

4.1. Legal framework

Article 17(1)(d) of the QR and the recast QD provides that a third-country national or a stateless person is excluded from subsidiary protection when there are serious reasons to consider that he/she constitutes a danger to the community or national security/the security of the Member State in which he/she is present. This exclusion ground is exclusive to subsidiary protection status. As highlighted in Section 2.2, the CJEU ruled in *B and D* that when assessing exclusion grounds for refugee status, authorities are not required to assess whether the applicant represents a current danger. In this regard, Article 14(5) of the recast QD allows Member States to refuse refugee status when the grounds under Article 14(4) apply, including if the applicant represents a danger to the security of the Member State or constitutes a danger to the community after being convicted of a final judgment of a particularly serious crime. However, the CJEU clarified in *K.A.M. v Republic of Cyprus* (C-454/23, 27 February 2025) that Article 14(4) and (5) cannot be considered as an additional exclusion ground as grounds for revocation do not have the effect that the third-country national ceases to be a refugee.

National legislation transposing Article 17(1)(d) shows a non-uniform approach to the terminology used. While the recast QD refers to a “danger to the community or the security of a Member State”, various jurisdictions have used related terminology, such as ‘public order’, ‘danger to society’, ‘state security’, ‘public security’ and ‘national security’. However, it does not appear that these differences in terms have resulted in different assessment frameworks and outcomes. Moving forward, as the QR is directly applicable since 12 June 2026, this difference in terminology will no longer apply.

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