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5.3. Travel and admittance

COMMON ANALYSIS
Last updated: February 2019

As a next step, case officers have to establish whether an applicant can:

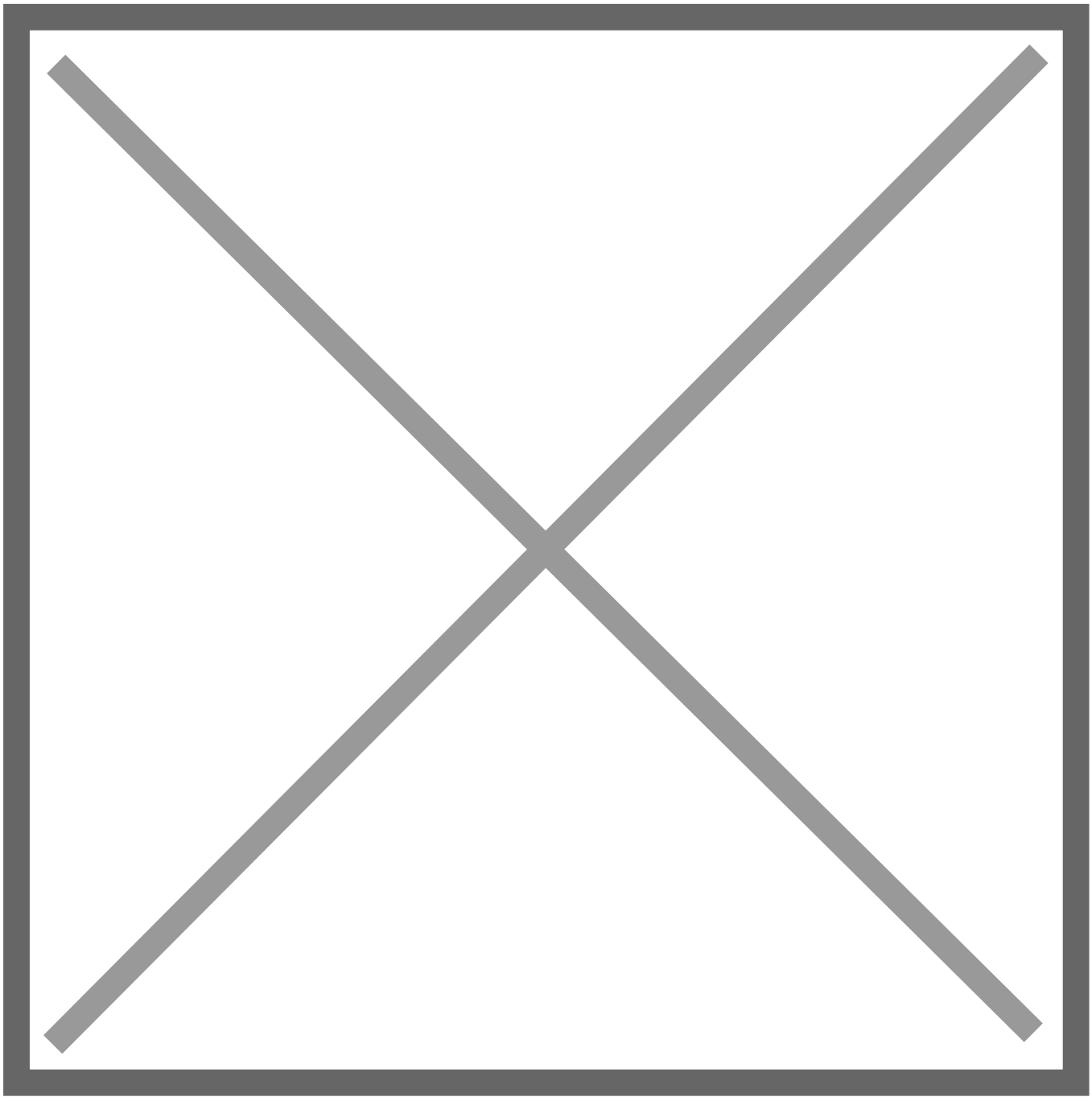


Figure 17. Travel and admittance as requirements for IPA.

These criteria under Article 8(1) QD reflect ECtHR jurisprudence, for example in the case of *Salah Sheekh.* [44]

The respective elements are explained below, along with conclusions based on available information:

✓ **Safely travel** – there should be a safe route, which the applicant can practically travel through without undue difficulty, so that he or she can access the area of IPA without serious risks. In this regard, the assessment of the travel route from the airport to the city is part of the 'safe travel' criterion and has to be assessed carefully based on relevant COI. [45]

The Lagos Murtala Muhammed International Airport is part of the urban area of the city of Lagos. International airports exist in various other Nigerian cities in states without major security problems (e.g. Abuja, Port Harcourt, Calabar) [*Security situation*, 2, 2.1, 2.2, 3.1, 3.2, 3.3, 3.4; *Key socio-economic indicators*, 3.1].

Based on available COI, it is concluded that travelling the roads from the airport to Lagos and most of the areas/states in Nigeria (except those with security problems in the North East, the Middle Belt or Zamfara) is considered to be generally safe.

✓ **Legally travel** – there should be no legal obstacles that prevent the applicant from travelling to the safe area;

Based on available COI, it is concluded that there are no legal or administrative restrictions for Nigerians to travel in Nigeria [*Key socio-economic indicators*, 3.2.1].

✓ **Gain admittance to** – the applicant should be allowed to access the safe area by the actor(s) who control it.

Based on available COI, it is concluded that there are no legal or administrative restrictions or requirements for Nigerians to be admitted in any part of the country. Indigeneity facilitates settling in a given area; however, it does not constitute a requirement [*Key socio-economic indicators*, 3.3].

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[44] ECtHR, *Salah Sheekh v. The Netherlands*, Application no. 1948/04, Council of Europe: European Court of Human Rights, Judgment of 11 January 2007, para.141:*'The Court considers that as a precondition for relying on an internal flight alternative certain guarantees have to be in place: the person to be expelled must be able to travel to the area concerned, gain admittance and settle there, failing which an issue under Article 3 may arise, the more so if in the absence of such guarantees there is a possibility of the expellee ending up in a part of the country of origin where he or she may be subjected to ill-treatment.'* [back to text]

[45] ECtHR, *Sufi and Elmi*, paras.268, 269, 271. [back to text]

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