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8. Exclusion

COMMON ANALYSIS | Last update: December 2025

For general guidance on Exclusion, see ‘EUAA, *Practical Guide: Exclusion*, January 2017’ and ‘EUAA, *Practical Guide on Exclusion for Serious (Non-political) Crimes*, December 2021’.

For general guidance on the country guidance approach to this chapter, see ‘EUAA, 'Exclusion' in *Country Guidance: Explained*, February 2025’.

In the context of Syria, various circumstances may require consideration of the potential applicability of exclusion grounds. The QD/QR does not set a time limit for the application of the grounds for exclusion. Applicants may be excluded in relation to events having occured in the recent and more distant past.

More specifically, the need to examine possible exclusion issues in the context of Syria may arise, for example, in cases of applicants being former or current members of the groups cited below. This list is non-exhaustive:

- Former members of Assad’s armed forces, especially former members of the Syrian Arab Army (SAA), the intelligence and security services, and associated pro-Assad armed groups, such as the National Defence Forces (NDF) and Palestinian militias, such as the Liwa al-Quds (the Quds Brigade).
- (Former) members of Assad-aligned militias formed after the fall of the regime, such as the Syrian Popular Resistance.
- (Former) members of the formerly called ‘anti-government armed groups’, such as Free Syrian Army (FSA), *Jabhat al-Nusrah*/HTS, SNA, especially the Suleiman Shah Brigade, the Hamza Division and their commanders, and the Sultan Murad Division, and ISIL.
- (Former) Kurdish political actors (PYD), and security forces (SDF, YPG, Asayish) and groups linked to the PKK, such as the *Kurdish Revolutionary Youth Movement*.
- Druze militias.
- Individuals who committed serious crimes, such as violence against women and children.

Given the serious consequences that exclusion may have for the individual, the exclusion grounds should be interpreted restrictively and applied with caution.

The examples mentioned in this chapter (see below) are non-exhaustive and non-conclusive. Each case should be examined on its own merits.

☐ Exclusion based on the commission of international crimes

The analysis below is based on the following EUAA COI reports: Country Focus July 2025, 2.4.1., 2.4.2., 2.6.; Security 2021, 1.1.; Security 2020, Annex II.; Country Guidance should not be referred to as a source of COI.

It can be noted that the ground ‘crime against peace’ is not likely to be of relevance in the cases of applicants from Syria.

Reported crimes such as murder, torture, and rape by the different actors could amount to crimes against humanity when committed as part of a widespread and systematic attack against the civilian population. Crimes in the context of past events, such as the Muslim Brotherhood uprising could also trigger the consideration of exclusion in relation to ‘crimes against humanity’.

Violations of international humanitarian law by different parties in the current and in past conflicts in Syria could amount to war crimes, such as the deliberate and systematic attacks on hospitals, the use of prohibited weapons and the deliberate indiscriminate attacks on civilians, etc.

Acts reported to be committed in the context of the following past and current situations of armed conflicts in Syria could be also relevant for Article 12(2)(a) QD/QR and Article 17(1)(a) QD/QR, as they may, depending on the circumstances, amount to ‘war crimes’ and/or ‘crimes against humanity’, if the legal requirements in this regard are fulfilled:

- The Syrian intervention in the Lebanese civil war and presence in Lebanon (1976-2005).
- The Muslim Brotherhood Uprising in Syria (1979-1982) which comprised the Hama Massacre (February 1982).
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Armed conflict between the former Government of Syria (GoS) and various former anti-GoS armed groups, most notably HTS, SNA, SDF and ISIL.

- International armed conflict between the US-led coalition against ISIL and Syria (due to its military intervention in Syria without the consent of the former GoS or the Transitional Government).
- International armed conflict between Syria and Türkiye, as the former GoS had not accepted Turkish presence on its territory; military confrontations between Syrian and Turkish armed forces also took place during the conflict.
- International armed conflict between Syria and Israel, who has been conducting air strikes on numerous targets in Syria without the consent of the Transitional Government.
- Non-international armed conflict between Türkiye and the YPG forces and with ISIL.
- Non-international armed conflict between different former anti-GoS armed groups.
- Non-international armed conflict between the transitional authorities and their affiliates and Alawite militias loyal to Assad.

In the context of the ongoing armed conflicts in Syria, acts such as extrajudicial killings, child recruitment and forced disappearance, could amount to both war crimes and crimes against humanity. According to COI, especially (former) members of the Assad-aligned militias formed after the fall of the regime, (former) members of ISIL, (former) members of Kurdish security forces, such as SDF, have been implicated in acts that would qualify as war crimes and/or crimes against humanity. (Former) members of groups linked to the PKK, especially the Kurdish Revolutionary Youth Movement have been implicated in acts of child recruitment, while (former) members of SNA have been involved in acts particularly against Kurds and Alawites, that would qualify as war

crimes and/or crimes against humanity.

☐ Exclusion based on the commission of a serious crime

The analysis below is based on the following EUAA COI reports: Country Focus July 2025, 2.6., 2.7., 3.9.1., 5.3.; Country Focus March 2025, 4.1.1.; Country Guidance should not be referred to as a source of COI.

Criminal activity in Syria is widely reported and includes kidnappings, assassinations, arms and drug smuggling, and trafficking in human beings. Such serious (non-political) crimes would trigger the application of Article 12(2)(b)/Article 17(1)(b) QD/QR.

Violence against women and children (for example honour-based and domestic violence, sexual violence, early/forced marriage) has been prevalent both in public and private spheres and could also potentially amount to a serious (non-political) crime. See also 4.10. Women and girls and Criminal violence under Article 15(b) QD/QR: torture or inhuman or degrading treatment or punishment.

Some serious (non-political) crimes could be linked to an armed conflict (e.g. if committed in order to finance the activities of armed groups) or could amount to fundamentally inhumane acts committed as a part of a systematic or widespread attack against a civilian population, in which case they should instead be examined under Article 12(2)(a)/Article 17(1)(a) QD/QR.

☐ Exclusion based on acts contrary to the purposes and principles of the United Nations

(Former) membership in group such as ISIL and *Jabhat al-Nusrah*/HTS could trigger relevant considerations and require an examination of the applicant's activities under Article 12(2)(c)/Article 17(1)(c) QD/QR, in addition to the considerations under Article 12(2)(b)/Article 17(1)(b) QD/QR.

Membership alone is not sufficient to substantiate exclusion, however, participation in the activities of a terrorist group, undertaken with knowledge of the fact that such participation will contribute to the criminal activities of the terrorist group, should be given significant weight in the exclusion assessment(17).

The application of exclusion should be based on an individual assessment of the specific facts in the context of the applicant's activities within that organisation. The position of the applicant within the organisation would constitute a relevant consideration and a high-ranking position could justify a (rebuttable) presumption of individual responsibility for crimes or acts within the scope of Article 12(2)(c)/Article 17(1)(c) QD/QR. Other engagement with a group, such as the aforementioned, could also trigger exclusion considerations. Nevertheless, it remains necessary to examine all relevant circumstances before an exclusion decision can be made.

Where the available information indicates possible involvement in crimes against peace, war crimes or crimes against humanity, the assessment would need to be made in light of the exclusion grounds under Article 12(2)(a)/Article 17(1)(a) QD/QR.

☐ Exclusion based on constituting a danger to the community or to the security of the Member State

In the examination of the application for international protection, the exclusion ground under Article 17(1)(d) QD/QR (danger to the community or the security of the Member State) is only applicable to persons otherwise eligible for subsidiary protection.

Unlike the other exclusion grounds, the application of this provision is based on a forward-looking assessment of risk. Nevertheless, the examination takes into account the past and/or current activities of the applicant, such as association with certain groups considered to represent a danger to the security of the Member State or criminal activities of the applicant.

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  Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA

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