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International protection needs arising sur place

Geneva Convention
Article 1A(2)

Qualification directive
Article 5

The condition of being outside his or her country of origin does not mean that in order to be recognised as a refugee or to be granted subsidiary protection, the applicant must have left his or her country of origin because of a well-founded fear of persecution or a real risk of serious harm. The relevant circumstances may arise later and this situation is called ‘sur place’.

***Sur place* situations.**

A well-founded fear of being persecuted or a real risk of suffering serious harm may be based on events which have taken place since the applicant left the country of origin.	This wording relates to circumstances, external to and independent of applicant, which have direct consequences on the applicant’s situation create a well-founded fear of persecution or real risk of serious harm. T events could refer to a significant change of circumstances in the coun origin, including the intensification of pre-existing factors since the dep of the applicant from the country of origin. However, it is not a require that these events take place in the country of origin. Actions of third pa may also have an impact on the applicant’s individual situation.
A well-founded fear of being persecuted or a real risk of suffering serious harm may be based on activities which the applicant has engaged in since he or she left the country of origin, in particular where it is established that the activities relied upon constitute the expression and continuation of convictions or orientations held in the country of origin.	When addressing sur place situations related to the applicant’s actions officers must evaluate whether the actors of persecution are likely to b aware of and unfavourably disposed towards the applicant’s convictio activities to the effect that the applicant would have a well-founded fea persecution or face a real risk of serious harm.‘ Expression and continuation of convictions or orientations held in the c of origin’ does not require that the latter have been previously express the country of origin. However, this would clearly assist in substantiati whether the convictions or orientations were previously held.

Without prejudice to the Geneva Convention, Member States may determine that an applicant who files a subsequent application shall not normally be granted refugee status if the risk of persecution is based on circumstances which the applicant has created by his or her own decision since leaving the country of origin (Article 5(3) QD). The possibility to introduce such an exception aims at avoiding abuses of the international protection regime. However, it should be noted that the assessment of whether the fear of the applicant is well founded always remains forward-looking, and the principle of non-refoulement should in all cases be respected.

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