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About country guidance

The '**Country Guidance: explained**' accompanies the **EUAA country-specific guidance notes** and common analysis on main countries of origin.

Its content reflects the general guidance relied upon in this analysis, as well as the methodological framework, approach and indicators used to assess the different elements of qualification for international protection.

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 (Directive 2011/95/EU, hereinafter QD) 1. 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. 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 2016 2. 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) 3.

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 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.

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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. The different sections aim to support the examination of international protection needs in relation to refugee status and

subsidiary protection.

Refugee status	Subsidiary protection
'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** **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**	**'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** **Serious harm consists of:** **c. the death penalty or execution; or** **d. torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or** **e. 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**

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)(4) 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:

guidance note and common analysis

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.

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 5 and of the recast Qualification Directive, 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:

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- Practical guide: Qualification for international protection
- Practical guide on Political Opinion
- Guidance on membership of a particular social group
- 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.

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

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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 6.

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.

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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 summaries found within the common analysis are 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 the section 'COI summaries' in Using Country Guidance.

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).

elements of the procedure

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**. 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 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.

- 1Directive 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.
- 2

  Council of the European Union, Outcome of the 3461st Council Meeting, 21 April 2016, 8065/16.

- 3

  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.

- 4

  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.

- 5United Nations General Assembly, 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees.
- 6

  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.

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