

Country Guidance: Frequently asked questions

The Agency's work on country guidance was initiated in June 2016, following the Outcome of the 3461st Council meeting. It is currently regulated under Article 11 of the EUAA Regulation. Common analysis and guidance are now available on several of the main countries of origin and the content of the country guidance documents is regularly reviewed and updated.

Some of the frequently asked questions regarding country guidance are addressed below.

What is country guidance?

The country guidance documents represent Member States' joint assessment of the situation in the respective country of origin in relation to the potential international protection needs of applicants from that country.

Each country guidance document includes an in-depth analysis and a short guidance note. They are based on up-to-date country of origin information, assessed in accordance with the applicable international and EU legislation and case law. The assessment, furthermore, reflects the general EUAA guidance on qualification for international protection and takes note of the relevant UNHCR guidelines.

What is the difference between Country Guidance and Country Reports or Country of Origin Information?

In general terms, country of origin information (COI) refers to information about the country of origin of an applicant, which is used in the examination of international protection needs.

Country guidance is the assessment of the situation in a particular country of origin in accordance with the applicable international and EU law, relevant case law of the Court

of Justice of the European Union, and general EUAA guidance. While the country guidance is fundamentally based on COI, it is not COI itself.

In a nutshell, COI is the factual basis on which country guidance provides an assessment in the form of common analysis and guidance.

Throughout the common analysis parts of the country guidance documents, direct references are made to the COI on the basis of which the assessment is developed. These are inserted to ensure transparency of the sources and to assist the reader in the use of the country guidance in practice. In the examination of individual cases, the decision-maker always needs to refer to relevant and up-to-date COI.

For further information on EUAA country of origin information, see here.

What is the scope of the country guidance content?

The structure and scope of the common analysis and guidance notes follow the underlying logic of the examination of an application for international protection. They include the following elements:

Country Guidance Content

1. **Actors of persecution or serious harm**

   Outlines relevant considerations and conclusions with regard to the main actors of persecution or serious harm, encountered in the applications for international protection from the respective country of origin.

   This chapter relates in particular to Article 6 of the Qualification Directive.

2. **Refugee status**

   Includes some general considerations for the examination of refugee status and provides analysis and guidance on the situation of particular profiles of applicants.

   Each profile section includes a short summary of the COI, which forms the basis for the analysis, an assessment of whether the potential treatment reaches the level of persecution and the respective level of risk, as well as a conclusion regarding the potential nexus to a reason for persecution.

   This chapter relates in particular to Article 9 and Article 10 of the Qualification Directive.

3. **Subsidiary protection**

   Includes sections on the applicability of Article 15 of the Qualification Directive:

   - Real risk of serious harm, consisting of **death penalty or execution** (Article 15(a) of the Qualification Directive)
   - Real risk of serious harm, consisting of **torture or inhuman or degrading treatment or punishment** of an applicant in the country of origin (Article 15(b) of the Qualification Directive)
   - Real risk of serious harm, consisting of **serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict** (Article 15(c) of the Qualification Directive)

4. **Actors of protection**

   Provides an assessment of the availability and accessibility of protection in the country of origin.

   This chapter relates in particular to Article 7 of the Qualification Directive.

5. **Internal protection alternative**

   Examines whether in a specific part of the country it may be substantiated that an applicant has no well-founded fear of being persecuted or is not at real risk of suffering serious harm; or has access to protection against persecution or serious harm; 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.

   This chapter relates in particular to Article 8 of the Qualification Directive.

6. **Exclusion**

   Provides guidance on the potential applicability of the exclusion grounds to certain profiles of applicants from the country.

   This chapter relates in particular to Article 12 and Article 17 of the Qualification Directive.

Is country guidance the EUAA's position on a certain country of origin?

The country guidance is developed by the EUAA together with Member States. Rather than the position of the Agency, it represents the joint assessment of the situation in the country by all Member States, endorsed by the EUAA Management Board. The Agency coordinates the efforts in developing country guidance through the process described in Article 11 of the EUAA Regulation.

Is country guidance binding?

While country guidance is not binding as such, in accordance with Article 11 of the EUAA Regulation, Member States have the obligation to take into account the guidance notes and common analysis when examining applications for international protection, without prejudice to their competence for deciding on individual applications.

How does country guidance relate to individual cases?

The competence for deciding on individual cases lies with the States.

The guidance note and common analysis aim to be as practical and as helpful as possible in order to assist decision-makers in the examination of individual applications for international protection. However, by their nature, they cannot replace the individual examination, which should take into account the particular circumstances of the applicant and their case.

The conclusions and guidance these documents provide are without prejudice to the competence of national authorities to decide on individual cases, and to their obligation to do so individually, objectively, and impartially.

How is country guidance developed?

Country guidance is developed by a network of senior-level policy officials from Member States and associated countries, the **Country Guidance Network**.

The work of the Country Guidance Network is supported by **Drafting Teams**. For each development or update, a team of national experts is selected on the basis of their experience and expertise. The Drafting Team prepares the documents for review, discussion, and approval by the Country Guidance Network.

The **EUAA** organises and coordinates the work. The Agency also ensures that the development and update of country guidance are supported by objective and up-to-date country of origin information, as well as relevant general guidance concerning qualification for international protection.

Each development requires significant preparation, in terms of understanding the current caseload and decision practices of national determining authorities, and especially in terms of producing the relevant common EUAA country of origin information. The country guidance development and update processes themselves include a number of meetings at Drafting Team and at Country Guidance Network level, as well as written consultations.

The **European Commission** and **UNHCR** are also consulted and provide valuable input throughout the process.

The final text is agreed by the Country Guidance Network and the guidance note, accompanied by the common analysis, is endorsed by the **EUAA Management Board** .

How are countries of origin selected for developing country guidance?

Countries are selected together with Member States.

Elements such as the overall significance of the caseload in Member States and associated countries and the need to foster further convergence are key in this assessment and prioritisation.

Further information on asylum applications and recognition rates in Member States and associated countries can be found here.

What is the basis for country guidance?

Legal framework and its implementation

The assessment of international protection needs reflected in the country guidance documents is based on the provisions of the 1951 Geneva Convention Relating to the Status of Refugees and the Qualification Directive, as well as on the jurisprudence of the Court of Justice of the European Union and, where appropriate, the European Court of Human Rights.

It takes into account general EUAA guidance on qualification for international protection, such as the ‘Practical Guide: Qualification for international protection’ and ‘ Practical Guide: Exclusion’. See more practical guides here.

In addition, it takes note of relevant judicial analyses published by the EUAA. See more here.

The UNHCR Eligibility Guidelines and other guidance are also taken note of.

Country of origin information

The EUAA, together with Member States and associated countries, produces country of origin information (COI) for the purposes of the country guidance developments and updates.

These COI reports provide information on the situation in the country of origin according to broad terms of reference specifically designed to meet the needs of this detailed assessment. The COI is produced in accordance with the EUAA COI methodology and is based on a wide range of carefully assessed sources.

For further information on EUAA country of origin information, see here.

How often is country guidance updated?

Each country guidance document clearly indicates the timing of its last update. The electronic books further specify this information on every page.

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 are determined depending on the country of origin and how likely it is for (certain aspects of) the assessment to change based on new information. Certain developments in legislation and/or case law may also lead to an update of existing country guidance documents.

The guidance should be considered valid as long as current events and developments in the country fall within the trends and patterns described within the COI the documents are based on.

Does country guidance address the issue of return?

Country guidance focuses solely on the question whether the applicant qualifies for international protection in accordance with the 1951 Geneva Convention Relating to the Status of Refugees and the Qualification Directive and does not provide guidance on the possibility of return. The issue of return, regulated under the Return Directive, is outside of the scope of country guidance.

Other questions?

If you have questions which are not answered above, you can contact the EUAA.

Related content

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