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Guidance note

GUIDANCE NOTE
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The current version of the document supersedes the one issued in August 2023.

The guidance note on Somalia is produced by the EUAA together with EU+ countries4 in accordance with Article 11 of the EUAA Regulation5. It is based on and summarises the conclusions of the comprehensive common analysis. The aim of the guidance note and the common analysis is to assist EU+ countries in the examination of applications for international protection, thereby fostering convergence of asylum practices and decisions across the EU.

The guidance note is part of the 'Country Guidance: Somalia' and should be read in conjunction with the common analysis.

In Somalia, a wide range of groups and individuals can be considered as actors of persecution or serious harm, including State and non-State actors, such as the Federal Government of Somalia (FGS) forces, Federal Member States (FMS) forces and Somaliland forces, Al-Shabaab, clans and clan militias, Islamic State in Somalia (ISS) and other non-state armed groups. Members of the extended family and community can also be perpetrators of human rights violations. See Actors of persecution or serious harm.

Among the most commonly encountered profiles of applicants for international protection, the following would be **highly likely to qualify for refugee status,** irrespective of the specific region of origin:

- Journalists and other media workers seen as critical of actors particularly active in an area or in control of a specific area
- Individuals (perceived as) contravening Sharia in Al-Shabaab controlled areas
- Individuals (perceived as) apostates, converts, proselytisers or blasphemers outside Al-Shabaab controlled areas
- Persons with diverse SOGIESC
- Girls who have not undergone FGM/C
- Single women and female heads of households without support from the extended family or clan

Furthermore, the following profiles **in South-Central Somalia only** would also **highly likely qualify for refugee status**:

- Prominent and high-ranking federal and state officials
- Members of the federal and state armed forces
- Electoral delegates
- Civilians perceived as 'spies' by Al-Shabaab
- Deserters and defectors from Al-Shabaab
- Individuals refusing to pay 'taxes' to Al-Shabaab
- Humanitarian workers
- Women who have left Al-Shabaab

For these profiles **in Puntland**, an assessment of **risk-impacting circumstances** which may affect the probability of granting refugee status is required. The same profiles **in Somaliland would likely not qualify for refugee status**.

Further guidance is provided on the **risk-impacting circumstances** which may affect the probability of granting refugee status for the following profiles, irrespective of the specific region of origin:

- Persons fearing forced recruitment by Al-Shabaab
- Journalists and other media workers (other than those seen as critical of actors particularly active in an area or in control of a specific area)
- Individuals (perceived as) contravening other social or religious laws/tenets outside Al-Shabaab controlled areas (other than apostates, converts, proselytisers or blasphemers)
- Individuals involved in clan disputes
- Persons belonging to low status occupational minorities
- Persons belonging to ethnic minorities
- Persons belonging to groups specialised in Islamic services
- Persons belonging to clans which can be considered minority groups in local contexts
- Individuals in mixed marriages
- Women and girls in relation to child marriage and forced marriage or other forms of GBV
- Women who have not undergone FGM/C as well as Women and girls who have undergone FGM/C
- Single women and female heads of households with support from the extended family or clan
- Children
- Persons living with disabilities and/or with severe medical issues

The treatment faced by Somalis who have resided for a long time in neighbouring countries or other countries in the region would in general not amount to persecution. However, belonging to this profile might be a risk-enhancing factor for other profiles.

If an applicant is not considered eligible for refugee status, case officers should proceed to consider the granting of **subsidiary protection**.

If there is a reasonable degree of likelihood of death penalty or execution, and no nexus to a reason for persecution can be substantiated, subsidiary protection under Article 15(a) QD/QR shall be granted. Death sentences continued to be imposed and carried out both by state authorities and Al-Shabaab courts.

Article 15(b) QD/QR relating to the risk of torture, or inhuman or degrading treatment or punishment, may be applicable in certain cases. For example, in Somalia prison conditions, corporal punishments or forced evictions may reach the threshold of serious harm.

With regard to subsidiary protection under Article 15(c) QD/QR, the guidance provides an assessment per administrative region as per following:

- There are **no areas in Somalia** where the degree of **indiscriminate violence** reaches such an **exceptionally high level** that substantial grounds are shown for believing that a civilian, returned to the relevant area, would, **solely on account of their presence there**, face a real risk of being subject to the serious threat referred to in Article 15(c) QD/QR.

- **Indiscriminate violence** in situations of armed conflict reaches a **high level** in the regions **Lower Juba, Bay, Lower Shabelle, Benadir/Mogadishu, Hiraan, Middle Shabelle, Mudug, Galgaduud**. Accordingly, **a lower level of individual elements** is required to show substantial grounds for believing that a civilian, returned to the area, would face a real risk of serious harm.

- In the regions **Gedo, Middle Juba, Bakool, Bari, Sool, Sanaag**, **indiscriminate violence** is taking place, however **not at a high level**. Accordingly, **a higher level of individual elements** is required to show substantial grounds for believing that a civilian, returned to the area, would face a real risk of serious harm.

- In the regions **Awdal, Nugal, Wogoyi Galbeed, Todgheer**, it is considered that there is **no real risk** of serious harm under Article 15(c) QD/QR.

The international protection needs of Somali applicants are further compounded by the general lack of protection in the country. Neither the Somali state nor Al-Shabaab or clans can be considered actors of protection fulfilling the requirements of Article 7 QD/QR. On the other hand, the authorities of Somaliland, in areas under their control, may be considered able and willing to provide protection for some categories of applicants. See Actors of protection.

In relation to internal protection alternative (IPA), it is assessed that given the security situation and living conditions, IPA in Mogadishu might be applicable only in exceptional cases. IPA in

Garowe and Hargeisa may be applicable depending on the profile and individual circumstances of the applicant. It is further highlighted that clan affiliation is a crucial element to consider for IPA in all three cities.

Finally, exclusion considerations may be relevant in a number of cases concerning applicants from Somalia, such as members of the FGS and FMS forces and deserters and defectors from Al-Shabaab.

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  The assessment and guidance reflect the conclusions of the EUAA Country Guidance Network, which consists of EU Member States, Iceland, Norway and Switzerland. The guidance note has been endorsed by the EUAA Management Board.

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  Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010.

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