in this assessment and prioritisation. Recent trends and early warning findings are also taken into account.

For more information on the development, review and update of country guidance, see 'Country Guidance: Methodology'.

Using country guidance

In accordance with Article 11(3) of the EUAA Regulation, Member States have the following obligation:

Article 11(3) EUAA Regulation

Member States shall take into account the common analysis and guidance notes when examining applications for international protection, without prejudice to their competence to decide on individual applications for international protection.

This may take different forms.

Policy-level application

Some determining authorities develop their national country-specific guidance. In these cases, Member States should take into account the common analysis and guidance notes during the review and update of such national country-specific guidance and the national policy-makers would be the primary users of the EUAA country guidance at national level.

Additionally, specific instructions on the relation between the EUAA country guidance and the national guidance may be provided to decision-makers in order to further guide and facilitate their work.

Case-level application

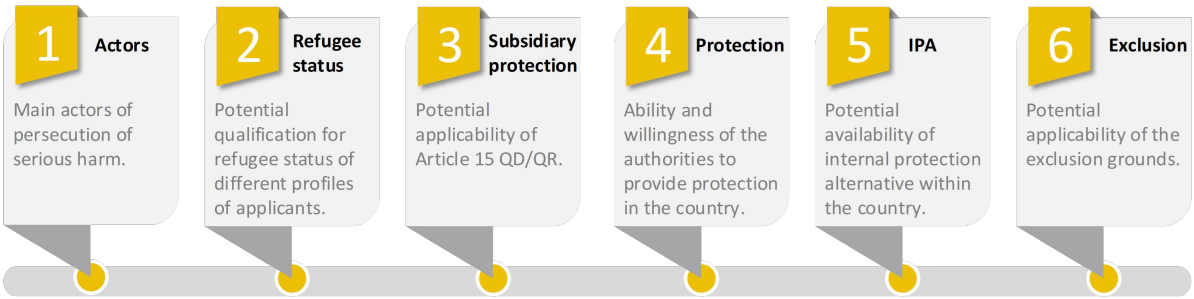
The guidance note and common analysis aim to be as practical and as helpful as possible in order to directly assist caseworkers and decision-makers in the examination of individual applications for international protection.

They are intended for such direct use, either on their own or complementarily to available national guidance.

Applications for international protection should always be examined and decisions should always be taken ‘individually, objectively and impartially’ in accordance with Article 10(3)(a) of the recast Asylum Procedures Directive and reiterated by Article 34(2) of the Asylum Procedure Regulation ‘objectively, impartially and on an individual basis’.

Sequence of assessment

The structure and scope of the country guidance documents follow the underlying logic of the examination of an application for international protection. Each country guidance document includes the following elements:



Furthermore, an additional introductory chapter may be added to facilitate the reading of the documents. This chapter could include recent developments and/or general remarks which aim to further inform the reader and to facilitate their understanding of the common analysis and guidance note.

The approach of the country guidance documents is fully consistent with the general sequence of the examination of international protection needs in accordance with the EUAA Practical guide: Qualification for international protection. The flowchart which accompanies the practical guide may be a handy tool to assist the reader and remind them of the sequence in the examination of individual applications for international protection.

You can find more information about the content and methodological approach of the different chapters in the EUAA country guidance documents in Chapters of the country guidance.

COI in country guidance documents

The common analysis part of the country guidance documents includes COI references. Links to the relevant COI documents are also added, usually at the beginning of each section, for ease of reference.

COI included in the country guidance documents highlights the key factual elements based on which the assessment is being developed, but the country guidance documents do not provide extensive information on the different topics. Therefore, the referenced COI reports and COI query responses should always be consulted for further information on the situation in the country of origin.

Reference period and relevance

Country guidance is time-sensitive and all common analysis and guidance notes are regularly reviewed and updated as needed. The regularity and timing of the updates depend on priorities identified by the Member States and associated countries as well as developments in the country of origin and how likely it is for certain aspects of the assessment to change based on new information. Developments in legislation and/or case law may also lead to an update of existing country guidance documents.

The country guidance assessment is based on COI with a clearly indicated reference period. Each section of the country guidance documents also clearly states the timing of its last update.

The guidance should be considered valid as long as current events and developments in the country are consistent with the **trends and patterns** described within the COI on which the assessment at hand is based.

Terminology notes

Every effort is made to ensure consistency within and across the different country guidance documents and the terminology used therein. Nevertheless, slightly different formulations may sometimes be used to express similar findings. The reader should bear in mind that where formulations differ slightly, this is not intended in a comparative manner and does not in itself imply a differentiation in the conclusion.

Each conclusion should be read on its own and understood in the context of the specific topic, the relevant legal terminology used in the recast Qualification Directive/Qualification Regulation, as well as the factual basis for the respective assessment.

Several formulations are used in the documents often and consistently. For example:

‘in general’ or ‘generally’

‘In general’ is often used in the conclusions of different sections. ‘Generally’ may also be used with the same meaning.

This formulation implies that the respective conclusion would apply to most identified relevant cases. However, it is not intended to cover each and every such case. An individual assessment is always required.

For example, the formulation **‘well-founded fear of persecution would in general be substantiated’** is used within the risk analysis of certain profiles in relation to refugee status. It implies a high level of risk and individuals falling within the respective profile or sub-profile would usually be found to have a well-founded fear of persecution. However, this formulation does not imply that each and every individual within the profile would have such a fear. The granting of international protection is never ‘automatic’.

‘risk-impacting circumstances’

The notion of ‘risk-impacting circumstances’ refers to additional factors concerning the personal situation of the applicant. These factors could, for example, impact the assessment of the level of risk and the finding whether well-founded fear would be substantiated in the case of a particular applicant.

‘Risk-impacting’ is intended as a neutral formulation and the elements listed could either indicate a heightened risk, or a lower level of risk. The impact of the specific circumstances on the assessment should be read in light of the relevant COI as well as the combination of factors specific to the individual situation of the applicant.

Chapters of the country guidance

The country guidance documents consist of **two parts**: the guidance note and the common analysis. Each part mirror each other and include the following contents:

- Introductory chapter
- Actors of persecution or serious harm
- Refugee status
- Subsidiary protection
- Actors of protection
- Internal protection alternative
- Exclusion

The content of the common analysis is more detailed and presents the basis for the assessment as well as its conclusions. The corresponding chapters in the guidance note only outline the conclusions.

The explanations that follow refer primarily to the approach taken in the respective common analysis chapters. For more information on the difference between the common analysis and guidance note, see **'What is the difference between the common analysis and the guidance note?'** in About country guidance.

Introductory chapter

The common analysis usually starts with an introductory chapter highlighting the overall situation and/or significant recent developments in the country of origin. The content of this chapter is often relevant for the appropriate understanding of the content of the common analysis and guidance note overall.

Actors of persecution or serious harm

This chapter relates in particular to **Article 6 QD/QR**. It focuses on the main actors in the respective country of origin and their areas of presence and control. It also provides a brief overview of human rights violations they have reportedly committed.

Actors of persecution are a key element in the status determination process. Persecution or serious harm must always take the form of conduct on the part of a specific actor in accordance with Article 6 QD/QR.

See also relevant CJEU jurisprudence: *Mohamed M'Bodj v État belge, C-542/13, judgment of 18 December 2014* (M'Bodj), paras. 35-36, and *MP v Secretary of State for the Home Department, C-353/16, judgment of 24 April 2018* (MP), paras. 57, 59.

This chapter may be relevant when examining the risk for the applicant in relation to the reach of the actor of persecution or serious harm. Similarly, if internal protection alternative (IPA) is

considered in the individual case, the presence and reach of the actor of persecution in the respective area would be of particular importance in the assessment of its safety.

In addition, the chapter may provide an indication as to the motivation of the respective actor when committing persecutory acts. This could be useful for the analysis with regard to the potential nexus to a reason for persecution.

For general guidance on 'Actors of persecution or serious harm', see the respective section of the EUAA Practical guide: Qualification for international protection, p.35.

See also 'Initial indications for considering or not considering IPA', p.14, and 'Assessment of the IPA criteria',p.18, in the EUAA Practical guide on the internal protection alternative.

Refugee status

This chapter contains some general considerations for the examination of refugee status.

The analysis is conducted in accordance with **Article 9 QD/QR** and **Article 10 QD/QR** and the general EUAA guidance on the topic.

There are a few things to remember when reading the sections within this chapter.

Non-exhaustive list of commonly encountered profiles

The chapter provides analysis and guidance on the situation of profiles of applicants identified as commonly encountered in the caseload of EU Member States. The included profiles represent a non-exhaustive list and the fact that a certain profile is included in it or not is without prejudice to the determination of their protection needs. Furthermore, the order of listed profiles does not reflect any assessment of their risk of persecution.

While the conclusions regarding the profiles could provide general guidance, the protection needs of each applicant should be examined individually. Furthermore, the conclusions may refer to sub-profiles at a differentiated risk and may include factors which could increase or decrease the risk of persecution. These aspects are to be taken into account in light of all circumstances in the individual case.

Identifying the relevant profile

The individual applicant could fall under **more than one profile** included in the common analysis and guidance. The protection needs associated with all such circumstances should be fully examined.

In some cases, even if the applicant no longer belongs to a certain profile, they may still be targeted and have a well-founded fear of persecution related to their **past belonging to such a profile**. In the individual assessment, it may be relevant to take into account the time that has passed and whether the applicant had remained in the country of origin for a long period of time without encountering persecution.

Family members, merely due to their relation to an individual with a certain profile, may be at risk of persecution in such a manner that could constitute the basis for refugee status. This is not always explicitly mentioned within the conclusions regarding the respective profile but should be fully examined in the individual cases of family members fearing persecution due to their connection to an individual falling within the respective profile.

Assessment of risk and qualification

The considerations under each profile should be viewed without prejudice to the credibility assessment of the applicant's claims. The common analysis and guidance note deal solely with issues of risk analysis and qualification, assuming that the 'credibility of the profile' has been established.

While the country guidance document is not intended to inform the credibility assessment, the COI, which has been used as a basis to provide its general assessment and guidance, may be a helpful reference to examine credibility. In this regard, the reader should access the COI documents linked from the respective common analysis sections.

For general guidance on qualification as a refugee, see the sections 'Refugee status: well founded fear of persecution', p.16, and 'Refugee status: reasons for persecution', p.22, in the EUAA Practical guide: Qualification for international protection.

- See also the EUAA Practical Guide on Political Opinion, Guidance on membership of a particular social group, Practical Guide on Interviewing Applicants with Religion-based Asylum Claims and Practical Guide on applicants with diverse sexual orientations, gender identities, gender expressions and sex characteristics – Examination Procedure.

For general guidance on evidence assessment and credibility analysis, see the EUAA Practical Guide on Evidence and Risk Assessment and the EUAA Practical guide on the use of country of origin information by case officers for the examination of asylum applications.

Step-by-step approach

Country guidance documents follow a step-by-step approach with regard to the analysis whether the qualification criteria under refugee status are met.

Each profile has a similar outline, including the following features:

1. **Last update**

   This is an indication when the analysis and guidance were last reviewed and updated, similarly to all other sections in the document.

2. Definition of scope

Most profiles and some sub-profiles include a definition of scope. This indicates the type of individuals to whom the section applies, making note of potential limitations to the scope of the profile. This is meant to assist the reader in ascertaining whether the individual applicant whose claim they are examining would fall within the scope of the respective section.

3. COI references

This indicates the sections of the EUAA COI reports and COI query responses on which the analysis has been based. Links to the relevant COI products are also included for ease of reference, further highlighting that Country Guidance should not be referred to as source of COI.

4. Background of the profile

This includes some background information regarding the profile, setting the contextual basis for the analysis provided below.

5. Legal analysis

Step 1: Do the reported acts qualify as persecution?
This part provides examples of acts reported to be committed against individuals belonging to the profile as well as guidance on whether such acts would reach the level of persecution according to Article 9 QD/QR. The acts may amount to persecution when, due to their nature or repetitiveness, they reach the required threshold of severity (Article 9(1)(a) QD/QR). The assessment may also refer to the potential accumulation of various measures, including violations of human rights, which is sufficiently severe as to affect an individual in a similar manner as mentioned in point (a) (Article 9(1)(b) QD/QR).
Step 2: What is the level of risk of persecution?
This part assesses the level of risk, namely how likely it is for applicants within the profile to have a well-founded fear of persecution. Further guidance is provided with regard to the circumstances which should be taken into account in the individual assessment and how such circumstances would impact the risk. Relevant COI is also included to substantiate the assessment. In general, three main conclusions may be found in Country Guidance documents: 1) a well-founded fear of persecution would in general not be substantiated or would be substantiated only in exceptional cases; 2) risk-impacting circumstances pertaining to the individual applicant should be taken into account, some of which may place the applicant at particular risk; 3) a well-founded fear of persecution would in general be substantiated. Note that an individual examination is required in all cases. For a better understanding of the different wording used in these conclusions, see Terminology notes.

Step 3: Is there a ground for persecution?

This part provides guidance on whether, in case of established well-founded fear of persecution, this would be for a reason mentioned in the provision of Article 10 QD/QR, e.g. race, religion, nationality, particular social group, political opinion (nexus). More than one ground may apply to a given case, cumulatively or alternatively. Whichever ground is the most relevant would depend on the individual circumstances of the applicants. Accordingly, different conclusions on nexus may be found in Country Guidance documents, reflecting the pertinence of any given ground, namely: in general *no nexus*, persecution *may be*, *is* likely to be, or is *highly likely to be* for the respective reason(s).

As above, the conclusions are not of absolute nature and are not intended to automatically lead to the granting of refugee status or not. An individual examination is required.

If the threshold for well-founded fear of persecution is met for the applicant, but no nexus to a reason for persecution is substantiated, the examination should proceed to consider in the alternative the applicant's eligibility to subsidiary protection.

6. Potential exclusion considerations

For some profiles, or categories of individuals within them, exclusion considerations may be relevant. A reminder regarding exclusion considerations is hence included in sections identified as particularly relevant based on the available COI. These aim to alert and assist the reader by referring them to the dedicated chapter Exclusion.

Subsidiary protection

Article 10(2) of the recast Asylum Procedures Directive

When examining applications for international protection, the determining authority shall first determine whether the applicants qualify as refugees and, if not, determine whether the applicants are eligible for subsidiary protection.

And

Article 39(2) of the Asylum Procedure Regulation

When examining an application on the merits, the determining authority shall take a decision on whether the applicant qualifies as a refugee and, if not, it shall determine whether the applicant is eligible for subsidiary protection in accordance with Regulation (EU) 2024/1347.

This chapter addresses the EU-regulated status of subsidiary protection in accordance with **Article 15 QD/QR**.

Please note that where refugee status is not granted, established **personal circumstances** (e.g. age, gender, professional and economic background, home area, potential vulnerabilities) are still to be taken into account in the assessment of subsidiary protection according to Article 15 QD/QR.

Article 15(a) QD/QR: death penalty or execution

Under the section Article 15(a) QD/QR, the analysis focuses on the factual circumstances surrounding the 'death penalty or execution' in the respective country of origin and the assessment of the applicability of Article 15(a) QD/QR in this regard.

The **death penalty** is as such, and under any circumstances, considered as a serious harm under Article 15(a) QD/QR. The sentence does not need to have already been imposed. The mere existence of a real risk that on return a death penalty may be imposed on the applicant could be considered sufficient to substantiate the need of subsidiary protection.

As the addition of the term '**execution**' suggests, Article 15(a) QD/QR also encompasses the intentional killing of a person by non-State actors([9]).

For further general guidance on the application of Article 15(a) QD/QR, see the section 'Death penalty or execution', p.27, of the EUAA Practical guide: Qualification for international protection.

([9]) CJEU, Judgment of 16 January 2024, WS v Intervyuirasht organ na Darzhavna agentsia za bezhantsite pri Ministerskia savet, case C-621/21, Judgment of 16 January 2024.

Article 15(b) QD/QR: torture or inhuman or degrading treatment or punishment in the country of origin

The section on Article 15(b) QD/QR looks into the risk of **'torture or inhuman or degrading treatment or punishment'** in relation to particular circumstances in the respective country of origin.

Depending on the country of origin, this chapter may address different aspects, providing conclusions as to whether the relevant circumstances may qualify under Article 15(b) QD/QR. Examples of topics include:

- arbitrary arrests, illegal detention, and prison conditions
- criminal violence
- healthcare
- socio-economic conditions

Other elements may also be highlighted depending on their relevance in the context of the country of origin.

In general, Article 15(b) QD/QR corresponds to Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). The jurisprudence of the ECtHR, therefore, provides relevant guidance in order to assess whether a treatment may qualify under Article 15(b) QD/QR. An important difference with Article 3 ECHR, however, is the **requirement that the harm is the result of the (intentional) conduct of an actor**. See Actors of persecution or serious harm.

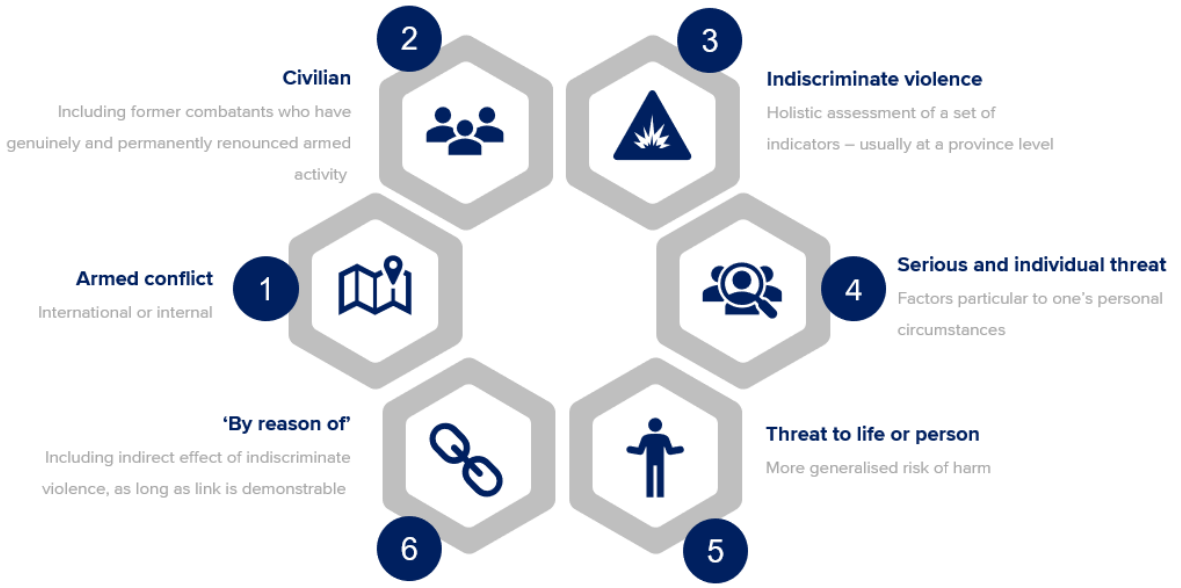
For further general guidance on the application of Article 15(b) QD/QR, see the section 'Torture or inhuman or degrading treatment or punishment', p.28, of the EUAA Practical guide: Qualification for international protection.

Article 15(c) QD/QR: indiscriminate violence in situations of armed conflict

This section focuses on the application of the provision of Article 15(c) QD/QR. Under Article 2(f) QD/ 3(6) QR in conjunction with Article 15(c) QD/QR, subsidiary protection is granted where 'substantial grounds have been shown for believing that the person would face a real risk of suffering serious harm' defined as 'serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict'.

Each element of the provision is addressed in a separate subsection.

Figure 3. Elements in the assessment of Article 15(c) QD/QR.



All of these elements have to be fulfilled in order to grant subsidiary protection under Article 15(c) QD/QR.

The analysis under this section builds on the most relevant European case law. Four judgments of the CJEU and one judgment of the ECtHR are particularly taken into account.

CJEU, *Diakité* judgment [10]

The judgment is of importance for the interpretation of relevant concepts, and, in particular, of 'internal armed conflict'.

In *Diakité*, the CJEU concludes that the concept of 'internal armed conflict' under Article 15(c) QD must be given an interpretation, which is autonomous from international humanitarian law.

> [...] internal armed conflict exists, for the purposes of applying that provision, if a State's armed forces confront one or more armed groups or if two or more armed groups confront each other. It is not necessary for that conflict to be categorised as 'armed conflict not of an international character' under international humanitarian law;
>
> CJEU, *Diakité*, para.35

In *Diakité*, the CJEU sets a low threshold to assess whether an armed conflict is taking place, noting that,

([10]) CJEU, judgment of 30 January 2014, *Aboubacar Diakité v Commissaire général aux réfugiés et aux apatrides*, C-285/12, (*Diakité*).

> […] nor is it necessary to carry out, in addition to an appraisal of the level of violence present in the territory concerned, a separate assessment of the intensity of the armed confrontations, the level of organisation of the armed forces involved or the duration of the conflict.
>
> CJEU, *Diakité,* para.35

CJEU, *Elgafaji* judgment [11]

The judgment is of importance with regard to the appreciation of the degree of indiscriminate violence and in particular with regard to the application of the 'sliding scale'. In this judgment, the CJEU further discusses the 'serious harm' under the provision of Article 15(c) QD in comparison to the other grounds for granting subsidiary protection and considers the relation between Article 15(c) QD and the ECHR, in particular Article 3 ECHR.

See Indiscriminate violence.

CJEU, *X and Others* judgment [12]

The consideration of personal circumstances in the assessment of Article 15(c) QD was reaffirmed in a recent CJEU judgment:

> Article 15(c) of Directive 2011/95 does indeed cover the exceptional situation in which the level of indiscriminate violence resulting from an international or internal armed conflict is such that there are substantial grounds for believing that a civilian, returned to the relevant country or region, would, solely on account of his or her presence on the territory of that country or region, face a real risk of being subject to a serious and individual threat to his or her life or person.
>
> However, […], that provision may also cover other situations, in which the combination, first, of a level of indiscriminate violence lower than that characterising such an exceptional situation and, second, of factors specific to the applicant's personal circumstances is such as to materialise the real risk of being subject to a serious and individual threat within the meaning of the said provision.
>
> CJEU, *X and Others*, paras.63 and 64

(11) CJEU, judgment of 17 February 2009, *Elgafaji* v *Staatssecretaris van Justitie*, C-465/07, Grand Chamber, (*Elgafaji*).

(12) CJEU, judgment of 9 November 2023, *X and Others v Staatssecretaris van Justitie en Veiligheid*, C-125/22, Fourth Chamber, (*X and Y*).

CJEU, *CF and DN* judgment [13]

The judgment is of particular importance for the interpretation of the concept of 'serious and individual threat to a civilian's life or person' in the context of an international or internal armed conflict under Article 15(c) QD. The CJEU found that,

> In order to verify the level of the degree of indiscriminate violence of the armed conflict, for the purposes of determining whether there is a real risk of serious harm within the meaning of Article 15(c) of Directive 2011/95, it is necessary to carry out a comprehensive assessment, both quantitative and qualitative in nature, of all relevant facts characterising that conflict, based on the collection of objective, reliable and up-to-date information including, in particular, the geographical scope of the situation of indiscriminate violence, the actual destination of the applicant in the event that he or she is returned to the relevant country or region, the intensity of the armed confrontations, the duration of the conflict, the level of organisation of the armed forces involved, the number of civilians killed, injured or displaced as a result of the fighting, and the nature of the methods or tactics of warfare employed by the parties to the conflict.
>
> CJEU, *CF and DN*, para.61(2)

In addition, the ECtHR judgment in *Sufi and Elmi* was consulted when developing the indicators for the assessment of the level of indiscriminate violence. [14]

The country guidance documents usually contain a detailed section on Article 15(c) QD/QR, in which all elements of the legal provision are addressed separately as outlined below.

For further general guidance on the application of Article 15(c) QD/QR, see the section 'Serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict', p.30, of the EUAA Practical guide: Qualification for international protection.

Armed conflict

The analysis in this sub-section is based on the low threshold of the *Diakité* judgment.

The assessment looks into whether there are confrontations between two or more armed groups taking place.

While reference to reputable sources qualifying the conflicts in accordance with international humanitarian law may be made, it is with the understanding that most criteria for such qualification are not required to be met under Article 15(c) QD/QR. A source that is often used in this regard, either directly or through its use in the respective COI documents, is the Rule of

(13) CJEU, judgment of 10 June 2021, *CF and DN v Bundesrepublik Deutschland*, C-901/19, Third Chamber, (*CF and DN*).

(14) ECtHR, judgment of 28 June 2011, *Sufi and Elmi v United Kingdom*, Applications nos. 8319/07 and 11449/07, (*Sufi and Elmi*). See in particular, para. 241.

Law in Armed Conflicts project (RULAC) of the Geneva Academy of International Humanitarian Law and Human Rights online portal.

Similarly, while their qualification according to international humanitarian law is sometimes mentioned, it is not necessary, for the purposes of Article 15(c) QD/QR analysis, to determine whether the armed conflict(s) taking place are international or non-international (internal) in character.

The country guidance approach takes into account that an armed conflict may be limited to certain parts of the territory of a country. However, the assessment in this sub-section usually refrains from making a determination of the scope of armed conflicts in clear geographical terms. Instead, areas where an armed conflict may not be taking place or where armed conflict is taking place but the intensity of indiscriminate violence would be particularly low if any, would fall under the same conclusion that 'in general, there is no real risk for a civilian to be personally affected within the meaning of Article 15(c) QD/QR'.

Civilian

Being a civilian is a prerequisite in order to be able to benefit from protection under Article 15(c) QD/QR. The purpose of the provision is to protect only those who are not taking part in the conflict. This includes the potential application of Article 15(c) QD/QR to former combatants who have genuinely and permanently renounced armed activity.

Country-specific guidance usually provides a non-exhaustive list of profiles which may not qualify as civilians under Article 15(c) QD/QR.

It should be noted that actively taking part in hostilities is not limited to openly carrying arms but could also include substantial logistical and/or administrative support to combatants.

Indiscriminate violence

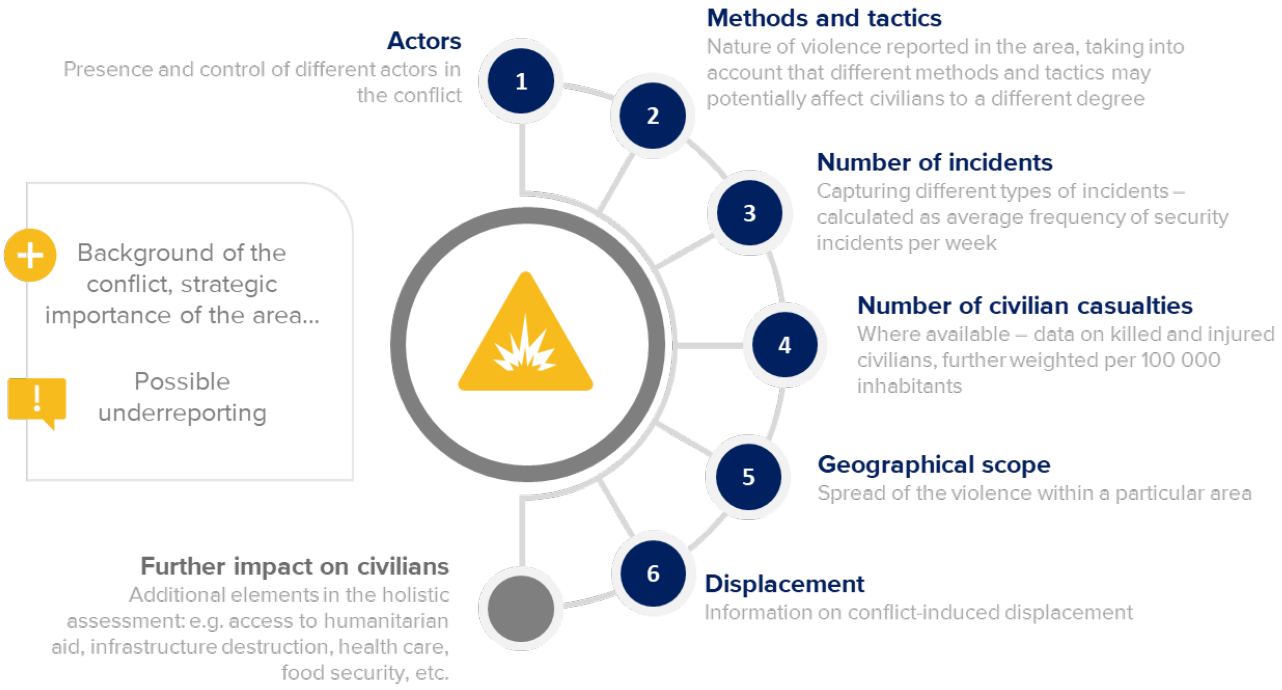
Indicators

The common analysis regarding the degree of indiscriminate violence taking place in different regions in the respective country of origin combines quantitative and qualitative elements in a **comprehensive holistic assessment**.

The assessment is usually made at a provincial, or governorate level. In some cases, where available information clearly justifies this, a separate assessment may be made at a district level or for particular cities, etc. In other cases, available information would justify adopting a wider regional or even country level approach.

The indicators applied (see Figure 4 hereunder) were initially formulated in reference to the ECtHR judgment in *Sufi and Elmi* and were further developed and adapted in order to be applied as a general approach to assessing the element of 'indiscriminate violence', irrespective of the country of origin in question. The CJEU judgment in *CF and DN* was seen as a confirmation of the appropriateness of the selected approach.

Figure 4. Assessment of the level of indiscriminate violence.



None of the indicators above would be sufficient by itself to assess the level of indiscriminate violence and the risk it creates for the civilian population in a particular area. Therefore, a holistic approach is applied, taking into account all different elements.

It should, furthermore, be noted that the COI used as a basis for this assessment cannot be considered a complete representation of the extent of indiscriminate violence and its impact on the life of civilians. The background of the conflict in a particular area could be important to understand local dynamics and security incidents trends. Concerns with regard to underreporting, especially pertinent to the quantitative indicators, are also often highlighted and should be taken into account.

Table 1 below outlines the general approach to the different indicators. However, specifics of the available COI on these indicators are often necessary to take into account and would be highlighted in the respective country-specific common analysis.

Table 1. Indicators of indiscriminate violence.

Presence of actors in the conflict	This indicator looks into the presence of different armed actors in the area. It takes into account whether the area is controlled by a specific actor and which that actor is, whether it is contested, which actors operate there and conduct attacks, etc.
Nature of methods and tactics	This indicator looks into the nature of violence used by the actors of persecution or serious harm e.g. airstrikes, clashes, use of improvised explosive devices (IEDs), complex attacks, etc.

	Some methods and tactics used in an armed conflict are, by their nature, more indiscriminate than others and may create a more substantial risk for civilians in general. The assessment of the level of indiscriminate violence takes into account the types of security incidents reported in the area, including the methods used as well as where and how they occurred.
Frequency of incidents	The frequency of incidents is a useful indicator to assist in the assessment of the risk of indiscriminate violence. The number of reported security incidents related to the armed conflict is provided by the available COI documents and is, usually, also mentioned in the country guidance documents. In order to provide an indication of the relative intensity of the violence in the area, the number of security incidents is furthermore presented as a weekly average for the reference period of the country guidance document.
Civilian casualties	The number of civilian casualties (including killed and injured civilians) is considered a key indicator when assessing the level of indiscriminate violence and the associated risk for civilians in the context of Article 15(c) QD/QR. The reported number of casualties is, usually, further weighted by the population of the respective area and presented as the approximate number of civilian casualties per 100 000 inhabitants. The reporting of civilian casualties in an armed conflict is often challenging. Requiring these data at a provincial level poses additional difficulties in terms of its comprehensiveness, comparability and reliability. For example, data may be limited to the reported number of civilian deaths and information on injured civilians may not be available. Or in other cases, data may be limited to the number of overall fatalities without differentiating between civilians and combatants. Such limitations are taken into account in the analysis.
Geographical scope	This indicator looks into how widespread the violence within each area is. The territories which are particularly affected by indiscriminate violence and/or the territories which are relatively less affected may be further noted in the assessment, based on relevant information.
Displacement	This indicator refers to conflict-induced displacement from the area in question. It is seen as an indication of the perception of the local population of the risks in the area. Under this indicator, where available, the assessment takes note of information about recent IDP movements from or to the area, including within the area itself. Information on IDP returns to the area may also be available.

In addition to the indicators above, some examples of further impact of the armed conflicts on the life of civilians (e.g. infrastructure damage, obstacles to humanitarian aid and other disruptions to civilian life) are mentioned and taken into account in the assessment.

The sources for the information under the different indicators are outlined within each country guidance document and more details on their methodology can be found in the respective COI reports.

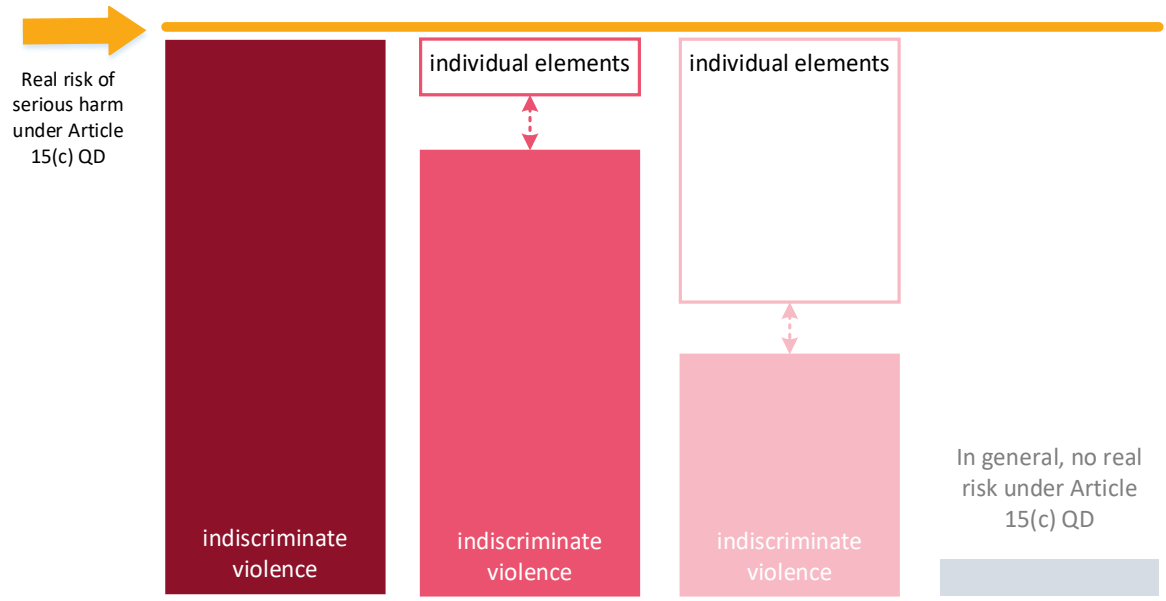
For more information on the specific data used for each production, please consult the relevant section of the specific country guidance document.

Levels of indiscriminate violence

The country guidance documents apply a consistent approach to the assessment of the level of indiscriminate violence, including color-coded categories of different levels of indiscriminate violence.

Figure 5 below illustrates the further differentiated 'sliding scale' applied with regard to the different levels of indiscriminate violence and the degree of individual elements required in order to substantiate a real risk of serious harm under Article 15(c) QD.

Figure 5. Levels of indiscriminate violence and individual circumstances in establishing real risk of serious harm under Article 15(c) QD.



Depending on the level of indiscriminate violence taking place, the territories in a country are usually categorised as follows.

Territories where 'mere presence' would be considered sufficient in order to establish a real risk of serious harm under Article 15(c) QD/QR.

Areas where the degree of indiscriminate violence reaches such an exceptionally high level that substantial grounds are shown for believing that a civilian, returned to the relevant area, would, **solely on account of their presence** there, face a real risk of being subject to the serious threat referred to in Article 15(c) QD/QR.

Accordingly, additional individual elements are not required in order to substantiate subsidiary protection needs under Article 15(c) QD/QR.

Territories where a real risk of serious harm under Article 15(c) QD/QR may be established if the applicant is specifically affected by reason of factors particular to their personal circumstances, following a 'sliding scale' approach.

Areas where 'mere presence' would not be sufficient to establish a real risk of serious harm under Article 15(c) QD/QR, but where, however, indiscriminate violence reaches a **high level.**

Accordingly, **a lower level of individual elements** is required to show substantial grounds for believing that a civilian, returned to the area, would face a real risk of serious harm in the meaning of Article 15(c) QD/QR.

Areas where indiscriminate violence is taking place, however **not at a high level.**

Accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the area, would face a real risk of serious harm in the meaning of Article 15(c) QD/QR.

Lastly, there are territories with regard to which Article 15(c) QD/QR would in general not be applicable.

Areas where, in general, there is **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD/QR.

This may be because the criteria for an armed conflict within the meaning of this provision are not met, because no indiscriminate violence is taking place, or because the level of indiscriminate violence is so low, that in general there would be no real risk for a civilian to be affected by it.

Serious and individual threat

As mentioned above, even if refugee status is not granted, established personal circumstances are yet to be taken into account in the examination of subsidiary protection.

This section presents a general framework regarding the individual circumstances which may be relevant to consider in the assessment of a serious and individual threat in territories where the 'mere presence' threshold is not reached.

Certain personal circumstances could contribute to an enhanced risk of being subjected to indiscriminate violence, including its direct and indirect consequences.

It is important to differentiate these individual circumstances from the individual circumstances taken into account at other stages in the analysis:

Different from refugee status

It is important to differentiate these individual circumstances from the individual circumstances which would result in the deliberate targeting of the applicant, whether as an individual or as a part of a group defined by one of the grounds under the refugee definition.

Different from IPA

The assessment should also be distinguished from the assessment under internal protection alternative, with regard to the reasonableness for the applicant to settle in a different location than their home area.

In the context of the 'sliding scale', each case should be assessed individually, taking into account the nature and intensity of the violence in the area, along with the combination of personal circumstances present in the applicant's case. It is not feasible to provide exhaustive guidance about what the relevant personal circumstances could be and how those should be assessed.

Some examples of personal circumstances that could affect the level of risk under Article 15(c) QD/QR, depending on the specificities of each country of origin, may include:

- **Age:** when assessing the risk of indiscriminate violence, this personal circumstance may be of particular importance in relation to the ability of the person to assess the risks. Children may not be in a position to quickly assess and avoid risks related to a volatile security situation or associated risks, such as those of unexploded remnants of war. In some cases, elderly age may also impact the person's ability to assess and avoid risks associated with an armed conflict.

- **Gender:** when assessing the applicability of Article 15(c) QD/QR, the respective role of men and women in society and the perceptions of it may expose them to a differentiated level of risk and should be assessed accordingly. Their vulnerability to armed confrontations and targeted attacks may also differ.

- **Health condition and disabilities, including mental health issues:** serious illnesses and disabilities may result in restricted mobility for a person, making it difficult for them to avoid immediate risks and, in the case of mental illnesses, it can make them less capable of assessing risks. In other cases, such conditions may require frequent visits to a healthcare facility. Depending on the road security and the potential targeting of

healthcare facilities, the latter may have additional implications related to the assessment of the risk under Article 15(c) QD/QR.

- **Occupation and/or place of residence**: the occupation and/or place of residence the person is likely to have when they return to their home area may also be relevant to assess the risk under Article 15(c) QD/QR. It may, for example, be linked to the need for the applicant to travel through areas where road incidents are often reported, or to frequent locations known to be particularly targeted in the conflict.

- **Economic situation:** applicants in a particularly dire economic situation may be less able to avoid the risks associated with indiscriminate violence. They may be forced to expose themselves to risks such as working in areas which are affected by violence in order to meet their basic needs. They may also have less resources to avoid an imminent threat by relocating to a different area.

- **Knowledge of the area:** when assessing the risk of indiscriminate violence under Article 15(c) QD/QR, the relevant knowledge of the area concerns the patterns of violence it is affected by. Different elements may contribute to a person's knowledge of the area. It can relate to their experience in the area or in areas similarly affected by indiscriminate violence. For example, being born or having lived for many years outside the country can impact the applicant's ability to assess the risks in the home area.

- **Family members or support network**: the lack of family members or a support network could affect the applicant's economic situation and place of residence/occupation and may also prevent them from being informed on risks relevant to the indiscriminate violence in a situation of an armed conflict.

In country-specific guidance, further elaboration on how specific individual circumstances may affect the level of risk in the context of Article 15(c) QD/QR, depending also on the nature and intensity of violence, may also be provided.

Life or person

Country-specific guidance may provide examples of the commonly reported types of harm to civilian's life or person.

Nexus (by reason of)

The interpretation of the causation 'by reason of' may not be limited to harm which is directly caused by the indiscriminate violence or by acts that emanate from the actors in the conflict. To a certain extent, it may also include the indirect effect of indiscriminate violence in situations of armed conflict. As long as there is a demonstrable link to the indiscriminate violence, such elements may be taken into account in the assessments, for example: destruction of the necessary means to survive, destruction of infrastructure, criminality.

For further general guidance on Article 15(c) QD/QR, see the section 'Serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict', p.30, of the EUAA Practical guide: Qualification for international protection.

Please note that in areas where it would be generally considered that a civilian would not be affected by indiscriminate violence within the meaning of Article 15(c) QD/QR, this does not imply that these areas are considered safe areas for any applicant. All circumstances specific to the applicant's individual case have to be thoroughly assessed.

Actors of protection

This chapter analyses the provision of Article 7 QD/QR and examines the requirements for the assessment of actors of protection in the respective country of origin.

Article 7 of the recast Qualification Directive and of the Qualification Regulation

1. Protection against persecution or serious harm can only be provided by:

(a) the State; or

(b) parties or organisations, including international organisations, controlling the State or a substantial part of the territory of the State;

provided they are willing and able to offer protection in accordance with paragraph 2.

2. Protection against persecution or serious harm must be effective and of a non-temporary nature. Such protection is generally provided when the actors mentioned under points (a) and (b) of paragraph 1 take reasonable steps to prevent the persecution or suffering of serious harm, inter alia, by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and when the applicant has access to such protection.

3. When assessing whether an international organisation controls a State or a substantial part of its territory and provides protection as described in paragraph 2, Member States shall take into account any guidance which may be provided in relevant Union acts.

In order for State or non-State actors to be considered as actors of protection, they must control the entire territory or at least a substantial part of it and be willing and able to provide protection to the applicant. Furthermore, the protection in the country of origin has to meet three cumulative conditions. It has to be:

This chapter offers an analysis regarding the three cumulative conditions. It addresses the capacity and responsiveness of the law enforcement system as well as the capacity and independence of the judiciary. It also refers to possible reported discriminatory practices with regard to the accessibility of protection.

The assessment concludes whether or not the State or other relevant parties or organisations qualify as actors of protection meeting the requirements of Article 7 QD/QR.

In general, four main conclusions may be found in Country Guidance documents:

1) protection is, in general, considered available;

2) in individual cases the State or other relevant parties or organisations may be unwilling or unable to provide protection;

3) the availability of the State or other relevant parties or organisations to provide protection is considered limited, but may in individual cases be available;

4) protection is, in general, not considered available.

Where the conclusion refers to individual cases, country guidance also strives to highlight the profiles for which protection may be considered available or unavailable. In some cases, conclusions may be more nuanced depending, for example, on geographical scope.

For further general guidance on the topic, see the section 'Protection in the country of origin', p.36, of the EUAA Practical guide: Qualification for international protection.

Internal protection alternative

This chapter analyses the situation in specific areas in the countries of origin in relation to the requirements of Article 8 QD/QR.

Article 8 of the recast Qualification Directive

1. As part of the assessment of the application for international protection, Member States may determine that an applicant is not in need of international protection if in a part of the country of origin, he or she:

(a) has no well-founded fear of being persecuted or is not at real risk of suffering serious harm; or

(b) has access to protection against persecution or serious harm as defined in Article 7;

and he or she can safely and legally travel to and gain admittance to that part of the country and can reasonably be expected to settle there.

2. In examining whether an applicant has a well-founded fear of being persecuted or is at real risk of suffering serious harm, or has access to protection against persecution or serious harm in a part of the country of origin in accordance with paragraph 1, Member States shall at the time of taking the decision on the application have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the applicant in accordance with Article 4. To that end, Member States shall ensure that precise and up-to-date information is obtained from relevant sources, such as the United Nations High Commissioner for Refugees and the European Asylum Support Office.

With the entry into force of the Qualification Regulation, the assessment of IPA will become obligatory, according to Article 8 QR.

In order to determine that internal protection is available in a particular part of the applicant's country of origin, three cumulative criteria have to be met, see Figure 6.

Figure 6. IPA criteria.

The analysis and conclusions with regard to the three criteria are provided in the country guidance documents in a step-by-step approach.

1. **Part of the country**

The analysis under IPA cannot be provided in abstract terms.

As a first step, the country guidance documents usually identify a specific part of the country against which the criteria of Article 8 QD/QR are examined. The focus on a specific area in the analysis does not prevent the caseworker from considering the application of IPA for other parts of the country, which may be more relevant to the specific applicant.

2. **Safety**

Country guidance documents then proceed with the examination of the criterion of safety where considerations in relation to the following elements are usually elaborated on:

- general security situation;
- actor of persecution or serious harm and their reach, including whether the profile of the applicant is considered a priority target;
- other risk-enhancing circumstances.

3. **Travel and admittance**

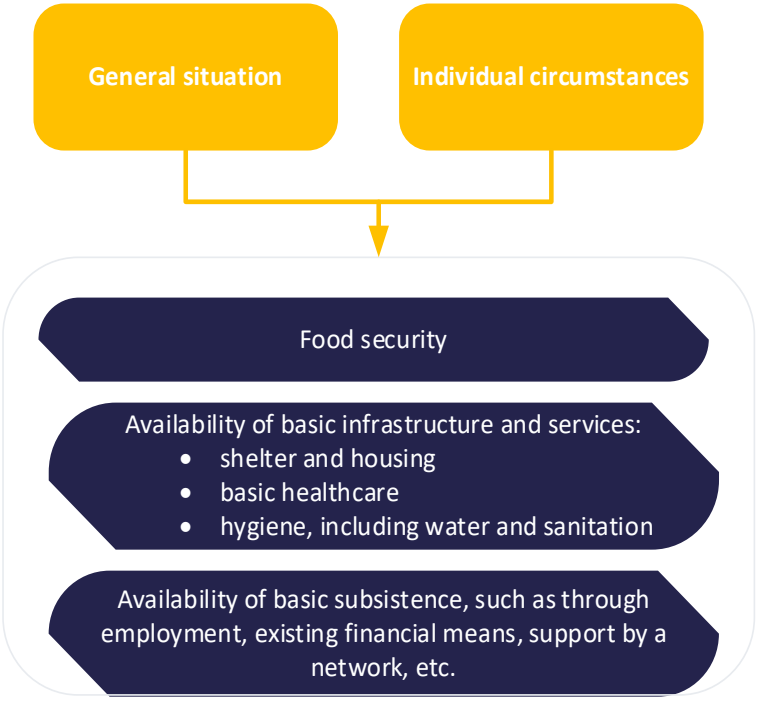
The travel and admittance sub-section provides assessment with regard to the following elements.

Safely travel	Legally travel	Gain admittance
There should be a safe route, which the applicant can practically travel through without undue difficulty, so that they can access the area of IPA without serious risks.	There should be no legal obstacles that prevent the applicant from travelling to the safe area.	The applicant should be allowed to access the safe area by the actor(s) who control it.

4. Reasonableness to settle

The reasonableness requirement is also analysed with regard to both the general situation pertaining to the specific part of the country and relevant individual circumstances.

Figure 7. IPA: assessment of the reasonableness requirement.



The conclusions with regard to the reasonableness to settle in a particular area may be provided in general terms or taking into account relevant individual circumstances such as age, gender, health status, family status, the availability of support network, etc.

For general guidance on the application of IPA, see the EUAA Practical guide on the application of the internal protection alternative.

Exclusion

This chapter looks into the potential applicability of the exclusion grounds under **Article 12(2) QD/QR** and **Article 17(1) QD/QR**.

Grounds for exclusion			
Refugee status	• a crime against peace, a war crime, or a crime against humanity • a serious non-political crime outside the country of refuge prior to their admission as a refugee • acts contrary to the principles and purposes of the United Nations	**Subsidiary protection**	• a crime against peace, a war crime, or a crime against humanity • a serious crime • acts contrary to the principles and purposes of the United Nations • constituting a danger to the community or to the security of the Member State in which the applicant is present • other crime(s) (under certain circumstances)

The analysis highlights the relevant factual circumstances prevailing in the country of origin which might require consideration of the potential applicability of exclusion grounds. Conclusions and guidance concerning the application of the different exclusion grounds to these circumstances are also included in the document.

The analysis and guidance in this chapter do not aim to be exhaustive, but rather to act as a reminder for caseworkers to consider the potential applicability of exclusion grounds in relevant cases.

For general guidance on exclusion, see the EUAA Practical Guide: Exclusion.

For general guidance on the application of the exclusion ground 'serious (non political) crime', see the EUAA Practical Guide on Exclusion for Serious (Non-Political) Crimes.

List of abbreviations

Term	Definition
CJEU	Court of Justice of the European Union
COI	country of origin information
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EU	European Union
EU+ countries	Member States of the European Union and associated countries.
EUAA	European Union Agency for Asylum
IPA	Internal protection alternative
Member States	Member States of the European Union
QD **(recast Qualification directive)**	Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast)
QR **(Qualification Regulation)**	Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council

Term	Definition
UNHCR	United Nations High Commissioner for Refugees

doi: 10.2847/3924390

Publications Office
of the European Union