

Please cite as: EUAA, '6. Exclusion' in *Country Guidance Afghanistan*, Enero 2022.

6. Exclusion

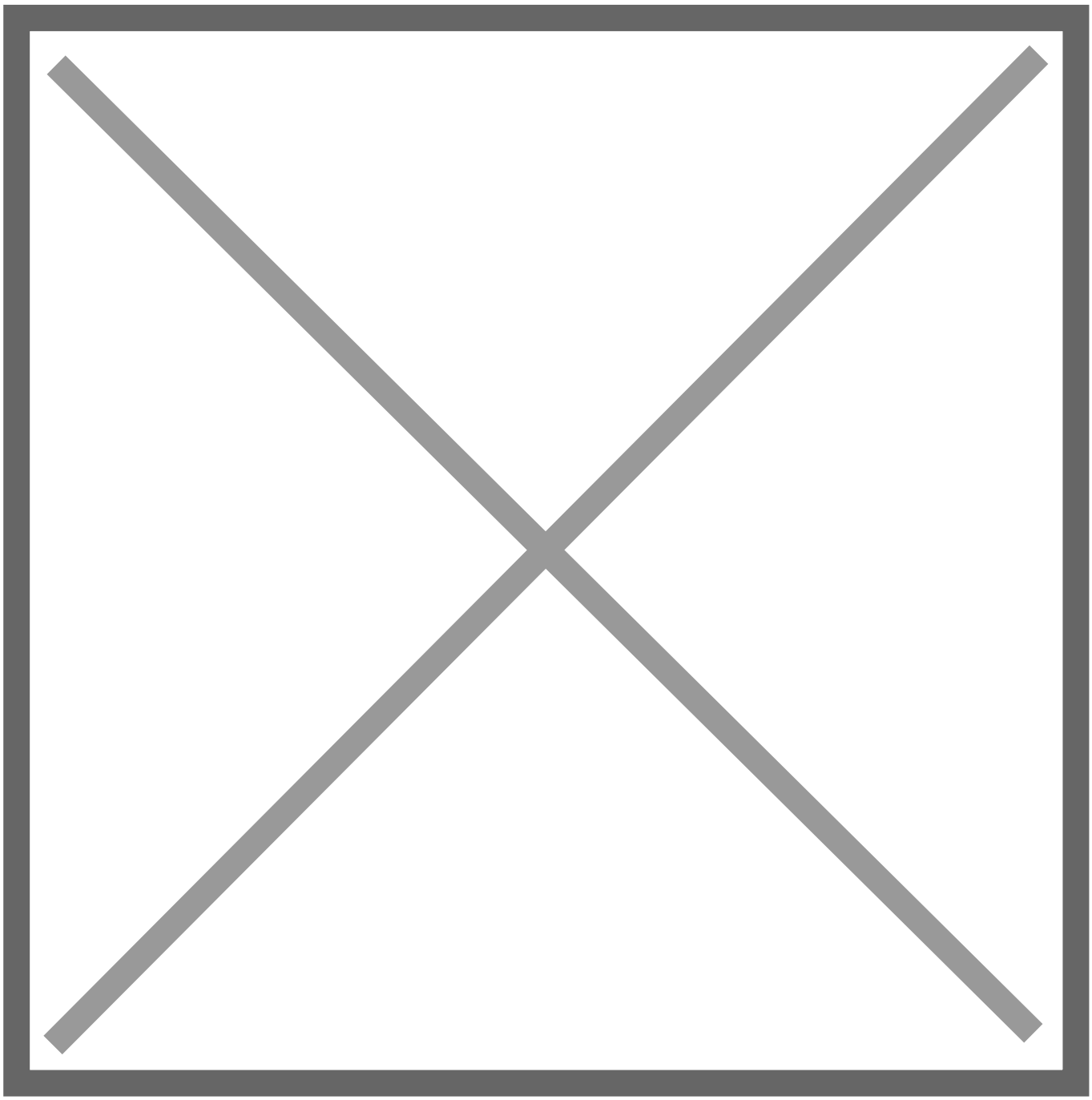
GUIDANCE NOTE
Last updated: February 2019

Given the serious consequences that exclusion may have for the individual, the exclusion grounds should be interpreted restrictively and applied with caution.

The examples in this chapter are non-exhaustive and non-conclusive. Each case should be examined on its own merits.

Applying the exclusion clauses where there are serious reasons to consider that the applicant has committed any of the relevant acts, is mandatory.

Exclusion should be applied in the following cases:



It should be underlined that the determining authority has the burden of proof to establish the elements of the respective exclusion grounds and the individual responsibility of the applicant; while the applicant remains under an obligation to cooperate in establishing all facts and circumstances relevant to his or her application.

In the context of Nigeria, the need to examine possible exclusion issues may arise, in particular, in cases of applicants who may have been involved in the following:

- armed conflict involving Boko Haram and the Nigerian security forces
- crimes committed during violent clashes between herders and farmers
- crimes committed by student cults and criminal gangs
- crimes committed by trafficking networks
- etc.

The following subsections provide guidance on the potential applicability of the exclusion grounds in the context of Nigeria.

- Crime against peace, war crime or crime against humanity
- Serious (non-political) crime
- Acts contrary to the purposes and principles of the UN
- Danger to the community or the security of the Member State

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