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5.4. Reasonableness to settle

COMMON ANALYSIS
Last update: February 2019
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According to Article 8(1) QD, IPA can only apply if the applicant 'can reasonably be expected to settle' in the proposed area of internal protection.

This common analysis follows a rights-based approach in light of jurisprudence of the ECtHR identified as relevant.

While acknowledging that the ECtHR jurisprudence is in the context of a different legal regime and addresses particular individual situations, the following principles could be derived from it and are found of relevance to the reasonableness test under Article 8 QD.

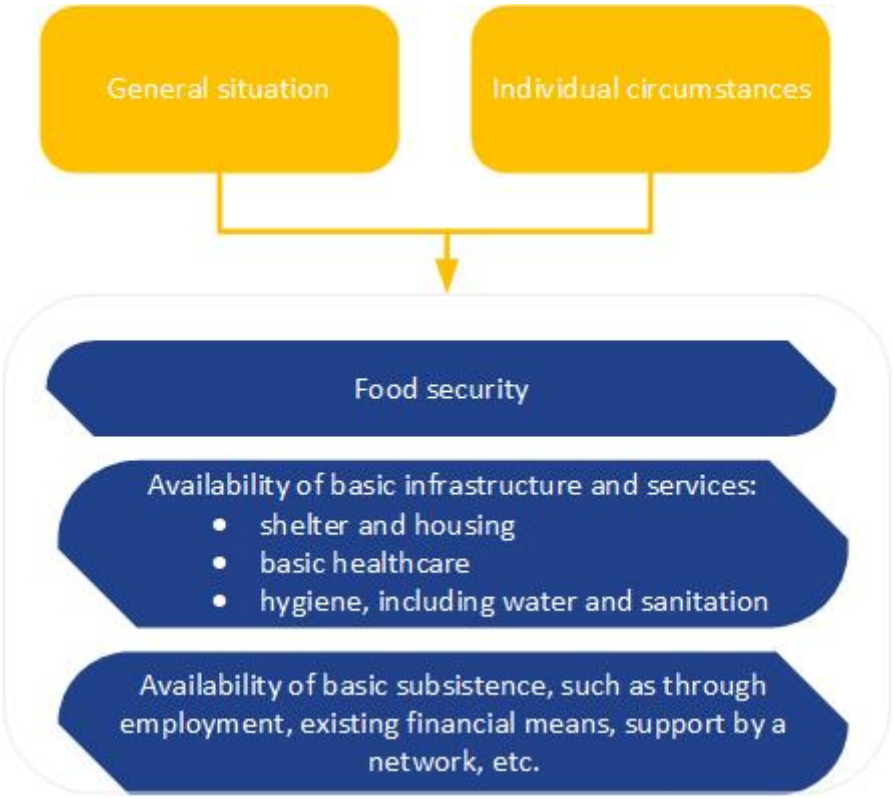
- The assessment should take into account the applicant's ability to cater for their most basic needs, such as food, hygiene and shelter, their vulnerability to ill-treatment and the prospect of their situation improving within a reasonable timeframe. [27]

- Internal relocation inevitably involves certain hardship. In this regard, difficulties in finding proper jobs and housing would not be decisive, if it could be found that the general living conditions for the applicant in the proposed area of IPA would not be unreasonable or in any way amount to treatment prohibited by Article 3 ECHR. [28]

In applying the reasonableness test, it should be established that the basic needs of the applicant would be satisfied, such as food, shelter and hygiene. Additionally, due consideration has to be given to the opportunity for the person to ensure his or her own and his or her family's subsistence, and to the availability of basic health care.

The assessment should be based on the general situation in the country and the individual circumstances of the applicant.

Figure 17. IPA: assessment of the reasonableness requirement.



The general situation in the area in consideration should be examined in light of the criteria described above, and not in comparison with standards in Europe or other areas in the country of origin.

These criteria are assessed below in relation to the general situation in Lagos and most of the areas/states in Nigeria, except from those for which the criterion of 'safety' may not be satisfied (General situation). This general situation is, furthermore, taken into account in the conclusions regarding the applicability of IPA to certain profiles of applicants (Conclusions on reasonableness).

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[27] ECtHR, *Sufi and Elmi,* para.283. [back to text]

[28] ECtHR, A.A.M. v. Sweden, para.73. [back to text]

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