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Checklists

General principles
☐ Apply the legal provisions to the accepted material facts and the results of the risk assessment.
☐ Remember that qualification for refugee status should always be examined first.
☐ Remember that protection needs may also arise *sur place*.
☐ Examine each case individually, objectively and impartially.
'Outside the country of origin': personal and territorial scope
☐ Determine the country of nationality or the country of former habitual residence of the applicant.

Refugee status: well-founded fear of persecution
Persecution
Assess whether a particular treatment would amount to persecution by considering the following.
☐ Is the act a sufficiently severe violation of human rights, taking one of the forms mentioned, interalia, in Article 9(2) of the qualification directive?
☐ Is the act a violation of a non-derogable human right or a sufficiently severe violation of another basic human right?
☐ Can the treatment be considered as the accumulation of various measures, the consequences of which would affect the applicant in a similar manner?
Well-founded fear
☐ Assess if the applicant has a well-founded fear. - Consider all material facts that have been accepted and establish whether there was past persecution or threats thereof. - If applicable according to national practice, consider if the past persecution has been of such an atrocious character that the harm, although it would not be repeated, is deemed to be continuous. - Analyse whether the threshold of 'well-founded (fear)' is met (reasonable degree of likelihood).

Refugee status: reasons for persecution
Examine if the persecution feared by the applicant is related to one of the following (actual or imputed) reasons.

☐ Race	• colour • descent • membership of a particular ethnic group
☐ Religion	• holding of theistic, non-theistic and atheistic beliefs • participation in, or abstention from, formal worship in private or in public, either alone or in community with others • participation in, or abstention from, other religious acts or expressions of view • participation in, or abstention from, forms of personal or communal conduct based on or mandated by any religious belief
☐ Nationality	• citizenship or lack thereof • cultural identity • ethnic identity • linguistic identity • common geographical or political origins • relationship with the population of another state
☐ Membership of a particular social group	• sharing or being perceived to share a common characteristic and • having or being perceived to have a distinct identity
☐ Political opinion	• holding an opinion, thought or belief on a matter related to the potential actors of persecution and to their policies or methods whether or not that opinion, thought or belief, has been acted upon by the applicant
☐ Confirm that there is nexus between the (actual or imputed) characteristic and the feared persecution.	

Subsidiary protection

Real risk

- Consider all material facts that have been accepted and establish whether there was past serious harm or threats thereof.
- If applicable according to national practice, consider whether the past serious harm has been of such an atrocious character that the harm, although it would not be repeated, is deemed to be continuous.
- Analyse whether the threshold of 'real risk' is met (reasonable degree of likelihood).

Serious harm

Assess if there is a real risk of:

☐ death penalty or execution;

☐ torture or inhuman or degrading treatment or punishment of an applicant in the country of origin;

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

Actors of persecution or serious harm

☐ Determine the actor of persecution or serious harm

Protection in the country of origin

Actors of protection

☐ Consider who could be a potential actor of protection:

- the state
- parties or organisations, including international organisations, controlling the state or a substantial part of the territory of the state.

Establish whether this actor is:

- able to provide protection which is:

☐ effective;

☐ non-temporary;

☐ accessible;

- willing to provide such protection to the applicant.

Internal protection alternative

☐ Consider whether there is a specific part of the country of origin where the applicant has no well-founded fear of being persecuted and is not at real risk of suffering serious harm or has access to protection against persecution and serious harm.

- Analyse whether this part of the country is:

☐ safe;

☐ accessible;

☐ a reasonable place for the applicant to settle.

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