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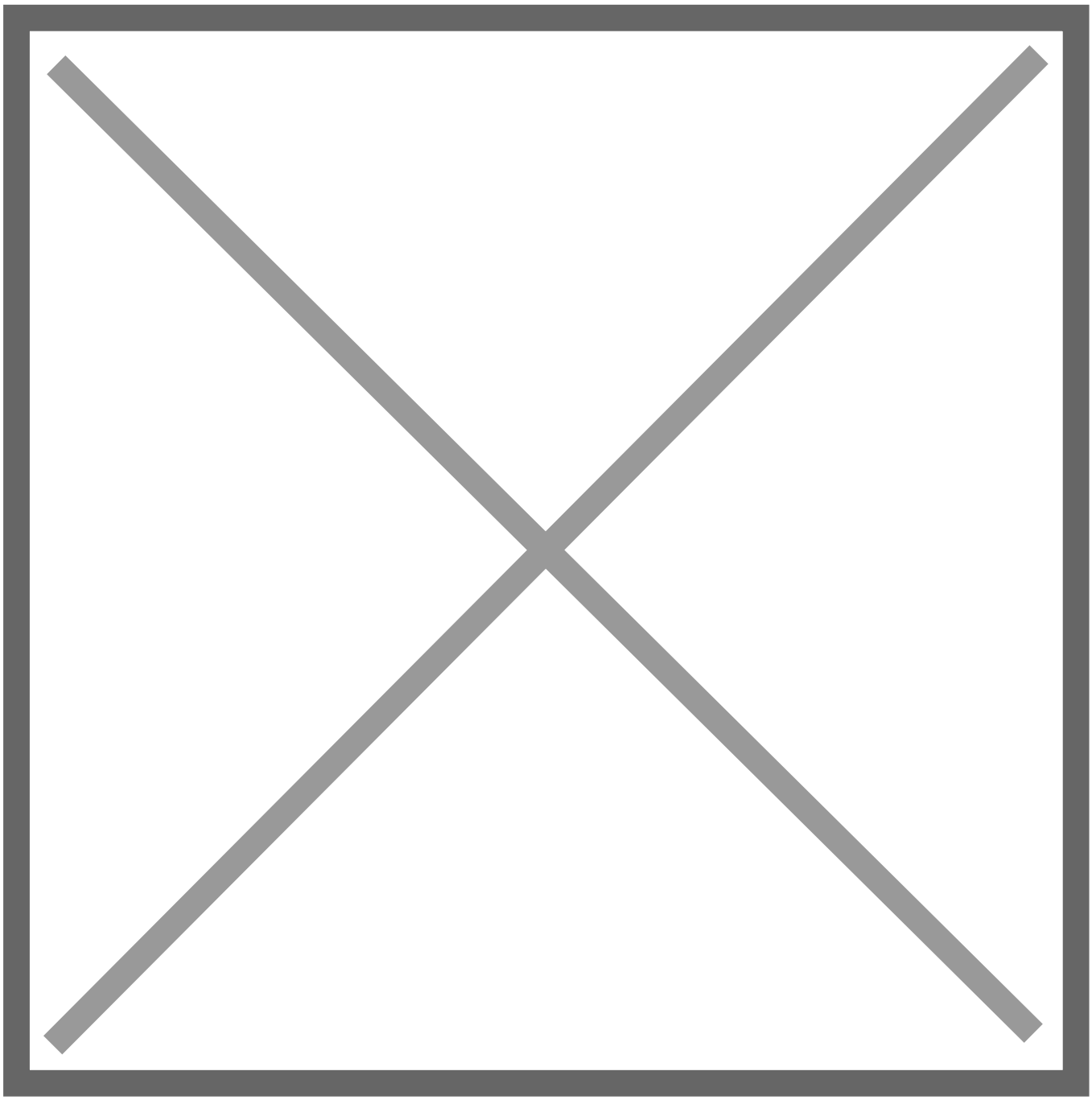
5.2. Safety

COMMON ANALYSIS
Last update: February 2019
*Minor updates added October 2021

The criterion of safety would be satisfied where the following two aspects have been established:

Figure 15. IPA: Assessment of the safety requirement.



5.2.1 Absence of persecution or serious harm

When examining the element ‘absence of persecution or serious harm’, the decision-maker should refer to chapters 1 to 4 of this document.

The following elements should be taken into account:

- **general security situation**

The general security situation should be considered in light of the analysis under Article 15(c) QD in relation to armed conflicts taking place, and Article 15(b) QD in relation to criminal violence.

- **actor of persecution or serious harm and their reach**

In case where the person fears persecution or serious harm by the Nigerian State, there is a presumption that IPA would not be available (Recital 27 QD). Relevant examples include LGBTIQ persons, high-profile members of IPOB/MASSOB, etc.

The presence of other actors of persecution or serious harm, including Boko Haram, herders' and farmers' armed groups, student cults, trafficking networks, etc. is generally geographically limited.

Individuals threatened by Boko Haram mostly relocate internally for their safety [Security situation 2018, 3.1.7]. When assessing the availability of IPA in case of persecution or serious harm by Boko Haram, particular consideration should be given to the individual circumstances of the applicant, the way the applicant is perceived by Boko Haram, their capacity to track and target individuals in other areas or states, etc.

For individuals who fear persecution or serious harm by other armed groups, the reach of the particular group should be assessed; in most cases the criterion of safety under IPA could be satisfied.

In some cases, where the applicant faces persecution or serious harm for reasons related to the prevalent social norms in Nigeria and the actor of persecution or serious harm is Nigerian society at large (e.g. persons with noticeable mental of physical disabilities, LGBTIQ), IPA would in general not be considered safe.

For certain particularly vulnerable categories, such as children (e.g. regarding risk of FGM/C) and persons with visible mental or physical disabilities, if the actor of persecution or serious harm is the family of the applicant, IPA may not be available.

- **whether the profile of the applicant is considered as a priority target by the actor of persecution or serious harm**

The profile of the applicant could make him or her priority target, increasing the likelihood that the actor of persecution or serious harm would attempt to trace the applicant in the potential IPA location. Examples may include high-profile members of separatist movements, religious leaders and politicians targeted by Boko Haram, etc.

- **behaviour of the applicant**

It should be underlined that it cannot be reasonably expected that the applicant abstains from practices fundamental to his or her identity, such as those related to their religion or sexual orientation, in order to avoid the risk of persecution or serious harm.[25]

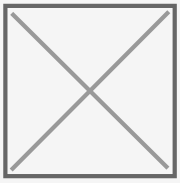
- **other risk-enhancing circumstances**

The information under the section Analysis of particular profiles with regard to qualification for refugee status should be used to assist in this assessment.

5.2.2 Availability of protection against persecution or serious harm

Alternatively, case officers may determine that the requirement of safety is satisfied if the applicant would have access to protection against persecution or serious harm as defined in Article 7 QD in the area where IPA is considered. In the case of persecution by the State, a presumption of non-availability of State protection applies.

See the chapter on Actors of protection.



The requirement of **safety** may be satisfied in relation to potential IPA locations in Nigeria, such as the city of Lagos, depending on the profile and the individual circumstances of the applicant

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[25] CJEU, *X, Y and Z*, paras.70-76; CJEU, *Y and Z*, para. 80. [back to text]

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