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Using country guidance

In accordance with Article 11(3) of the EUAA Regulation, Member States have the following obligation:

Article 11(3) EUAA Regulation

Member States shall take into account the common analysis and guidance notes when examining applications for international protection, without prejudice to their competence to decide on individual applications for international protection.

This may take different forms.

Policy-level application

Some determining authorities develop their national country-specific guidance. In these cases, Member States should take into account the common analysis and guidance notes during the review and update of such national country-specific guidance and the national policy-makers would be the primary users of the EUAA country guidance at national level.

Additionally, specific instructions on the relation between the EUAA country guidance and the national guidance may be provided to decision-makers in order to further guide and facilitate their work.

Case-level application

The guidance note and common analysis aim to be as practical and as helpful as possible in order to directly assist caseworkers and decision-makers in the examination of individual applications for international protection.

They are intended for such direct use, either on their own or complementarily to available national guidance.

Applications for international protection should always be examined and decisions should always be taken ‘individually, objectively and impartially’ in accordance with Article 10(3)(a) of the recast Asylum Procedures Directive.

Sequence of assessment

The structure and scope of the country guidance documents follow the underlying logic of the examination of an application for international protection. Each country guidance document includes the following elements:

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Furthermore, an additional introductory chapter may be added to facilitate the reading of the documents. This chapter could include recent developments and/or general remarks which aim to further inform the reader and to facilitate their understanding of the common analysis and guidance note.

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The approach of the country guidance documents is fully consistent with the general sequence of the examination of international protection needs in accordance with the EUAA **Practical guide: Qualification for international protection**. The **flowchart** which accompanies the practical guide may be a handy tool to assist the reader and remind them of the sequence in the examination of individual applications for international protection.

You can find more information about the content and methodological approach of the different chapters in the EUAA country guidance documents in **Chapters of the country guidance**.

COI summaries

The common analysis part of the country guidance documents includes COI summaries. Within the summaries, links to the relevant COI documents are inserted consistently.

COI summaries highlight the key factual elements based on which the assessment is being developed, but they do not provide extensive information on the different topics. Therefore, the referenced COI reports and query responses should always be consulted for further information on the situation in the country of origin.

Reference period and relevance

Country guidance is time-sensitive and all common analysis and guidance notes are regularly reviewed and updated as needed. The regularity and timing of the updates depend on the country of origin and how likely it is for certain aspects of the assessment to change based on new information. Developments in legislation and/or case law may also lead to an update of existing country guidance documents.

The country guidance assessment is based on COI with a clearly indicated reference period. Each section of the country guidance documents also clearly states the timing of its last update.

The guidance should be considered valid as long as current events and developments in the country are consistent with the **trends and patterns** described within the COI, on which the assessment at hand is based.

Terminology notes

Every effort is made to ensure consistency within and among the different country guidance documents and the terminology used therein. Nevertheless, slightly different formulations may sometimes be used to express similar findings. The reader should bear in mind that where formulations differ slightly, this is not intended in a comparative manner and does not in itself imply a differentiation in the conclusion.

Each conclusion should be read on its own and understood in the context of the specific topic, the relevant legal terminology used in the recast Qualification Directive, as well as the factual basis for the respective assessment.

Several formulations are used in the documents often and consistently. For example:

‘in general’ or ‘generally’

‘risk-impacting circumstances’

‘in general’ or ‘generally’

‘In general’ is often used in the conclusions of different sections. ‘Generally’ may also be used with the same meaning.

This formulation implies that the respective conclusion would apply to most identified relevant cases. However, it is not intended to cover each and every such case. An individual assessment is always required.

For example, the formulation ‘**well-founded fear of persecution would in general be substantiated**’ is used within the risk analysis of certain profiles in relation to refugee status. It implies a high level of risk and individuals falling within the respective profile or sub-profile would usually be found to have a well-founded fear of persecution. However, this formulation does not imply that each and every individual within the profile would have such a fear. The granting of international protection is never ‘automatic’.

‘risk-impacting circumstances’

The notion of ‘risk-impacting circumstances’ refers to additional factors concerning the personal situation of the applicant. These factors could, for example, impact the assessment of the level of risk and the finding whether well-founded fear would be substantiated in the case of a particular applicant.

‘Risk-impacting’ is intended as a neutral formulation and the elements listed could either indicate a heightened risk, or a lower level of risk. The impact of the specific circumstances on

the assessment should be read in light of the provided COI summary as well as the combination of factors specific to the individual situation of the applicant.

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