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Preliminary remarks

COMMON ANALYSIS
Last update: October 2021

This chapter analyses the situation in Nigeria in relation to the requirements of Article 8 QD.

Article 8 QD
Internal protection

1. As part of the assessment of the application for international protection, Member States may determine that an applicant is not in need of international protection if in a part of the country of origin, he or she:
a) has no well-founded fear of being persecuted or is not at real risk of suffering serious harm; or
b) has access to protection against persecution or serious harm as defined in Article 7; and he or she can safely and legally travel to and gain admittance to that part of the country and can reasonably be expected to settle there.

2. In examining whether an applicant has a well-founded fear of being persecuted or is at real risk of suffering serious harm, or has access to protection against persecution or serious harm in a part of the country of origin in accordance with paragraph 1, Member States shall, at the time of taking the decision on the application have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the applicant in accordance with Article 4. To that end, Member States shall ensure that precise and up-to-date information is obtained from relevant sources, such as the United Nations High Commissioner for Refugees and the European Asylum Support Office.

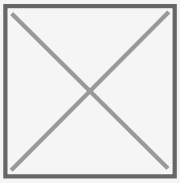
It should be noted that the provision of Article 8 QD is an optional one. Therefore, the relevance of this chapter to the practice in Member States will depend on the transposition of Article 8 QD and/or the concept of internal protection alternative (IPA) in national legislation and its implementation in practice.

In national legislation and practice, IPA may also be referred to as ‘internal flight alternative’, ‘internal relocation’, etc.

IPA should only be examined after it has been established that the applicant has a well-founded fear of persecution or faces a real risk of serious harm and that the authorities or other relevant actors of protection are unable or unwilling to protect him or her in his or her home area. In such cases, if IPA applies, it can be determined that the applicant is not in need of international

protection.

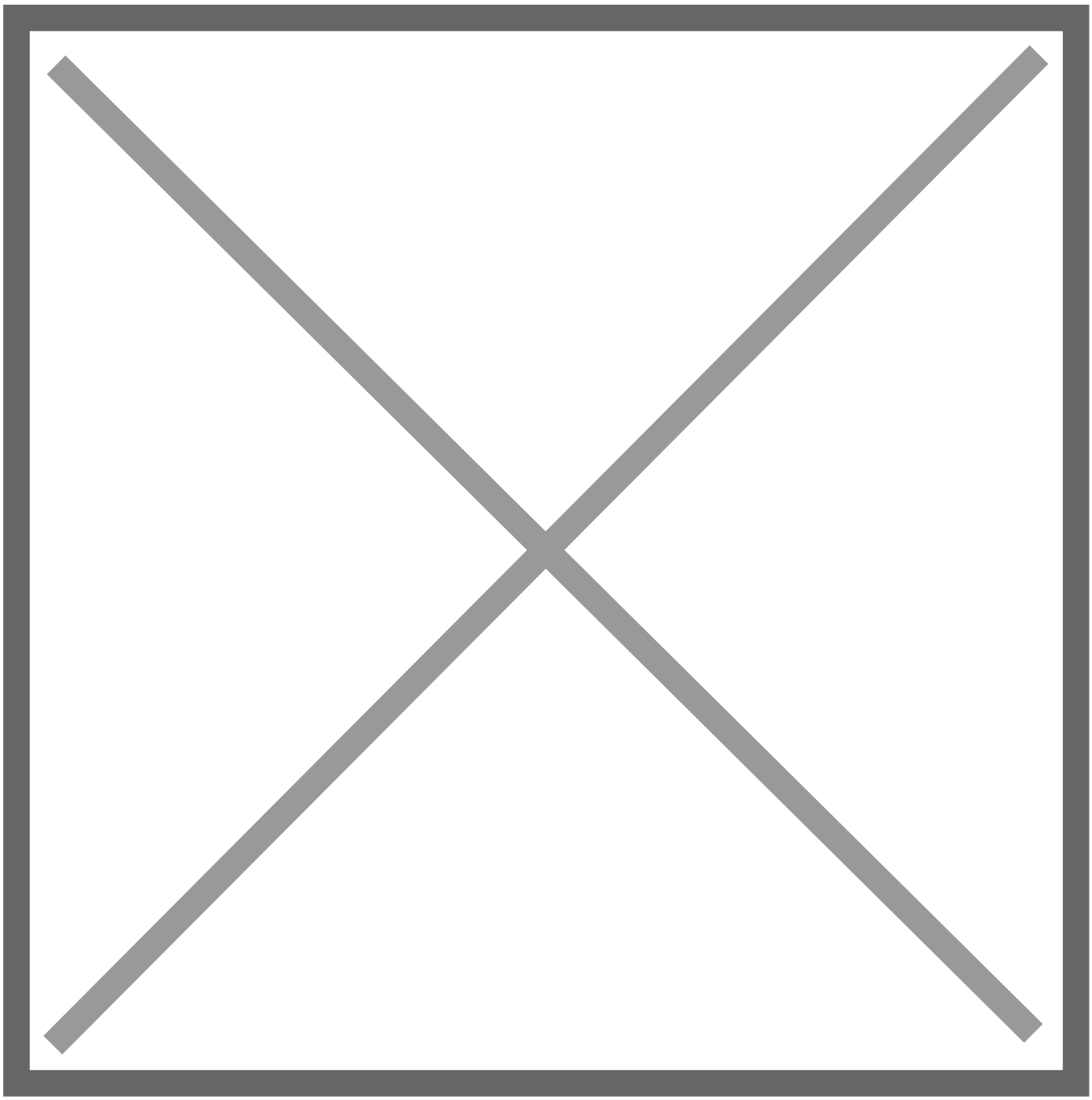
It should, however, be stressed that there is no requirement that the applicant has exhausted the possibilities to obtain protection in different parts of his or her country of origin before seeking international protection.



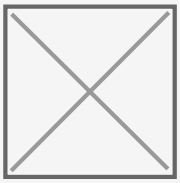
The analysis od IPA should be part of the assessment of the future risk of being subjected to persecution or serious harm. When assessing whether IPA applies, the burden of proof lies with the determining authority, while the applicant remains under an obligation to cooperate. The applicant is also entitled to submit elements and indicate specific reasons why IPA should not be applied to them. Those elements have to be assessed by the determining authority.

In order to determine that internal protection is available in a particular part of the applicant's country of origin, three cumulative criteria have to be met: 'safety', 'travel and admittance' and 'reasonableness to settle'.

Figure 14.Internal protection alternative: elements of the assessment.



In relation to these elements, when assessing the applicability of IPA, the case officer should consider the general situation in the respective part of Nigeria, as well as the individual circumstances of the applicant.



For more general guidance on the application of IPA, see the ‘EASO Practical guidance on the application of the internal protection alternative’.

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