**I – Admissibility of applications; Exclusion from, cessation of and withdrawal of protection or protection status.**

1. Acts contrary to the purposes and principles of the UN
2. Cessation of protection
3. Circumstances ceased to exist
4. Crime against humanity
5. Exclusion from protection
6. First country of asylum
7. Inadmissible application
8. Revocation of protection status
9. Safe country of origin
10. Safe third country
11. Serious non-political crime
12. Terrorism
13. War crimes
14. Withdrawal of protection application

**II – Elements of Protection Definition**

1. Actor of persecution or serious harm
2. Actors of protection
3. Country of former habitual residence
4. Country of origin
5. Internal protection
6. Non-state actors/agents of persecution
7. Protection
8. Real risk
9. Refugee Status
10. Refugee sur place
11. Stateless person
12. Subsidiary Protection
13. Well-founded fear

**III – Forms of and Reasons for Persecution and Serious Harm**

1. Armed conflict
2. Death penalty/Execution
3. Discrimination
4. Female genital mutilation
5. Gender Based Persecution
6. Genocide
7. Indiscriminate violence
8. Individual threat
9. Inhuman or degrading treatment or punishment
10. Internal armed conflict
11. International armed conflict
12. Membership of a particular social group
13. Nationality
14. Persecution (acts of)
15. Persecution Grounds/Reasons
16. Political Opinion
17. Race
18. Religion
19. Serious harm
20. Sexual orientation
21. Torture
22. Trafficking in human beings

**IV - Elements of Proof**

1. Benefit of doubt
2. Burden of proof
3. Country of origin information
4. Credibility assessment
5. Duty of applicant
6. Medical Reports/Medico-legal Reports
7. Previous persecution
8. Relevant Documentation
9. Relevant Facts
10. Standard of proof

**V - Assessment of application**

1. Accelerated procedure
2. Assessment of facts and circumstances
3. Child Specific Considerations
4. Humanitarian considerations
5. Individual assessment
6. Manifestly unfounded application
7. Obligation/Duty to cooperate
8. Personal circumstances of applicant

**VI – Procedural rights and safeguards**

1. Delay
2. Effective access to procedures
3. Effective remedy (right to)
4. Final decision
5. Legal assistance/ Legal representation/Legal aid
6. More favourable provisions
7. Obligation to give reasons
8. Personal interview
9. Procedural guarantees
10. Right to remain pending a decision (Suspensive effect)
11. Subsequent application

**VII – Permissions, Transfers, Returns and Family Reunification**

1. Dependant (Dependent person)
2. Dublin Transfer
3. Family member
4. Family reunification
5. Indirect refoulement
6. Non-refoulement
7. Request that charge be taken
8. Request to take back
9. Residence document
10. Responsibility for examining application
11. Return
12. Sponsor
13. Temporary Protection
14. Visa

**VIII - Reception conditions; general rights and entitlements**

1. Access to the labour market
2. Accommodation centre
3. Best interest of the child
4. Detention
5. Education (right to)
6. Family unity (right to)
7. Freedom of movement (right to)
8. Health (right to)
9. Integration measures
10. Material reception conditions
11. Reception conditions
12. Unaccompanied minor
13. Vulnerable Person

*I – Admissibility of applications; Exclusion from, cessation of and withdrawal of protection or protection status.*

1. Acts contrary to the purposes and principles of the UN

*Definition:* Extreme activity with an international dimension committed by persons who have been in positions of power in a state or state-like entity and which attacks the very basis of the international community's coexistence. May include crimes capable of affecting international peace, security and peaceful relations between states, as well as serious and sustained violations of human rights.

*Source:* Adapted by EDAL from [UNHCR Guidelines on International Protection No. 5: Application of the Exclusion Clauses](http://www.asylumlawdatabase.eu/en/content/en-unhcr-guidelines-international-protection-no-5-application-exclusion-clauses-article-1f): [Article 1F](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1f) of the 1951 Convention relating to the Status of Refugees (HCR/GIP/03/05) 4 September 2003

*Legislative Reference(s):* [Article 1F(c)](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1f) of the 1951 Convention relating to the Status of Refugees; [Recital 22](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-directive-200483ec-29-april-2004#Rec%2022) , [Article 12(2)(c)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-directive-200483ec-29-april-2004#Art%2012%20QD) and [17(c)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-directive-200483ec-29-april-2004#Art%2017%20QD) Qualification Directive 2004/83/EC*;* [Recital 31, Article 12 (2)(c) and Article 17(1)(c)](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011) Qualification Directive 2011/95/EU, [Article 14 and 29](http://www.asylumlawdatabase.eu/en/content/en-universal-declaration-human-rights) Universal Declaration of Human Rights.

1. Cessation of protection

*Definition:* Pertaining to thecircumstances in which a person may no longer be considered to be a refugee or to be eligible for subsidiary protection.

*Source:* Adopted by EDALby reference to Articles 11 and 16 of the Qualification Directive

*Legislative Reference(s):* Articles 11, 14, 16and 19[Qualification Directive 2004/83/EC](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-directive-200483ec-29-april-2004); Article 11 and 16 of the [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011), Article 1C of the [1951 Convention relating to the Status of Refugees (HCR/GIP/03/05) 4 September 2003](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1c)

1. Circumstances ceased to exist

*Definition:* A significant and non-temporary change in circumstances as provided for in [Article 11(e) or (f)](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011) of the Qualification Directive such that a refugee's fear of persecution can no longer be regarded as well-founded or as provided for in [Article 16](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011) such that the person eligible for subsidiary protection no longer faces a real risk of serious harm, and which may lead to cessation of refugee status or cessation of eligibility for subsidiary protection.

*Source:* Derived by EDAL from [Article 11](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2011%20QD) and [16](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2016%20QD) of the Qualification Directive

*Legislative Reference(s):* Article [1C(5) and (6)](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1c)of the 1951 Convention relating to the Status of Refugees; Article [11(e) and (f)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2011%20QD), [16](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2016%20QD) Qualification Directive 2004/83/EC and Article 11(e) and (f), 16 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011).

1. Crime against humanity

*Definition:* "Any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

(a) Murder;

(b) Extermination;

(c) Enslavement;

(d) Deportation or forcible transfer of population;

(e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;

(f) Torture;

(g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;

(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;

(i) Enforced disappearance of persons;

(j) The crime of apartheid;

(k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health."

*Source:* [EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/glossary/index_a_en.htm) who quote the Rome Statute.

*Legislative Reference(s):* Article [1F(a)](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1f) 1951 Convention relating to the Status of Refugees, Article [12(2)(a)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2012%20QD) and [17(1)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2017%20QD) Qualification Directive 2004/83/EC; Article 9(e), Article 12(2)(a), Article 17(1)(a) and(2) [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); [Article 7 of the Rome Statute of the International Criminal Court](http://untreaty.un.org/cod/icc/statute/romefra.htm)

1. Exclusion from Protection

*Definition:* Exclusion from being a refugee on any of the grounds set out in Article 12 of the Qualification Directive or exclusion from being eligible for subsidiary protection on any of the grounds set out in Article 17 of the [Qualification Directive](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011).

*Source:* Derived by EDAL from [Articles 12](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2012%20QD) and [17](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2017%20QD) of the Qualification Directive

*Legislative Reference(s):* Articles 1D, 1E and 1F of the [1951 Convention relating to the Status of Refugees (HCR/GIP/03/05) 4 September](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951);Articles [9(2)(e)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%209%20QD), [12](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2012%20QD), [14(3)(a)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2014%20QD), [17](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2017%20QD), [19(2), 19(3)(a)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2019), [23(3)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2023) Qualification Directive 2004/83/EC; Articles 9(2)(e), 12,17, 19(2), 19(3)(a), 23 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011), Article [8(1)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%208) Asylum Procedures Directive 2005/85/EC, Article 10(1) [Asylum Procedures Directive 2013/32/EU](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive).

1. First country of asylum

*Definition:*  "A country can be considered to be a first country of asylum for a particular applicant if:

(a) he or she has been recognised in that country as a refugee and he or she can still avail himself/herself of that protection; or

(b) he or she otherwise enjoys sufficient protection in that country, including benefiting from the principle of non-refoulement, provided that he or she will be readmitted to that country.

In applying the concept of first country of asylum to the particular circumstances of an applicant, Member States may take into account Article 38(1). The applicant shall be allowed to challenge the application of the first country of asylum concept to his or her particular circumstances.”

*Source:* Derived by EDAL from Article 35 of the [Asylum Procedures Directive 2013/32/EU](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive)**.**

*Legislative Reference(s):* Recital [22](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#r22), Articles [25(2)(b)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2025) and [26](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2026) Asylum Procedures Directive 2005/85/EC; Recital 43, Article 33(2)(b), Article 35 [Asylum Procedures Directive 2013/32/EU](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive).

1. Inadmissible application

*Definition:*  Member States may consider an application for asylum as inadmissible pursuant to Article 33 of the [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU if:

“1. In addition to cases in which an application is not examined in accordance with Regulation (EU) No 604/2013, Member States are not required to examine whether the applicant qualifies for international protection in accordance with Directive 2011/95/EU where an application is considered inadmissible pursuant to this Article.

2. Member States may consider an application for international protection as inadmissible only if:

(a) another Member State has granted international protection;

(b) a country which is not a Member State is considered as a first country of asylum for the applicant, pursuant to Article 35;

(c) a country which is not a Member State is considered as a safe third country for the applicant, pursuant to Article 38;

(d) the application is a subsequent application, where no new elements or findings relating to the examination of whether the applicant qualifies as a beneficiary of international protection by virtue of Directive 2011/95/EU have arisen or have been presented by the applicant; or

(e) a dependant of the applicant lodges an application, after he or she has in accordance with Article 7(2) consented to have his or her case be part of an application lodged on his or her behalf, and there are no facts relating to the dependant’s situation which justify a separate application.”

*Source:* Derived by EDAL from Article 33 of the [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU.

*Legislative Reference(s):* Article [25(2)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2025), [35(3)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2035) and [39(1)(a)(i)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2039) Asylum Procedures Directive 2005/85/EC; Recital 36, 6(a)(iii), 6(c), 31(8)(f), 33, 40(5), 41(1)(b), 46 [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU.

1. Revocation of protection status

*Definition:* In the EU context, the decision by a competent authority to revoke, end or refuse to renew the refugee or subsidiary protection status of a person.

*Source:* Adapted by EDAL from[EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/glossary/index_a_en.htm) via Art 14 and 19 of [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011)**.**

*Legislative Reference(s):* Articles [11, 12](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2011), [14](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2014%20QD), [16](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2016%20QD), [17](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2017), and [19](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2019)Qualification Directive 2004/83/EC; Articles 14, 19, 21(3) [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); [Recital 26](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#r26), [Article 37](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2037) and [38(4)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2038) Asylum Procedures Directive 2005/85/EC; Articles 2, 27, 44, [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; [Article 1C](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1c) of the 1951 Convention relating to the Status of Refugees (HCR/GIP/03/05) 4 September 2003

1. Safe country of origin

*Definition:* "A country where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution as defined in Art. 9 of Directive 2011/95/EU (Recast Qualification Directive), no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict.”

*Source:* [EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf)

*Legislative Reference(s):* Recital [17 - 21](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#r17),Articles [23(4)(c)(i)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2023), [29](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2029), [30](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2030) and [31](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2031) and [Annex II](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Annex) of the Asylum Procedures Directive 2005/85/EC; Recital 32, 40-42, 46-48, 25(6), 31(8), 36, 37 and Annex I [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU.

1. Safe third country

*Definition:* A third country that treats a person seeking international protection in accordance with the following principles:

(a) life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion;

(b) there is no risk of serious harm as defined in Directive

2011/95/EU;

(c) the principle of non-refoulement in accordance with the Geneva Convention of 1951 is respected;

(d) the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law, is respected; and

(e) the possibility exists to request refugee status and, if found to be a refugee, to receive protection in accordance with the Geneva Convention

Note: The notion of safe third country (protection elsewhere/first asylum principle) is often used as a criterion of admissibility to the refugee determination procedure.

*Source:* [EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf)

*Legislative Reference(s):* [Recitals 24](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#r24) and [25](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#r25), Articles [4(2)(f)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%204%20APD), [23(4)(ii)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2023), [25(2)(c)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2025), Article [27](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2027),[36](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2036) Asylum Procedures Directive 2005/85/EC, Recitals 32 and 47, Articles 25(6), 33, 38, [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU.

1. Serious non-political crime

*Definition:* "This category does not cover minor crimes nor prohibitions on the legitimate exercise of human rights. In determining whether a particular offence is sufficiently serious, international rather than local standards are relevant. The following factors should be taken into account: the nature of the act, the actual harm inflicted, the form of procedure used to prosecute the crime, the nature of the penalty, and whether most jurisdictions would consider it a serious crime. Thus, for example, murder, rape and armed robbery would undoubtedly qualify as serious offences, whereas petty theft would obviously not.

A serious crime should be considered non-political when other motives (such as personal reasons or gain) are the predominant feature of the specific crime committed. Where no clear link exists between the crime and its alleged political objective or when the act in question is disproportionate to the alleged political objective, non-political motives are predominant. The motivation, context, methods and proportionality of a crime to its objectives are important factors in evaluating its political nature. The fact that a particular crime is designated as non-political in an extradition treaty is of significance, but not conclusive in itself. Egregious acts of violence, such as those commonly considered to be of a ‘terrorist’ nature, will almost certainly fail the predominance test, being wholly disproportionate to any political objective. Furthermore, for a crime to be regarded as political in nature, the political objectives should be consistent with human rights principles."

*Source:* "UNHCR GUIDELINES ON INTERNATIONAL PROTECTION: [Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees](http://www.unhcr.org/3f7d48514.html) HCR/GIP/03/05"

*Legislative Reference(s):* Article [1F(b)](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1f) 1951 Convention relating to the Status of Refugees; Article [12 2(b)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2012%20QD) Qualification Directive 2004/83/EC; Article 12(2)(b) [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011), Article 14(2) [Universal Declaration of Human Rights](http://www.asylumlawdatabase.eu/en/content/en-universal-declaration-human-rights)

1. Terrorism

*Definition:* Any act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature and context, is to intimidate a population, or to compel a government or an international organization to do or abstain from doing an act.

*Source:* [Article 2(1)(b) International Convention for the Suppression of Financing of Terrorism, 1999](http://www.un.org/law/cod/finterr.htm)

*Legislative Reference(s):* [Recital 22](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Rec%2022) and [28](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Rec%2028)Qualification Directive 2005/85/EC; Recital 31, 37 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011)

1. War crimes

*Definition: “*Grave breaches of the Geneva Conventions or other serious violations of the laws and customs applicable in international armed conflict within the established framework of international law, as defined in the Rome Statute of the International Criminal Court"

*Source:* [EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf) via [Article 8 of the Rome Statute of the International Criminal Court](http://untreaty.un.org/cod/icc/statute/romefra.htm)

*Legislative Reference(s):* [Article 8](http://untreaty.un.org/cod/icc/statute/romefra.htm) of the Rome Statute of the International Criminal Court; [Geneva Conventions](http://www.icrc.org/eng/assets/files/publications/icrc-002-0173.pdf) of 12 August 1949; [Article 1F(a)](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1f) of the 1951 Convention relating to the Status of Refugees; [12(2)(a)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2012%20QD) and [17(1)(a)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2017%20QD) Qualification Directive 2004/83/EC; Articles 12(2)(a) and 17(1)(a) [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011)

1. Withdrawal of protection application

*Definition:* The actions by which the applicant terminates the procedures initiated by the submission of their application for international protection, in accordance with Directive 2013/32/EU, either explicitly or tacitly

*Source:* [EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf) via Art. 27 and 28 of [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU.

*Legislative Reference(s):* Articles [19, 20](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2019), [32](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%20%2032), [39(6)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2039) Procedures Directive 2005/85/EC; Articles 2, 12(1)(a), 27, 28, 44 [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU. Articles [2(f)](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#2), [4(5)](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#4), [16(1)(d) and (4)](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#16) Dublin II regulations (EC) No 343/2003; Article 18(2) and 19(3) [Dublin Regulation III No 604/2013](http://www.asylumlawdatabase.eu/en/content/regulation-eu-no-6042013-european-parliament-and-council-26-june-2013-dublin-iii-regulation).

*II – Elements of Protection Definition*

1. Actor of persecution or serious harm

*Definition:* Actors of persecution or serious harm include:

(a) the State;

(b) parties or organisations controlling the State or a substantial part of the territory of the State;

(c) non-State actors, if it can be demonstrated that the actors mentioned in points (a) and (b), including international organisations, are unable or unwilling to provide protection against persecution or serious harm as defined in Article 7.

*Source:* Derived by EDAL from Art 6 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011)

*Legislative Reference(s):* Recital [21](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#r21) and Articles [22](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2022) and [38](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2038) Procedures Directive 2005/85/EC; Recital 42 [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; Articles [6](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%206%20QD), [10](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2010%20QD) Qualification Directive 2004/83/EC; Recital 27, Articles 6, 7, 10(1)(e) [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011)

1. Actors of protection

*Definition:* "1. Protection against persecution or serious harm can only be provided by:

(a) the State; or

(b) parties or organisations, including international organisations, controlling the State or a substantial part of the territory of the State; provided they are willing and able to offer protection in accordance with paragraph 2.

2. Protection against persecution or serious harm must be effective and of a non-temporary nature. Such protection is generally provided when the actors mentioned under points (a) and (b) of paragraph 1 take reasonable steps to prevent the persecution or suffering of serious harm, inter alia, by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and when the applicant has access to such protection.

3. When assessing whether an international organisation controls a State or a substantial part of its territory and provides protection as described in paragraph 2, Member States shall take into account any guidance which may be provided in relevant Union acts.."

*Source:* Article 7 of the [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011)

*Legislative Reference(s):* [Article 7](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%207%20QD) of the Qualification Directive 2004/83/EC; Article 7 of the [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011)

1. Country of former habitual residence

*Definition:* the country in which a stateless person had resided and where s/he had suffered or fears s/he would suffer persecution if s/he returned.

For the purposes of the Qualification Directive, “country of origin” means, for stateless persons, the country or countries of former habitual residence.

*Source:* Derived by EDAL from "[Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees HCR/IP/4/Eng/REV.1](http://www.unhcr.org/3d58e13b4.html) and [Art 2(k)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%202%20QD) of the Qualification Directive 2004/83/EC; Article 2(n) [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011)

*Legislative Reference(s):* Article [1A(2)](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1) and [C](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1c) 1951 Convention relating to the Status of Refugees; [Articles 2(c), (e) and (k)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%202%20QD) and [11](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2011%20QD) Qualification Directive 2004/83/EC; Article 2(f)(j), (n), [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011)

1. Country of origin

*Definition:* "The country (or countries) which are a source of migratory flows and of which a migrant may have citizenship.

In refugee context, this means the country (or countries) of nationality or, for stateless persons, of former habitual residence."

*Source:* [EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf) via IOM definition and Article 2(n) [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011)

*Legislative Reference(s):* [Article 3](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#3) 1951 Convention relating to the Status of Refugees; [Article 22(b)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2022) Asylum Procedures Directive 2005/85/EC; Recital 39, Articles 30, 31, 45(2) [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; [Article 2(i), 7, 15 and 16](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0086:EN:HTML) Dublin II Regulation (EC) No 343/2003; Article 2(g), 9 and 16 [Dublin III Regulation No 604/2013](http://www.asylumlawdatabase.eu/en/content/regulation-eu-no-6042013-european-parliament-and-council-26-june-2013-dublin-iii-regulation); [Article 2 (e)(h) and (k),](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%202%20QD) [4(3),](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%204%20QD) [5](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%205%20QD), [8](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%208%20QD), [15,](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2015%20QD) [23(5)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2023) and [30(5)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2031) Qualification Directive 2004/83/EC; Recital 27, Articles 2(f)(j)(n), 4(3)(a), 5, 8, 10, 15(b), 17(3), 23(5), and 31(5) [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011), [Article 2(d) and 19(3)](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0009:EN:HTML) Reception Conditions Directive 2003/9/EC; Articles 2(c) and 24(3) of [Reception Conditions Directive 2013/33/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-reception-conditions-directive-directive-201333eu-26-june-2013); [Article 4(2)(a), 17](http://www.asylumlawdatabase.eu/en/content/en-family-reunification-directive-council-directive-200386ec-22-september-2003) Family Reunification Directive 2003/86/EC

1. Internal protection

*Definition: “*As part of the assessment of the application for international protection, Member States may determine that an applicant is not in need of international protection if in a part of the country of origin, he or she:

(a) has no well-founded fear of being persecuted or is not at real risk of suffering serious harm; or

(b) has access to protection against persecution or serious harm as defined in Article 7;

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.”

*Source:* Derived by EDAL based on Article 8 of the [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011)

*Legislative Reference(s):* Recital [18](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Rec%2018),Article [8](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%208%20QD) Qualification Directive 2004/83/EC; Recital 25, 27 and Article 8 of [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011)

1. Non-state actors/agents of persecution

*Definition: “*People or entities responsible for acts or threats of persecution, which are not under the control of the government, and which may give rise to refugee status if they are facilitated, encouraged, or tolerated by the government, or if the government is unable or unwilling to provide effective protection against them.”

*Source:* [UNHCR Master Glossary of Terms Rev. 1](http://www.refworld.org/docid/42ce7d444.html)

*Legislative Reference(s):* [Article 6](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%206%20QD) Qualification Directive 2004/83/EC; Article 8 of [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011)

1. Protection

*Definition:* "A concept that encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of human rights, refugee and international humanitarian law.

According to Article 2(a) of the [Qualification Directive](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011#toc_216), ‘international protection’ means refugee status and subsidiary protection status as defined in points (e) and (g).

According to Recital 26 of the [Qualification Directive](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011#toc_216) “Protection can be provided, where they are willing and able to offer protection, either by the State or by parties or organisations, including international organisations, meeting the conditions set out in this Directive, which control a region or a larger area within the territory of the State. Such protection should be effective and of a non-temporary nature.”

According to Annex I of the [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive), in the context of safe countries of origin, protection may be provided against persecution or mistreatment by:

“In making this assessment, account shall be taken, inter alia, of the extent to which protection is provided against persecution or mistreatment by:

(a) the relevant laws and regulations of the country and the manner in which they are applied;

(b) observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the United Nations Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention;

(c) respect for the non-refoulement principle in accordance with the Geneva Convention;

(d) provision for a system of effective remedies against violations of those rights and freedoms. "

*Source:* " [EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf); Adopted by EDAL from Annex I of the Asylum Procedures Directive and Article 2(a) of the Qualification Directive"

*Legislative Reference(s):* 1[A](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1) and 1[C](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1c) 1951 Convention relating to the Status of Refugees; Recital 1, [13](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Rec%2013), [22](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#r22) and [23](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#r23), [Article 2(b),](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%202%20APD) [3,](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%203%20APD) [26,](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2026) [27](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2027) and [Annex II](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Annex) Asylum Procedures Directive 2005/85/EC; Recital 25-29, 43-45, Articles 2(b)(i), Annex I [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; [Recitals 1](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Rec%201), [3,](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Rec%203) [5 – 9,](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Rec%204) [18 – 20,](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Rec%2018) [24,](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Rec%2024) [25](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Rec%2025) and [29,](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Rec%2029) and [Articles 2,](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%202%20QD) [6(c),](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%206%20QD) [7](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%207%20QD), [8](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%208%20QD), [11](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2011%20QD), [12(1),](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2012%20QD) [16](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2016%20QD), [17,](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2017%20QD) [18,](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2018%20QD) [19](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2019) and [21](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2021) Qualification Directive 2004/83/EC; Recital 26, Articles 2, 4, 5, 6 (c), 7 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); Article 7 [Universal Declaration of Human Rights](file:///C:\Users\Yashmine%20Moradi\AppData\Roaming\Microsoft\Word\Universal%20Declaration%20of%20Human%20Rights)

1. Real risk

*Definition:* In order to be eligible for subsidiary protection, a third country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm as defined in Article 15, and to whom Article 17(1) and (2) does not apply, and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country. The fact that an applicant has already been subject to persecution or serious harm, or to direct threats of such persecution or such harm, is a serious indication of the applicant’s well-founded fear of persecution or real risk of suffering serious harm, unless there are good reasons to consider that such persecution or serious harm will not be repeated.

*Source:* Derived by EDAL fromArt. 2(e) (f) and 4 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011)

*Legislative Reference(s):* Article [2(e)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%202%20QD), [4(4)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%204%20QD), [5](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%205%20QD), [8](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%208%20QD) and [16](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2016%20QD) Qualification Directive 2004/83/EC; Articles 2(f), 4(4), 5(2), 8 and 16 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011).

1. Refugee Status

*Definition:* The recognition by a Member State of a third-country national or stateless person as a refugee.

*Source:*  [EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf) and Art 2(e) of the [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011)

*Legislative Reference(s):* [Recitals4,](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Rec%203) [14 – 16](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Rec%2014) and Articles [2(d)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%202%20QD), [5(3),](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%205%20QD) [13](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2013%20QD), [14](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2014%20QD), [20](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2020) and [24](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2024)Qualification Directive 2004/83/EC; Recital 21, 29, 36, Articles 2(a)-(c)(h), 13, 22, 25 and 34 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); [Article 37](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2037) Asylum Procedures Directive 2005/85/EC; Article 2(b)(i)(j) [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; [Article 22](http://www.asylumlawdatabase.eu/en/content/en-convention-rights-child) United Nations Convention on the Rights of the Child

1. Refugee *sur place*

*Definition:* "In the EU context, a person granted refugee status based on international protection needs which arose *sur place*, i.e. on account of events which took place since they left their country of origin.

In a global context, a person who is not a refugee when they leave their country of origin, but who becomes a refugee, that is, acquires a well-founded fear of persecution, at a later date.

Synonym: Objective grounds for seeking asylum occurring after the applicant's departure from his/her country of origin

Note: Refugees *sur place* may owe their fear of persecution to a coup d'état in their home country, or to the introduction or intensification of repressive or persecutory policies after their departure. A claim in this category may also be based on bona fide political activities, undertaken in the country of residence or refuge."

*Source:*  [EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf) via Article 5 of the [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011)

*Legislative Reference(s):* Recital [18](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2018%20QD) and Article [4(3)(d)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%204%20QD), [5](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%205%20QD), [20(6) and (7)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2020) Qualification Directive 2004/83/EC; Recital 25 and Article 5 of the [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011).

1. Stateless person

*Definition:* "Person who is not considered as a national by any State under the operation of its law.

This includes also a person whose nationality is not established."

*Source:*  [EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf) via [Convention relating to the Status of Stateless Persons](http://www.unhcr.org/3bbb25729.html)

*Legislative Reference(s):*  Article 1[UN Convention relating to the Status of Stateless Persons](http://www.unhcr.org/3bbb25729.html); [Article 2](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%202%20APD), [31(b)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2031) and [35(5)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2035) Asylum Procedures Directive 2005/85/EC; Recitals 26-27, 41, Article 2, 6, 8, 14, 36, 43 and 45 [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; [Article 1](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%201%20QD), [2,](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%202%20QD) [11](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2011%20QD) and [13](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2013%20QD) Qualification Directive 2004/83/EC; Article 1, 2, 11, 12-14, 16-19 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); [Article 3](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0009:EN:HTML) Reception Conditions Directive 2003/9/EC; Article 3 [Reception Conditions Directive 2013/33/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-reception-conditions-directive-directive-201333eu-26-june-2013); Article 2 [Family Reunification Directive 2003/86/EC](http://www.asylumlawdatabase.eu/en/content/en-family-reunification-directive-council-directive-200386ec-22-september-2003); Article 7 [United Nations Convention on the Rights of the Child](http://www.asylumlawdatabase.eu/en/content/en-convention-rights-child); Article 15 [Universal Declaration of Human Rights](http://www.asylumlawdatabase.eu/en/content/en-universal-declaration-human-rights)

1. Subsidiary Protection

*Definition: “*The protection given to a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to their country of origin, or in the case of a stateless person to their country of former habitual residence, would face a real risk of suffering serious harm as defined in Art. 15 of 2011/95/EU, and to whom Art. 17(1) and (2) of Directive 2011/95/EU do not apply, and is unable or, owing to such risk, unwilling to avail themselves of the protection of that country..”

“Note: This term is not used in UK.”

*Source:*  [EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf) via Art. 2(f) [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011)**.**

*Legislative Reference(s):* Generally:[Qualification Directive 2004/83/EC](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004) and [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011).

1. Well founded fear

*Definition:* One of the central elements of the refugee definition under [Article 1A](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1) ofthe1951 Refugee Convention is a “well-founded fear of persecution”:

"Since fear is subjective, the definition involves a subjective element in the person applying for recognition as a refugee. Determination of refugee status will therefore primarily require an evaluation of the applicant's statements rather than a judgement on the situation prevailing in his country of origin.

To the element of fear--a state of mind and a subjective condition--is added the qualification ‘well-founded’. This implies that it is not only the frame of mind of the person concerned that determines his refugee status, but that this frame of mind must be supported by an objective situation. The term ‘well-founded fear’ therefore contains a subjective and an objective element, and in determining whether well-founded fear exists, both elements must be taken into consideration."

*Source:* Derived by EDAL from" [Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees HCR/IP/4/Eng/REV.1](http://www.asylumlawdatabase.eu/en/content/en-unhcr-handbook-procedures-and-criteria-determining-refugee-status)"

*Legislative Reference(s):* [Article 1A(2)](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1) 1951 Convention relating to the Status of Refugees,Articles [2(c)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%202%20QD), [4(4),](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%204%20QD) [5,](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%205%20QD) [8(1),](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%208%20QD) [9(3)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%209%20QD) and [10(2)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2010%20QD), [11(2)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2011%20QD) Qualification Directive 2004/83/EC; Recital 30, Articles 2(d), 4(4), 5, 8, 10(2) and 11(2) [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011).

*III – Forms of and Reasons for Persecution and Serious Harm*

1. Armed conflict

*Definition:* A dispute involving the use of armed force between two or more parties. International Humanitarian law distinguishes between international and non-international armed conflicts. *“*An armed conflict exists whenever there is a resort to armed force between States or protracted armed violence between governmental authorities and organized armed groups or between such groups within a state”.

*Source:* Derived by EDAL [UNHCR Master Glossary of Terms Rev. 1](http://www.refworld.org/docid/42ce7d444.html) via Prosecutor v. Dusko Tadic, No. IT-94-1-AR 72, International Criminal Tribunal for the Former Yugoslavia Appeals Chamber).

*Legislative Reference(s):* Annex [II](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Annex) Procedures Directive 2005/85/EC*;* Annex I [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; Article [15](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2015%20QD) and [29](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2029) Qualification Directive 2004/83/EC; Article 15 and 30 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); Articles 38 and 39 [United Nations Convention on the Rights of the Child](http://www.asylumlawdatabase.eu/en/content/en-convention-rights-child)

1. Death penalty / Execution

*Definition:* Capital punishment; judicially pronounced sentence of death as a legally sanctioned punishment for criminal activity. Considered to be a form of serious harm for the purposes of the granting of subsidiary protection.

*Source:* Derived by EDAL

*Legislative Reference(s):* [Article 15(a)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2015%20QD) Qualification Directive 2004/83/EC; Article 15 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); Article 2 and 19(2) [Charter of Fundamental Rights of the European Union](http://www.asylumlawdatabase.eu/en/content/en-charter-fundamental-rights-european-union); Protocols 6 and 13 to the [ECHR](http://www.asylumlawdatabase.eu/en/content/en-european-convention-protection-human-rights-and-fundamental-freedoms-echr); Article 6 [International Covenant on Civil and Political Rights](http://www.asylumlawdatabase.eu/en/content/en-united-nations-international-covenant-civil-and-political-rights).

1. Discrimination

*Definition:* any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.

*Source:* Derived by EDAL from [General Comment 18 (1989) of the UN Human Rights Committee on Non-Discrimination](http://www.refworld.org/docid/453883fa8.html)

*Legislative Reference(s):* [Article 3](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#3)1951Convention relating to the Status of Refugees; [Recital 9](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Rec%209) Asylum Procedures Directive 2005/85/EC; [Recitals 11](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2011%20QD) and [33](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Rec%2033) and [Article 9](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%209%20QD) Qualification Directive 2004/83/EC; Recital 17, Article 9(2)(b)-(d) [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); [Recital 6](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0009:EN:HTML) Reception Conditions Directive 2003/9/EC; Recital 5 [Family Reunification Directive 2003/86/EC](http://www.asylumlawdatabase.eu/en/content/en-family-reunification-directive-council-directive-200386ec-22-september-2003); Article 21 [Charter Of Fundamental Rights Of The European Union](http://www.asylumlawdatabase.eu/en/content/en-charter-fundamental-rights-european-union); Article 2 [United Nations Convention on the Rights of the Child](http://www.asylumlawdatabase.eu/en/content/en-convention-rights-child); Article 7 [Universal Declaration of Human Rights](http://www.asylumlawdatabase.eu/en/content/en-universal-declaration-human-rights); Article 14 and Protocol 12 to [ECHR](http://www.asylumlawdatabase.eu/en/content/en-european-convention-protection-human-rights-and-fundamental-freedoms-echr)

1. Female genital mutilation

*Definition:* Female genital mutilation (FGM) comprises all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons.

*Source:*  [WHO Fact sheet No.241 on Female genital mutilation](http://collections.infocollections.org/ukedu/en/d/Js0519e/)

*Legislative Reference(s):* Recital 30 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011)

1. Gender Based Persecution

*Definition:* ‘Gender-related persecution’ is used to encompass the range of different claims in which gender is a relevant consideration in the determination of refugee status.

Gender refers to the relationship between women and men based on socially or culturally constructed and defined identities, status, roles and responsibilities that are assigned to one sex or another.

Gender is not static or innate but acquires socially and culturally constructed meaning over time. Gender-related claims may be brought by either women or men, although due to particular types of persecution, they are more commonly brought by women.

Gender-related claims have typically encompassed, although are by no means limited to, acts of sexual violence, family/domestic violence, coerced family planning, female genital mutilation, punishment for transgression of social mores, and discrimination against homosexuals."

*Source:* "Adapted by EDAL from p.2 of GUIDELINES ON INTERNATIONAL PROTECTION NO. 1: [Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention HCR/GIP/02/01](http://www.asylumlawdatabase.eu/en/content/en-unhcr-guidelines-international-protection-gender-related-persecution-within-context)

*Legislative Reference(s):* [Article 9(2)(f)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%209%20QD) and [10(1)(d)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2010%20QD) Qualification Directive 2004/83/EC; Recital 30, Article 9(f) and 10(d) [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011).

1. Genocide

*Definition:* "Any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group."

*Source:*  [EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf) via Rome Statute

*Legislative Reference(s):* Article 6 [Rome Statute of the International Criminal Court](http://www.asylumlawdatabase.eu/en/content/en-rome-statute-international-criminal-court);Article 6 [International Covenant on Civil and Political Rights](http://www.asylumlawdatabase.eu/en/content/en-united-nations-international-covenant-civil-and-political-rights)

1. Indiscriminate violence

*Definition:* Violence in situations of international or internal armed conflict which presents a serious and individual threat to a civilian's life or person for the purposes of determining the risk of serious harm in the context of qualification for subsidiary protection status under QD Art. 15(c).

*Source:* Adapted by EDAL from QD Art. 15

*Legislative Reference(s):* Article [15](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2015%20QD) Qualification Directive 2004/83/EC; Article 15 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); Annex [II](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Annex) Procedures Directive 2005/85/EC; Annex I [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU.

1. Individual threat

*Definition:* An individual threat to a civilian's life or person must be proven in order to establish the serious harm required before an applicant will be eligible for subsidiary protection status on the grounds set out in QD Art. 15(c).

“Risks to which a population of a country or a section of the population is generally exposed do normally not create in themselves an individual threat which would qualify as serious harm.”

*Source:* Derived by EDAL from Art. 15(c) and Recital 35 QD.

*Legislative Reference(s):* Recital [26](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Rec%2026) and Article [15](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2015%20QD) Qualification Directive 2004/83/EC; Recital 35 and Article 15(c) [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011).

1. Inhuman or degrading treatment or punishment

*Definition:* A form of serious harm for the purposes of the granting of subsidiary protection.

The Trial Chamber of the International Criminal Tribunal for the Former Yugoslavia in Celibici defined cruel or inhuman treatment as ‘an intentional act or omission, that is an act which, judged objectively, is deliberate and not accidental, that causes serious mental or physical suffering or injury or constitutes a serious attack on human dignity.’

“Ill-treatment means all forms of cruel, inhuman or degrading treatment or punishment, including corporal punishment, which deprives the individual of its physical and mental integrity."

*Source:* "Derived by EDAL from ICTFY, Prosecutor v. Delalic et al. (Celebici case), Case No. IT-96-21-T, Judgment of November 16, 1998, para. 552 and [Guidelines to EU Policy Towards Third Countries on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](http://www.consilium.europa.eu/uedocs/cmsUpload/TortureGuidelines.pdf)

*Legislative Reference(s):* Recital [21](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#r21), [Articles 27(1)(c) and (2)(c),](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2027) [30(2)(b)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2030) and [Annex II](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Annex) Asylum Procedures Directive 2005/85/EC; Recital 42, Article 38, and Annex I [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; [Article 15](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2015%20QD) and [29(3)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2029) Qualification Directive 2004/83/EC; Article 15(b) and Article 30 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); [Article 17](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0009:EN:HTML) Reception Conditions Directive 2003/9/EC; Article 23 [Reception Conditions Directive 2013/33/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-reception-conditions-directive-directive-201333eu-26-june-2013); Articles 4 and 19 [Charter of Fundamental Rights of the European Union](http://www.asylumlawdatabase.eu/en/content/en-charter-fundamental-rights-european-union); Article 37 and 39 [United Nations Convention on the Rights of the Child](http://www.asylumlawdatabase.eu/en/content/en-convention-rights-child); Article 5 [Universal Declaration of Human Rights](http://www.asylumlawdatabase.eu/en/content/en-universal-declaration-human-rights); Article 3 [ECHR](http://www.asylumlawdatabase.eu/en/content/en-european-convention-protection-human-rights-and-fundamental-freedoms-echr); Article 7 [UN International Covenant on Civil and Political Rights](http://www.asylumlawdatabase.eu/en/content/en-united-nations-international-covenant-civil-and-political-rights); [European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment](http://conventions.coe.int/Treaty/en/Treaties/Html/126.htm); [UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](http://www2.ohchr.org/english/law/cat.htm)

1. Internal armed conflict

*Definition: “*A conflict in which government forces are fighting with armed insurgents, or armed groups are fighting amongst themselves.”

*Source:*  [UNHCR Master Glossary of Terms Rev. 1](http://www.refworld.org/docid/42ce7d444.html)

*Legislative Reference(s):* Annex [II](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Annex) Procedures Directive 2005/85/EC*;* Article 1 [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; Article [15](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2015%20QD) Qualification Directive 2004/83/EC; Article 15 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); Articles 38 and 39 [United Nations Convention on the Rights of the Child](http://www.asylumlawdatabase.eu/en/content/en-convention-rights-child)

1. International armed conflict

*Definition: “*A war involving two or more states, regardless of whether a declaration of war has been made or whether the parties recognize that there is a state of war.”

*Source:*  [UNHCR Master Glossary of Terms Rev. 1](http://www.refworld.org/docid/42ce7d444.html)

*Legislative Reference(s):* Annex [II](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Annex) Procedures Directive 2005/85/EC*;* Article 1 [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; Article [15](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2015%20QD) Qualification Directive 2004/83/EC; Article 15 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); Articles 38 and 39 [United Nations Convention on the Rights of the Child](http://www.asylumlawdatabase.eu/en/content/en-convention-rights-child)

1. Membership of a particular social group

*Definition:* One of the grounds of persecution specified in the refugee definition per [Article 1A](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1) ofthe1951 Refugee Convention. According to the Qualification Directive, membership of a particular social group means members who share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, and that group has a distinct identity in the relevant country, because it is perceived as being different by the surrounding society.

Depending on the circumstances in the country of origin, a particular social group might include a group based on a common characteristic of sexual orientation. Sexual orientation cannot be understood to include acts considered to be criminal in accordance with national law of the Member States: Gender related aspects might be considered, without by themselves alone creating a presumption for the applicability of this concept.

*Source:* Adapted by EDAL from Article 10(1)(d) of the [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011)

*Legislative Reference(s):* Article [1A](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1) and [33](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#33) of the 1951 Convention relating to the Status of Refugees; Article [27(1)(a)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2027) Asylum Procedures Directive 2005/85/EC; Article 38 [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; Recital [21](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Rec%2021) and Article [2(c)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%202%20QD) and [10(1)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2010%20QD) Qualification Directive 2004/83/EC; Recitals 29 and 30, Articles 2(d), 10(1)(a) and (c) [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011).

1. Nationality

*Definition:* One of the grounds of persecution specified in the refugee definition per [Article 1A](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1) ofthe1951 Refugee Convention. Nationality can be defined generally as the legal bond between a person and a State which does not indicate the person's ethnic origin. According to the Qualification Directive, when considered as a reason for persecution, the concept of nationality is not confined to citizenship or lack thereof and, in particular, includes membership of a group determined by its cultural, ethnic, or linguistic identity, common geographical or political origins or its relationship with the population of another State

*Source:* Derived by EDALfrom [EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf) via [European Convention on Nationality](http://conventions.coe.int/Treaty/en/Treaties/Html/166.htm) and Article 10(1)(c) of the [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011)**.**

*Legislative Reference(s):* Article [1A(2)](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1), [1C](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1c), [1E](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1e), [17(2)](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#17) and [33](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#33)1951 Convention relating to the Status of Refugees*;* Recital [19](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#r19), Article [23(4)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2023), [27(1)(a)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2027) and [31(1)(a)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2031) Asylum Procedures Directive 2005/85/EC; Articles 25(6)(b), 31(8), 36 and 38 [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; [Article 21(2)(a)](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#20) Dublin II Regulation (EC) No 343/2003; [Article 2(c) and (k),](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%202%20QD) [4(2),](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%204%20QD) [10(1)(c)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2010%20QD), [11](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2011%20QD) and [12](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2012%20QD) Qualification Directive 2004/83/EC; Recital 29, Articles 2(d)(n), 4, 1011, 12 and 16 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011). Article 21(2) [Charter of Fundamental Rights of the European Union](http://www.asylumlawdatabase.eu/en/content/en-charter-fundamental-rights-european-union); Article 2 European Convention on Nationality; Article 7 and 8, [United Nations Convention on the Rights of the Child](http://www.asylumlawdatabase.eu/en/content/en-convention-rights-child); Article 15, [Universal Declaration of Human Rights](http://www.asylumlawdatabase.eu/en/content/en-universal-declaration-human-rights); Article 14 and Protocol 4 [ECHR](http://www.asylumlawdatabase.eu/en/content/en-european-convention-protection-human-rights-and-fundamental-freedoms-echr).

1. Persecution (acts of)

*Definition:* "Human rights abuses or other serious harm, often, but not always, with a systematic or repetitive element.

a) be sufficiently serious by its nature or repetition as to constitute a severe violation of basic human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or

(b) be an accumulation of various measures, including violations of human rights which is sufficiently severe as to affect an individual in a similar manner as mentioned in point (a).

2. Acts of persecution as qualified in paragraph 1 can, inter alia, take the form of:

(a) acts of physical or mental violence, including acts of sexual violence;

(b) legal, administrative, police, and/or judicial measures which are in themselves discriminatory or which are implemented in a discriminatory manner;

(c) prosecution or punishment which is disproportionate or discriminatory;

(d) denial of judicial redress resulting in a disproportionate or discriminatory punishment;

(e) prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts falling within the scope of the grounds for exclusion as set out in Article 12(2);

(f) acts of a gender-specific or child-specific nature. 3. In accordance with point (d) of Article 2, there must be a connection between the reasons mentioned in Article 10 and the acts of persecution as qualified in paragraph 1 of this Article or the absence of protection against such acts.

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*Source:*  [EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf) via [UNHCR Master Glossary of Terms Rev. 1](http://www.refworld.org/docid/42ce7d444.html); Derived by EDAL from Article 9 of the Qualification Directive

*Legislative Reference(s):* Article [1C](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1c) 1951 Convention relating to the Status of Refugees; Recital [2](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Rec%202), Article [30(2)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2030) and Annex [II](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Annex) Asylum Procedures Directive 2005/85/EC; Recital 32, Article 18 and Annex I [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; Recital [2](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Rec%202), [18](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Rec%2018), [20](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Rec%2020), [27](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Rec%2027), Articles [4(3) and (4)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%204%20QD), [5](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%205%20QD) and [9](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%209%20QD) Qualification Directive 2004/83/EC; Recital 29, 36, Article 9 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); Article 14 [Universal Declaration of Human Rights](http://www.asylumlawdatabase.eu/en/content/en-universal-declaration-human-rights).

1. Persecution Grounds/Reasons

*Definition:* Per [Article 1A](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1) ofthe1951 Refugee Convention, one element of the refugee definition is that the persecution feared is “for reasons of race, religion, nationality, membership of a particular social group or political opinion“. Member States must take a number of elements into account when assessing the reasons for persecution as per Article 10 of the Qualification Directive.

*Source: Derived by EDAL via* [Article 1A](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1) ofthe1951 Refugee Convention and Article 2(d) and 10 of the Qualification Directive

*Legislative Reference(s):* [Article 1A](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1) 1951 Convention relating to the Status of Refugees,Recital [18](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Rec%2018),Article [2(c)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%202%20QD) and [9(3)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%209%20QD) and [10](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2010%20QD) Qualification Directive 2004/83/EC; Recital 25, 29 and 30, Article 4 and 10 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011).

1. Political Opinion

*Definition:* One of the grounds of persecution specified in the refugee definition per [Article 1A](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1) ofthe1951 Refugee Convention. According to the Qualification Directive the concept of political opinion includes holding an opinion, thought or belief on a matter related to potential actors of persecution and to their policies or methods, whether or not that opinion, thought or belief has been acted upon by the applicant.

*Source:* Adopted by EDAL fromArticle 10(1)(e) of the Qualification Directive

*Legislative Reference(s):* Article [1A](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1) and [33](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#33) 1951 Convention relating to the Status of Refugees; Article [2(c)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%202%20QD) and [10(e)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2010%20QD) Qualification Directive 2004/83/EC; Recital 29, Article 2(d) and 10(1)(e) [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); Article [27](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2027) Asylum Procedures Directive 2005/85/EC; Article 38(1) [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU.

1. Race

*Definition:* One of the grounds of persecution specified in the refugee definition according to [Article 1A](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1) ofthe1951 Refugee Convention.

According to the UNHCR: “Race, in the present connexion, has to be understood in its widest sense to include all kinds of ethnic groups that are referred to as “races” in common usage. Frequently it will also entail membership of a specific social group of common descent forming a minority within a larger population. Discrimination for reasons of race has found world-wide condemnation as one of the most striking violations of human rights. Racial discrimination, therefore, represents an important element in determining the existence of persecution.”

According to the Qualification Directive the concept of race includes in particular considerations of colour, descent, or membership of a particular ethnic group.

*Source:* Derived by EDAL fromp.12 *[UNHCR](C:\\Users\\Yashmine Moradi\\AppData\\Roaming\\Microsoft\\Word\\Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees HCR\\IP\\4\\Eng\\REV.1)* [Handbook on Procedures and Criteria for Determining Refugee Status](C:\\Users\\Yashmine Moradi\\AppData\\Roaming\\Microsoft\\Word\\Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees HCR\\IP\\4\\Eng\\REV.1) and Article 10(1)(a) of the Qualification Directive

*Legislative Reference(s):* Article [1A](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1) and [33](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#33) 1951 Convention relating to the Status of Refugees,Article [2(c)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%202%20QD) and [10(1)(a) and (2)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2010%20QD) Qualification Directive 2004/83/EC; 10(1)(a) [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); Article [27](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2027) Asylum Procedures Directive 2005/85/EC; Article 38(1) [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU.

1. Religion

*Definition:* One of the grounds of persecution specified in the refugee definition under [Article 1A](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1) ofthe1951 Refugee Convention. According to the Qualification Directive, the concept of religion includes in particular the holding of theistic, non-theistic and atheistic beliefs, the participation in, or abstention from, formal worship in private or in public, either alone or in community with others, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief.

*Source:* Derived by EDAL from Article 10(1)(b) of the Qualification Directive

*Legislative Reference(s):* Article [1A](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1) and [33](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#33) 1951 Convention relating to the Status of Refugees;Article [2(c)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%202%20QD) and [10(1)(b)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2010%20QD) Qualification Directive 2004/83/EC; Recital 29, Articles 2(d) and 10(1)(b) [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); Article [27](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2027) Asylum Procedures Directive 2005/85/EC; Article 38(1) [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; Article 10 [Charter of Fundamental Rights of the European Union](http://www.asylumlawdatabase.eu/en/content/en-charter-fundamental-rights-european-union); Articles 14 and 30 [United Nations Convention on the Rights of the Child](http://www.asylumlawdatabase.eu/en/content/en-convention-rights-child); Article 18 [Universal Declaration of Human Rights](http://www.asylumlawdatabase.eu/en/content/en-universal-declaration-human-rights); Article 9 [ECHR](http://www.asylumlawdatabase.eu/en/content/en-european-convention-protection-human-rights-and-fundamental-freedoms-echr); Article 2 of Protocol 1 to the ECHR

1. Serious harm

*Definition:* In order to be eligible for subsidiary protection, a third country national or stateless person must demonstrate that if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, s/he would face a real risk of serious harm as defined in QD Art. 15 and that s/he is unable, or owing to such risk, unwilling to avail her/himself of the protection of that country.

Per Art.15: *“*Serious harm consists of:

(a) the death penalty or execution; or

(b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or

(c) serious and individual threat to a civilian’s life or person by reason of indiscriminate violence in situations of international or internal armed conflict.."

“Risks to which a population of a country or a section of the population is generally exposed do normally not create in themselves an individual threat which would qualify as serious harm.”

*Source:* Derived by EDAL fromQD Art. 15 and Recital 35

*Legislative Reference(s):* Recital [26](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Rec%2026) and Article [2(e)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%202%20QD), [4(3) and (4),](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%204%20QD) [5, 6, 7, 8](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%205%20QD), [15 and 16](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2015%20QD) Qualification Directive 2004/83/EC; Recital 27, 35, Articles 2 (f), 4(3), 5- 8, 15 and 16 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011).

1. Sexual orientation

*Definition:* "Sexual orientation refers to: ‘each person’s capacity for profound emotional, affectional and sexual attraction to, and intimate relations with, individuals of a different gender or the same gender or more than one gender’."

According to Article 10(1)(d) of the Qualification Directive: “depending on the circumstances in the country of origin, a particular social group might include a group based on a common characteristic of sexual orientation. Sexual orientation cannot be understood to include acts considered to be criminal in accordance with national law of the Member States: Gender related aspects might be considered, without by themselves alone creating a presumption for the applicability of this Article”

*Source:* Derived by EDAL from [UNHCR GUIDELINES ON INTERNATIONAL PROTECTION NO. 9:](http://www.unhcr.org/50ae466f9.pdf)

[Claims to Refugee Status based on Sexual Orientation and/or Gender Identity HCR/GIP/12/09](http://www.unhcr.org/50ae466f9.pdf) (via [Preamble to the Yogyakarta principles](http://www.yogyakartaprinciples.org/principles_en.htm)) and Article 10(1)(d) of the Qualification Directive:

*Legislative Reference(s):* [Article 10(1)(d)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2010%20QD) Qualification Directive 2004/83/EC; Recital 30 and Article 10(1)(d) [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011). Recital 5 [Family Reunification Directive 2003/86/EC](http://www.asylumlawdatabase.eu/en/content/en-family-reunification-directive-council-directive-200386ec-22-september-2003); Article 21 [Charter of Fundamental Rights of the European Union](http://www.asylumlawdatabase.eu/en/content/en-charter-fundamental-rights-european-union).

1. Torture

*Definition:*

“Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him/her or a third person information or a confession, punishing him/her for an act s/he or a third person has committed or is suspected of having committed, or intimidating or coercing him/her or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”

*Source:* Article 1, [UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](http://www.asylumlawdatabase.eu/en/content/en-united-nations-convention-against-torture-and-other-cruel-inhuman-or-degrading-treatment), 1984

*Legislative Reference(s):* Recital [21](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#r21), [Articles 27(1)(c) and (2)(c),](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2027) [30(2)(b)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2030) and [Annex II](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Annex) Asylum Procedures Directive 2005/85/EC; Recital 31 and 42, Article 38 and Annex I [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; [Article 15](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2015%20QD), [20(3)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2020) and [29(3)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2029) Qualification Directive 2004/83/EC; Article 15, 20(3) and 30 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); [Article 17, 18 and 20](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0009:EN:HTML) Reception Conditions Directive 2003/9/EC; Articles 4 and 19 [Charter of Fundamental Rights of the European Union](http://www.asylumlawdatabase.eu/en/content/en-charter-fundamental-rights-european-union);; Article 37 and 39 [United Nations Convention on the Rights of the Child](http://www.asylumlawdatabase.eu/en/content/en-convention-rights-child); Article 5 [Universal Declaration of Human Rights](http://www.asylumlawdatabase.eu/en/content/en-universal-declaration-human-rights); Article 3 [ECHR;](http://www.asylumlawdatabase.eu/en/content/en-european-convention-protection-human-rights-and-fundamental-freedoms-echr) Article 7 [UN International Covenant on Civil and Political Rights](http://www.asylumlawdatabase.eu/en/content/en-united-nations-international-covenant-civil-and-political-rights); [European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment](http://conventions.coe.int/Treaty/en/Treaties/Html/126.htm); , [UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](http://www.asylumlawdatabase.eu/en/content/en-united-nations-convention-against-torture-and-other-cruel-inhuman-or-degrading-treatment)

1. Trafficking in human beings

*Definition:* "The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

A position of vulnerability means a situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved.

Exploitation includes, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs."

*Source:*  [EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf) via [Trafficking Directive 2011/36/EU](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF)

*Legislative Reference(s):*  [Trafficking Directive 2011/36/EU](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF); Article 5[Charter of Fundamental Rights of the European Union](http://www.asylumlawdatabase.eu/en/content/en-charter-fundamental-rights-european-union); Article 35 [United Nations Convention on the Rights of the Child](http://www.asylumlawdatabase.eu/en/content/en-convention-rights-child)

***IV - Elements of Proof***

1. Benefit of doubt

*Definition:* The advantage derived from doubt about guilt, a possible error, or the weight of evidence.

“When statements are not susceptible of proof, even with independent research, if the applicant's account appears credible, he should, unless there are good reasons to the contrary, be given the benefit of the doubt. The requirement of evidence should thus not be too strictly applied in view of the difficulty of proof inherent in the special situation in which an applicant for refugee status finds himself. Allowance for such possible lack of evidence does not, however, mean that unsupported statements must necessarily be accepted as true if they are inconsistent with the general account put forward by the applicant."

*Source:* Adapted by EDAL from "Le Docte, Legal Dictionary, Oyez, Brussels 1978 via [Interactive Terminology for Europe (IATE)](http://iate.europa.eu/iatediff/SearchByQuery.do?method=searchDetail&query=doubt&sourceLanguage=en&domain=0&matching=&start=10&next=1&targetLanguages=s&lilId=1130942); and [UNHCR Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees HCR/IP/4/Eng/REV.1](http://www.asylumlawdatabase.eu/en/content/en-unhcr-handbook-procedures-and-criteria-determining-refugee-status)"

*Legislative Reference(s):* [Article 4(5)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%204%20QD) Qualification Directive 2004/83/EC; Article 4(5) [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011).

1. Burden of proof

*Definition:* "In the migration context, a non-national seeking entry into a foreign State must prove that he or she is entitled to enter and is not inadmissible under the laws of that State.

In refugee status procedures, where an applicant must establish his or her case, i.e. show on the evidence that he or she has well-founded fear of persecution.

Note: In refugee status determination procedures, it is the applicant who has the burden of establishing the veracity of their allegations and the accuracy of the facts on which the refugee claim is based. The burden of proof is discharged by the applicant rendering a truthful account of facts relevant to the claim so that, based on the facts, a proper decision may be reached.”

*Source:*  [EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf)

*Legislative Reference(s):* [Article 4(1) and (2)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%204%20QD) Qualification Directive 2004/83/EC; Article 4 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011).

1. Country of origin information

*Definition:* "Information used by the Member States authorities to analyse the socio-political situation in countries of origin of applicants for international protection (and, where necessary, in countries through which they have transited) in the assessment, carried out on an individual basis, of an application for international protection.”

It includes all relevant facts as they relate to the country of origin at the time of taking a decision on the application are used. The relevant facts are obtained from various sources, such as the European Asylum Support Office (EASO), UNHCR and relevant international human rights organisations, general public sources such as reports from (inter)national organisations, governmental and non-governmental organisations, media, bi-lateral contacts in countries of origin, embassy reports including the laws and regulations of the country of origin and the manner in which they are applied. 2. The information used by the Member States authorities is made available to the personnel responsible for examining applications and taking decisions. 3. This information is also used inter alia for taking decisions on other migration issues, e.g. on return, as well as by researchers. 4. According to Art. 4 of Council Regulation (EU) No 439/2010, EASO has taken over responsibility for collecting, preparing, analysing and disseminating this information

*Source:* Derived by EDAL from [EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf)

*Legislative Reference(s):* [Article 8(2),](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%208) [29(3),](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2029) [30(4)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2030) and (5), [38(1)(c)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2038)Asylum Procedures Directive 2005/85/EC; [Article 4(3)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%204%20QD) and [8(2)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%208%20QD) Qualification Directive 2004/83/EC; Article 4(3) and 8(2) [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011).

1. Credibility assessment

*Definition:* The process of gathering relevant information from the applicant, examining it in the light of all the information available to the case worker, for the purpose of the determination of qualification for refugee status and / or subsidiary protection status.

*Source:* Adapted by EDAL from [EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf)

*Legislative Reference(s):* [Article 4(5)(e)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%204%20QD) Qualification Directive 2004/83/EC Article 4(5)(e) [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011).

1. Duty of applicant

*Definition:* The duty imposed on an applicant for international protection by Article. 4(1) of the Qualification Directive to submit as soon as possible all elements needed to substantiate the application for international protection.

*Source:* Derived by EDAL from cArticle 4(1) of the Qualification Directive

*Legislative Reference(s):* Articles [4(1) and 4(5)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%204%20QD), [14(2)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2014%20QD) and [19(4)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2019) Qualification Directive 2004/83/EC; Article 4(1)(5)[Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011).

1. Medical Reports/Medico-legal Reports

*Definition: “*Expert medical report used as evidence relevant to the application for international protection. Where psychological elements are relevant, the medical report should provide information on the nature and degree of mental illness and should assess the applicant's ability to fulfil the requirements normally expected of an applicant in presenting his case. The conclusions of the medical report will determine the examiner's further approach.”

*Source:* "Adapted by EDAL from [UNHCR Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees](http://www.asylumlawdatabase.eu/en/content/en-unhcr-handbook-procedures-and-criteria-determining-refugee-status) HCR/IP/4/Eng/REV.1"

*Legislative Reference(s):* Article [4(3)(b)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%204%20QD) Qualification Directive 2004/83/EC; Article 4(3)(b) [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011).[Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol](https://s3.amazonaws.com/PHR_Reports/istanbul-protocol_opt.pdf))

1. Previous persecution

*Definition:* "The fact that an applicant has already been subject to persecution or serious harm or to direct threats of such persecution or such harm, is a serious indication of the applicant's well-founded fear of persecution or real risk of suffering serious harm, unless there are good reasons to consider that such persecution or serious harm will not be repeated.”

“The concept of previous persecution also deals with the special situation where a person may have been subjected to very serious persecution in the past and will not therefore cease to be a refugee, even if fundamental changes have occurred in his country of origin. It is a general humanitarian principle and is frequently recognized that a person who--or whose family--has suffered under atrocious forms of persecution should not be expected to repatriate. Even though there may have been a change of regime in his country, this may not always produce a complete change in the attitude of the population, nor, in view of his past experiences, in the mind of the refugee."

*Source:* " Article 4(4) of the Qualification Directive and [UNHCR Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees HCR/IP/4/Eng/REV.1](http://www.asylumlawdatabase.eu/en/content/en-unhcr-handbook-procedures-and-criteria-determining-refugee-status) re. [Article 1C(5)](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1c) of the Refugee Convention"

*Legislative Reference(s):* [Article 1C(5) and (6)](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#1c) 1951 Convention relating to the Status of Refugees; [Article 23(4)(g)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2023) Asylum Procedures Directive 2005/85/EC; Article [4(3) and (4)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%204%20QD) Qualification Directive 2004/83/EC; Article 4(3)(4) and 11(3) [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011).

1. Relevant Documentation

*Definition: “*all documentation at the applicant’s disposal regarding the applicant’s age, background, including that of relevant relatives, identity, nationality(ies), country(ies) and place(s) of previous residence, previous asylum applications, travel routes, travel documents and the reasons for applying for international protection..”

*Source:* Derived by EDAL from Article 4(2) of the Qualification Directive

*Legislative Reference(s):* Article [4(1),(2) and (3)(b),](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%204%20QD) [14](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2014%20QD) and [19](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2019) Qualification Directive 2004/83/EC; 4(1),(2) and (3)(b), 14 and 19 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011).

1. Relevant Facts

*Definition:* An assessment of an application for international protection must take into account all relevant facts, including those relating to: the country of origin at the time of taking a decision on the application, including laws and regulations of the country of origin and the manner in which they are applied; relevant statements and documentation presented by the applicant; the individual position and personal circumstances of the applicant; and other matters set out in Article 4 of the Qualification Directive

*Source:* Derived by EDAL from Article 4 of the Qualification Directive

*Legislative Reference(s):* [Recital 10](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Rec%2010), [13](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Rec%2013) and [27](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#r27), [Article 23(4)(a)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2023) Asylum Procedures Directive 2005/85/EC; Recital 16, 25, Article 31(8) and 39 [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; [Articles 4](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%204%20QD), [14(2)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2014%20QD) and [19(4)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2019)Qualification Directive 2004/83/EC; Article 4, 14 and 19 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011).

1. Standard of proof

*Definition:* The degree or level of persuasiveness of the evidence required in a specific case. For example, in the refugee context, ‘well-founded’ is a standard of proof when assessing the fear of persecution.

*Source:* [IOM Glossary on Migration](http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/serial_publications/Glossary_eng.pdf)

*Legislative Reference(s):*

*V - Assessment of application*

1. Accelerated procedure

*Definition:* Prioritisation or acceleration of any examination in accordance with the basic principles and guarantees of Chapter II of the Asylum Procedures Directive, including where the application is likely to be well-founded or where the applicant has special needs or for any of the reasons in Article 31(8) of the Asylum Procedures Directive

*Source:* Derived by EDAL from Article 31(8) of the Asylum Procedures Directive

*Legislative Reference(s):* [Recital 11](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Rec%2011), [Articles 23(3) and (4)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2023) Asylum Procedures Directive 2005/85/EC; Recital 20, 21, 30, Articles 31(8) and 41(2) [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU

1. Assessment of facts and circumstances

*Definition:* The duty of the state to carry out an individual assessment of all relevant elements of the asylum application according to the provisions of Article 4 of the Qualification Directive, including considering past persecution and credibility; and the duty of the applicant to submit as soon as possible all statements and documentation necessary to substantiate the application.

*Source:* Adapted by EDAL from Article 4 of the Qualification Directive

*Legislative Reference(s):* [Article 4](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%204%20QD)Qualification Directive 2004/83/EC; Article 4 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011).

1. Child Specific Considerations

*Definition:* Application of a child-sensitive process and assessment of protection status, taking into account persecution of a child-specific nature and the specific protection needs of children.

“When assessing refugee claims of unaccompanied or separated children, States shall take into account the development of, and formative relationship between, international human rights and refugee law, including positions developed by UNHCR in exercising its supervisory functions under the 1951 Refugee Convention. In particular, the refugee definition in that Convention must be interpreted in an age and gender-sensitive manner, taking into account the particular motives for, and forms and manifestations of, persecution experienced by children. Persecution of kin; under-age recruitment; trafficking of children for prostitution; and sexual exploitation or subjection to female genital mutilation, are some of the child-specific forms and manifestations of persecution which may justify the granting of refugee status if such acts are related to one of the 1951 Refugee Convention grounds. States should, therefore, give utmost attention to such child-specific forms and manifestations of persecution as well as gender-based violence in national refugee status-determination procedures.”

See also the best interests principle.

*Source:* Derived by EDAL based on VI(d) Access to the Asylum Procedure, [Legal Safeguards and Rights in Asylum General Comment No. 6 (2005)](http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=search&docid=42dd174b4) of the UN Committee on the Rights of the Child on the Treatment of Unaccompanied and Separated Children Outside their Country of Origin CRC/GC/2005/6

*Legislative Reference(s):* Recital [20](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Rec%2020), Article [9(2)(f)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%209%20QD) Qualification Directive 2004/83/EC ; Recital 18, 19, 28 and 38 Article 20(5), 31(3) [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011).

1. Humanitarian considerations

*Definition: “*Factors relevant to the consideration of a decision to grant humanitarian protection. Humanitarian protection is a concept that encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of human rights, refugee and international humanitarian law. Protection involves creating an environment conducive to respect for human beings, preventing and/or alleviating the immediate effects of a specific pattern of abuse, and restoring dignified conditions of life through reparation, restitution and rehabilitation.”

The grant of permission to third country nationals or stateless persons to remain in Member States for reasons not due to a need for international protection but on a discretionary basis on compassionate or humanitarian grounds is not currently harmonised at a European level. However per Art. 17(2) Dublin II Reg., even where it is not responsible under the criteria set out in the Regulations, a Member State may bring together family members, as well as other dependent relatives, on humanitarian grounds based in particular on family or cultural considerations.

*Source:* Derived by EDAL from [UNHCR Master Glossary of Terms Rev. 1](http://www.refworld.org/docid/42ce7d444.html) and Recital 15 QD and Art. 17(2) Dublin III

*Legislative Reference(s):* Article [36(4)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2036) Procedures Directive 2005/85/EC; Recital [9](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#r8) and Article [15](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#15) Dublin II regulations (EC) No 343/2003; Recital 17, 24, 37 and Articles 17(2) [Dublin III Regulation No 604/2013](http://www.asylumlawdatabase.eu/en/content/regulation-eu-no-6042013-european-parliament-and-council-26-june-2013-dublin-iii-regulation); Recital [9](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Rec%209) and Article [25(2)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2025) Qualification Directive 2004/83/EC; Recital 15 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); Articles 4 and 6 [Reception Conditions Directive 2003/9/EC](http://www.asylumlawdatabase.eu/en/content/en-reception-conditions-directive-council-directive-20039ec-27-january-2003); Article 4 and 6(5) [Reception Conditions Directive 2013/33/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-reception-conditions-directive-directive-201333eu-26-june-2013); Article 22 [United Nations Convention on the Rights of the Child](http://www.asylumlawdatabase.eu/en/content/en-convention-rights-child)

1. Individual assessment

*Definition:* The carrying out of an assessment on an individual and personal basis. In relation to applications for international protection, per Article 4(3) of the Qualification Directive, this includes taking into account:

a) all relevant facts as they relate to the country of origin at the time of taking a decision on the application, including laws and regulations of the country of origin and the manner in which they are applied;

(b) the relevant statements and documentation presented by the applicant including information on whether the applicant has been or may be subject to persecution or serious harm;

(c) the individual position and personal circumstances of the applicant, including factors such as background, gender and age, so as to assess whether, on the basis of the applicant’s personal circumstances, the acts to which the applicant has been or could be exposed would amount to persecution or serious harm;

(d) whether the applicant’s activities since leaving the country of origin were engaged in for the sole or main purpose of creating the necessary conditions for applying for international protection, so as to assess whether those activities would expose the applicant to persecution or serious harm if returned to that country;

(e) whether the applicant could reasonably be expected to avail himself or herself of the protection of another country where he or she could assert citizenship.”

*Source:* Derived by EDAL from Article 4(3) of the Qualification Directive

*Legislative Reference(s):* Article [8(2)(a)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%208), [27(2)(c)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2027), [31(1)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2031) Asylum Procedures Directive 2005/85/EC; Article 7(4), 10(3), 29, 36 and 38 [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; Article [4(3)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%203%20QD), [14](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%2014%20QD), [19](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2019), [20(4)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2020), Qualification Directive 2004/83/EC ; Article 4 and 20 [[Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); Article 7, 16(4), 17(2)](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0009:EN:HTML) Reception Conditions Directive 2003/9/EC; Article 7, 20(5), 26(1) [Reception Conditions Directive 2013/33/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-reception-conditions-directive-directive-201333eu-26-june-2013)

1. Manifestly unfounded application

*Definition:*

Without prejudice to Article 27, Member States may only consider an application to be unfounded if the determining authority has established that the applicant does not qualify for international protection pursuant to Directive 2011/95/EU.

2. In cases of unfounded applications in which any of the circumstances listed in Article 31(8) apply, Member States may also consider an application to be manifestly unfounded, where it is defined as such in the national legislation.

In line with UNHCR Executive Committee Conclusion No. 30 (XXXIV) of 1983, cases that are “clearly abusive” (i.e. clearly fraudulent), or “manifestly unfounded”, (i.e. not related to the grounds for granting international protection), may be considered for accelerated procedures. Similarly appeal or review procedures may also be more simplified than those generally available in the case of other rejected asylum applications.

*Source:* Derived by EDAL from 31(8) and 32 Asylum Procedures Directive

*Legislative Reference(s):* [Article 12(2)(c),](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2012) [28(2)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2028) Asylum Procedures Directive 2005/85/EC; Recital 20, Article 28(1), 32, 41 and 46 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); [Resolution on Manifestly Unfounded Applications for Asylum](http://www.en.refugeelawreader.org/index.php?option=com_docman&task=doc_view&lang=en&gid=1015&level=1&ml=5&mlt=system&tmpl=component) (London, 30 November and 1 December 1992); UN High Commissioner for Refugees, [The Problem of Manifestly Unfounded or Abusive Applications for Refugee Status or Asylum, 20 October 1983, No. 30 (XXXIV) – 1983](http://www.unhcr.org/refworld/docid/3ae68c6118.html);

1. Obligation/Duty to cooperate

*Definition:* Obligations imposed byMember States upon applicants for asylum to cooperate with the competent authorities insofar as these obligations are necessary for the processing of the application. These may include obligations to: (a) report to the competent authorities or to appear before them in person; (b) to hand over documents in their possession relevant to the examination of the application, such as their passports; (c) to inform the competent authorities of their current place address; (d) to be personally searched and the items he/she carries with him/her; (e) to have ones photograph taken; and (f) to have ones oral statements recorded provided.

Alternatively the duty of the decision-maker to cooperate with the applicant in carrying out its assessment of facts and circumstances

*Source:* Adapted by EDAL from Article 4(1) of the Qualification Directive and Article 11 of the Asylum Procedures Directive

*Legislative Reference(s):* Article [4(1)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%204%20QD) Qualification Directive 2004/83/EC; Article 4(1) [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); [Recital 13](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Rec%2013) and Article [11](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2011)Asylum Procedures Directive 2005/85/EC; Recital 27, Articles 12 and 13 [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU.

1. Personal circumstances of applicant

*Definition:* The range of factors such as background, gender, age, and individual position which must to be taken into account in the assessment of an application for international protection per Article 4(3)(c) of the Qualification Directive.

*Source:* Derived by EDAL from Article 4(3)(c) of the Qualification Directive

*Legislative Reference(s):* Articles[4(3)(c)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%204%20QD)and [8](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%208%20QD)(2) Qualification Directive 2004/83/EC; Articles 4(3)(c) and 8 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011).

*VI – Procedural rights and safeguards*

1. Delay

*Definition:* Failure to act within a certain period of time: often with regard to undue, unreasonable or unjustifiable delay.

According to Article 31 of the Asylum Procedures Directive,

Member States shall process applications for international protection in an examination procedure in accordance with the basic principles and guarantees of Chapter II.

Member States shall ensure that the examination procedure is concluded as soon as possible, without prejudice to an adequate and complete examination.Where a decision cannot be taken within six months, Member States shall ensure that the applicant concerned is either:(a) be informed of the delay; and

(b) receive, upon his or her request, information on the reasons for the delay and the time-frame within which the decision on his or her application is to be expected.*Source:* Derived by EDAL from Article31 of the Asylum Procedures Directive

*Legislative Reference(s):* [Article 31](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#31) 1951 Convention relating to the Status of Refugees; [Article 11(2),](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2011) [23(2)(a) and (4)(j)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2023) Asylum Procedures Directive 2005/85/EC; Article 31 [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; [Article 4(4)](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#4) Dublin II Regulation (EC) No 343/2003; Article 20 and 34 [Dublin III Regulation No 604/2013](http://www.asylumlawdatabase.eu/en/content/regulation-eu-no-6042013-european-parliament-and-council-26-june-2013-dublin-iii-regulation), [Article 11(2)](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0009:EN:HTML) Reception Conditions Directive 2003/9/EC; Article 9 [Reception Conditions Directive 2013/33/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-reception-conditions-directive-directive-201333eu-26-june-2013).

1. Effective access to procedures

*Definition:* effective access to legal and administrative procedures undertaken by UNHCR and/or States in accordance with the Asylum Procedures Directive to determine whether an individual should be recognized as a refugee in accordance with national and international law.

*Source:* Adapted by EDAL from the Asylum Procedures Directive and the definition of Refugee Status Determination Procedures at [UNHCR Master Glossary of Terms](http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=42ce7d444)

*Legislative Reference(s):* [Recital 13](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Rec%2013) Asylum Procedures Directive 2005/85/EC; Recital 20, 25-26,29, Article 8(2) and 20(3) [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; [Recital 4](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#r4) Dublin II Regulation (EC) No 343/2003; Recital 5 and Article 27(2) [Dublin III Regulation No 604/2013](http://www.asylumlawdatabase.eu/en/content/regulation-eu-no-6042013-european-parliament-and-council-26-june-2013-dublin-iii-regulation); Article 47 [Charter of Fundamental Rights of the European Union](http://www.asylumlawdatabase.eu/en/content/en-charter-fundamental-rights-european-union)

1. Effective remedy (right to)

*Definition:* A general principle of EU law nowset out in Article 47 of the Charter of Fundamental Rights: "Everyone whose rights and freedoms guaranteed by the law of the Union are violated has the right to an effective remedy before a tribunal in compliance with the conditions laid down in this Article.”

“[It] is based on Article 13 of the ECHR:

‘Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.’

However, in Community law the protection is more extensive since it guarantees the right to an effective remedy before a court. The Court of Justice enshrined the principle in its judgment of 15 May 1986 (Case 222/84 Johnston [1986] ECR 1651; see also judgment of 15 October 1987, Case 222/86 Heylens [1987] ECR 4097 and judgment of 3 December 1992, Case C-97/91 Borelli [1992] ECR I-6313. According to the Court, this principle also applies to the Member States when they are implementing Community law. The inclusion of this precedent in the Charter is not intended to change the appeal system laid down by the Treaties, and particularly the rules relating to admissibility. This principle is therefore to be implemented according to the procedures laid down in the Treaties. It applies to the institutions of the Union and of Member States when they are implementing Union law and does so for all rights guaranteed by Union law.”

*Source:* Derived by EDAL from Article 47 Charter of Fundamental Rights of the EU and [Explanations relating to the complete text of the Charter](http://ue.eu.int/uedocs/cms_data/docs/2004/4/29/Explanation%20relating%20to%20the%20complete%20text%20of%20the%20charter.pdf)

*Legislative Reference(s):* [Recital 27](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#r27), [Article32(6),](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%20%2032) [39](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2039) and [Annex III](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Annex) Asylum Procedures Directive 2005/85/EC; Recital 25 and 50 Articles 20(3), 40(4), 46 and Annex I [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; Article 47 [Charter of Fundamental Rights of the EU](http://www.asylumlawdatabase.eu/en/content/en-charter-fundamental-rights-european-union); Article 8 [Universal Declaration of Human Rights](http://www.asylumlawdatabase.eu/en/content/en-universal-declaration-human-rights); Article 13 [ECHR](http://www.asylumlawdatabase.eu/en/content/en-european-convention-protection-human-rights-and-fundamental-freedoms-echr); Article 2 [International Covenant on Civil and Political Rights](http://www.asylumlawdatabase.eu/en/content/en-united-nations-international-covenant-civil-and-political-rights)

1. Final decision

*Definition:* A decision on whether the third-country national or stateless person be granted refugee or subsidiary protection status by virtue of Directive 2011/95/EU and which is no longer subject to a remedy within the framework of Chapter V of this Directive, irrespective of whether such remedy has the effect of allowing applicants to remain in the Member States concerned pending its outcome.

*Source:* Derived by EDAL from Article 2(e) Asylum Procedures Directive

*Legislative Reference(s):* [Article 2(c) and (d),](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%202%20APD) [25(2)(f)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2025) and [32(2)(b)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%20%2032) Asylum Procedures Directive 2005/85/EC; Article 2(e)(q), 41(1) [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; [Article 2(d)](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#2) Dublin II Regulation (EC) No 343/2003; Article 24(4) and 29 [Dublin III Regulation No 604/2013](http://www.asylumlawdatabase.eu/en/content/regulation-eu-no-6042013-european-parliament-and-council-26-june-2013-dublin-iii-regulation); [Article 3(2)(a)](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0086:EN:HTML) Family Reunification Directive 2003/86/EC

1. Legal assistance/ Legal representation/Legal aid

*Definition:* Legal assistance: "practical help in bringing about desired outcomes within a legal framework. Assistance can take many forms, ranging from the preparation of paperwork, through to the conduct of negotiation and representation in courts and tribunals.”

Legal aid: state funded assistance, for those on low incomes, to cover legal fees "

*Source:* Derived by EDAL from[The New Oxford Companion to Law](http://www.oxfordreference.com/view/10.1093/acref/9780199290543.001.0001/acref-9780199290543-e-1290) by Peter Cane and Joanne Conaghan, 2012, Oxford University Press and [HM Courts & Tribunals Service, UK, Glossary - Legal Terms](http://www.justice.gov.uk/courts/glossary-of-terms/glossary-of-terms-legal)

*Legislative Reference(s):* [Article 16](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951#16) 1951 Convention relating to the Status of Refugees; [Recital 13](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Rec%2013), [Articles 2(i),](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%202%20APD) [10(1)(d) and (e),](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2010) [15,](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2015) [16,](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2016) [17(2)(b)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2017) and [35(3)(e)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2035) Asylum Procedures Directive 2005/85/EC; Recital 23 and 25, Article 12, 17, 21-23, 25 and 46(7) [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; Article 5(6), 26, 27 [Dublin III Regulation No 604/2013](http://www.asylumlawdatabase.eu/en/content/regulation-eu-no-6042013-european-parliament-and-council-26-june-2013-dublin-iii-regulation);[Recital 11 and Article 5, 14, 19(1) and 21(2)](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0009:EN:HTML) Reception Conditions Directive 2003/9/EC; Recital 21, Article 3, 9, 18, 26 [Reception Conditions Directive 2013/33/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-reception-conditions-directive-directive-201333eu-26-june-2013); [Article 30](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2031) Qualification Directive 2004/83/EC; Article 47 [Charter of Fundamental Rights of the European Union](http://www.asylumlawdatabase.eu/en/content/en-charter-fundamental-rights-european-union); Article 6 [ECHR](http://www.asylumlawdatabase.eu/en/content/en-european-convention-protection-human-rights-and-fundamental-freedoms-echr); Article 14 [International Covenant on Civil and Political Rights](http://www.asylumlawdatabase.eu/en/content/en-united-nations-international-covenant-civil-and-political-rights)

1. More favourable provisions

*Definition:* Many of theinstruments of the EU asylum *acquis* currently set out only minimum standards. “It is in the very nature of minimum standards that Member States should have the power to introduce or maintain more favourable provisions”.

According to [Article](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%205) 5 of the Asylum Procedures Directive: “Member States may introduce or retain more favourable standards on procedures for granting and withdrawing international protection, insofar as those standards are compatible with this Directive.”

Similarly, according to Article 4 of the Reception Conditions Directive: “Member States may introduce or retain more favourable provisions in the field of reception conditions for applicants and other close relatives of the applicant who are present in the same Member State when they are dependent on him or her, or for humanitarian reasons, insofar as these provisions are compatible with this Directive..”

*Source:* Derived by EDAL from [Recital 14](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005" \l "Rec%207) and Article 5 of the Asylum Procedures Directive and Article 4 of the Reception Conditions Directive

*Legislative Reference(s):* [Recital 7](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Rec%207) and [Article 5](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%205) Asylum Procedures Directive 2005/85/EC; Recital 14 and Article 5 [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; [Recital 8](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Rec%208) Qualification Directive 2004/83/EC; Recital 14, 41 and Article 3 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); [Recital 15 and Article 4](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0009:EN:HTML) Reception Conditions Directive 2003/9/EC; Recital 28 and Article 4 [Reception Conditions Directive 2013/33/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-reception-conditions-directive-directive-201333eu-26-june-2013); [Article 3](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0086:EN:HTML) Family Reunification Directive 2003/86/EC

1. Obligation to give reasons

*Definition:* Obligation on a decision-maker to give reasons for an administrative decision including applications for international protection and decisions taken under the [Dublin](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003) III Regulation

*Source:* Derived by EDAL

*Legislative Reference(s):*  Article 41 [Charter of Fundamental Rights of the European Union](http://www.asylumlawdatabase.eu/en/content/en-charter-fundamental-rights-european-union) ; Recital [13](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Rec%2013), Article [9](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%209), [34(3)(a)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2034), [38(2)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2038) Asylum Procedures Directive 2005/85/EC; Recital 25 and Articles 19, 42, 45 [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; [Article 19(2),](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#19) [20(1)(e),](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#20) [21(3)](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#20)Dublin II Regulation (EC) No 343/2003; Article 17 [Dublin](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003) III Regulation; [Articles 7(5), 16(4)](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0009:EN:HTML) Reception Conditions Directive 2003/9/EC; Article 5, 9 and 10 [Reception Conditions Directive 2013/33/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-reception-conditions-directive-directive-201333eu-26-june-2013).

1. Personal interview

*Definition:* "The process of questioning or talking with a person in order to obtain information or determine the personal qualities of the person. An interview is a common step in the adjudication of an application for refugee or other immigration status.”

An applicant for asylum must be given the opportunity of a personal interview subject to the provisions of the Asylum Procedures Directive:

- ensure that the person who conducts the interview is competent to take account of the personal and general circumstances surrounding the application, including the applicant’s cultural origin, gender, sexual orientation, gender identity or vulnerability;

- wherever possible, provide for the interview with the applicant to be conducted by a person of the same sex if the applicant so requests, unless the determining authority has reason to believe that such a request is based on grounds which are not related to difficulties on the part of the applicant to present the grounds of his or her application in a comprehensive manner;

- select an interpreter who is able to ensure appropriate communication between the applicant and the person who conducts the interview. The communication shall take place in the language preferred by the applicant unless there is another language which he or she understands and in which he or she is able to communicate clearly. Wherever possible, Member States shall provide an interpreter of the same sex if the applicant so requests, unless the determining authority has reasons to believe that such a request is based on grounds which are not related to difficulties on the part of the applicant to present the grounds of his or her application in a comprehensive manner;

- ensure that the person who conducts the interview on the substance of an application for international protection does not wear a military or law enforcement uniform;

- ensure that interviews with minors are conducted in a child-appropriate manner.*Source:* Derived by EDAL from[IOM Glossary on Migration](http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/serial_publications/Glossary_eng.pdf) and [Article](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2012) 15 of the Asylum Procedures Directive

*Legislative Reference(s):* [Article 6(3),](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%206) [12,](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2012) [13](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2013), [14](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2014), [16(4),](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2016) [17](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2017), [20(1)(a),](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2020) [34(2)(c)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2034) and [38(1)(b)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2038) Asylum Procedures Directive 2005/85/EC; Recital 32 and Articles 14-17, 23, 25, 34, 42 and 45 [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; [16(1)(a)](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0009:EN:HTML) Reception Conditions Directive 2003/9/EC; Article 20(1) [Reception Conditions Directive 2013/33/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-reception-conditions-directive-directive-201333eu-26-june-2013).

1. Procedural guarantees

*Definition: “*In the interests of a correct recognition of those persons in need of protection … every applicant should, subject to certain exceptions, have an effective access to procedures, the opportunity to cooperate and properly communicate with the competent authorities so as to present the relevant facts of his/her case and sufficient procedural guarantees to pursue his/her case throughout all stages of the procedure.”

Procedures should satisfy certain basic requirements, which reflect the special situation of the applicant for refugee status, and which would ensure that the applicant is provided with certain essential guarantees. Some of these basic requirements are set out in on p.31 of the UNHCR Handbook as well as the APD Arts. 24 and 31 and include: a personal interview, the right to legal assistance and representation, specific guarantees for vulnerable persons and regarding the examination procedure, and those guarantees set out in APD.

*Source:* "Adapted by EDAL from the [UNHCR Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees HCR/IP/4/Eng/REV.1](http://www.asylumlawdatabase.eu/en/content/en-unhcr-handbook-procedures-and-criteria-determining-refugee-status)

*Legislative Reference(s):* Recital [13, 14, 15, 16](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Rec%2013), [26](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#r26), Articles [10](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2010), [17](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2017), [23, 24](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2023), [27](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2027), [34, 35](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2034), [38](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2038) and [Annex III](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Annex) Asylum Procedures Directive 2005/85/EC; Recital 25, 29-30, Articles 6-25, 31, 42, 43, 45 and 46 [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; Recital [4](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#r4) Dublin II Regulation (EC) No 343/2003; Recital 5, 13, 19-20 and Articles 3-6 [Dublin](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003) III Regulation; Recital 11 [Reception Conditions Directive 2003/9/EC](http://www.asylumlawdatabase.eu/en/content/en-reception-conditions-directive-council-directive-20039ec-27-january-2003); Recital 15, 19 and Articles 9 and 18 [Reception Conditions Directive 2013/33/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-reception-conditions-directive-directive-201333eu-26-june-2013).

1. Right to remain pending a decision (Suspensive effect)

*Definition:* Per APD Art 9"

Applicants shall be allowed to remain in the Member State, for the sole purpose of the procedure, until the determining authority has made a decision in accordance with the procedures at first instance set out in Chapter III. That right to remain shall not constitute an entitlement to a residence permit.

Member States may make an exception only where a person makes a subsequent application referred to in Article 41 or where they will surrender or extradite, as appropriate, a person either to another Member State pursuant to obligations in accordance with a European arrest warrant or otherwise, or to a third country or to international criminal courts or tribunals.

A Member State may extradite an applicant to a third country pursuant to paragraph 2 only where the competent authorities are satisfied that an extradition decision will not result in direct or indirect refoulement in violation of the international and Union obligations of that Member State. Art 46 APD requires applicants for asylum to have the right to an effective remedy before a court or tribunal, against a number of listed decisions. Member States must, where appropriate, provide for rules in accordance with their international obligations dealing with the question of whether the remedy shall have the effect of allowing applicants to remain in the Member State concerned pending its outcome.

*Source:* Derived by EDAL fromAPD Art. 9 and 46 Asylum Procedures Directive.

*Legislative Reference(s):*  Article [19](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#19) and [20](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#20) Dublin II regulations (EC) No 343/2003; Article 27(3) [Dublin III Regulation No 604/2013](http://www.asylumlawdatabase.eu/en/content/regulation-eu-no-6042013-european-parliament-and-council-26-june-2013-dublin-iii-regulation); Article 11 [Reception Conditions Directive 2003/9/EC](http://www.asylumlawdatabase.eu/en/content/en-reception-conditions-directive-council-directive-20039ec-27-january-2003); Article [7](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%207) and [39(3)(a)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2039) Procedures Directive 2005/85/EC; Article 9, 41 and 46 [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU.

1. Subsequent application

*Definition:* Where a person who has applied for international protection in a Member State makes further representations or a subsequent application in the same Member State, that Member State shall examine these further representations or the elements of the subsequent application in the framework of the examination of the previous application or in the framework of the examination of the decision under review or appeal, insofar as the competent authorities can take into account and consider all the elements underlying the further representations or subsequent application within this framework. As with all aspects of the procedures directive, the same provisions will apply to applicants for subsidiary protection where a single procedure applies to both applications for asylum and subsidiary protection.

*Source:* Derived by EDAL from APD Art. 40

*Legislative Reference(s):* Recital[15](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#r15) and Articles [7(2)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%207), [23(4)(h)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2023), [32](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%20%2032), [34(3)(b)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2034) and [39(1)(c)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2039) Procedures Directive 2005/85/EC; Recital 32 and 36, Articles 2(q), 9, 25, 28, 31, 33, 34 and 40-41 [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU. Article [5](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%205%20QD) Qualification Directive 2004/83/EC; Article 5 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011).

*VII – Permissions, Transfers, Returns and Family Reunification*

1. Dependant (Dependent person)

*Definition:*  “While there is no internationally recognized definition of dependency, UNHCR uses an operational definition to assist field staff in the work with individual cases:

- Dependent persons should be understood as persons who depend for their existence substantially and directly on any other person, in particular because of economic reasons, but also taking emotional dependency into consideration.

- Dependency should be assumed when a person is under the age of 18, and when that person relies on others for financial support. Dependency should also be recognized if a person is disabled not capable of supporting him/herself.

- The dependency principle considers that, in most circumstances, the family unit is composed of more that the customary notion of a nuclear family (husband, wife and minor children). This principle recognizes that familial relationships are sometimes broader than blood lineage, and that in many societies extended family members such as parents, brothers and sisters, adult children, grandparents, uncles, aunts, nieces and nephews, etc., are financially and emotionally tied to the principal breadwinner or head of the family unit.

14. UNHCR recognizes the different cultural roots and societal norms that result in the variety of definitions of the family unit. It therefore promotes a path of cultural sensitivity combined with a pragmatic approach as the best course of action in the process of determining the parameters of a given refugee family.“

In the context of applications for protection, applications may be made on behalf of dependants in some instances per Art 6 APD.

In the context of the Dublin II Regs dependency may be grounds for evoking the humanitarian clause (Art. 15) in order to bring dependent relatives together.

In the context of family reunification a condition precedent in the case of some applicants is a relationship of dependency.

“The principle of dependency requires that economic and emotional relationships between refugee family members be given equal weight and importance in the criteria for reunification as relationships based on blood lineage or legally sanctioned unions…

*Source:* Derived by EDAL fromp.2 and 5 [UNHCR Note on Family Reunification, 18 July 1983](http://www.unhcr.org/3b30baa04.pdf)

*Legislative Reference(s):* Art [6(3)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%206), [9(3)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%209), [12](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2012), [22(b)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2022), [25(2)(g)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2025), [32(7)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%20%2032), [38(1)(d)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2038) Procedures Directive 2005/85/EC; Article 7, 11, 14, 30, 33, 40 and 45 [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; Article [2(i)(ii)](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#2), [15](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#15) Dublin II regulations (EC) No 343/2003; Recital 16, 34, 35 and Articles 16 and 29(4) [Dublin III Regulation No 604/2013](http://www.asylumlawdatabase.eu/en/content/regulation-eu-no-6042013-european-parliament-and-council-26-june-2013-dublin-iii-regulation); Article [2(h)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%202%20QD), [23(5)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2023) Qualification Directive 2004/83/EC; Recital 19 and 38 and Article 23(5) [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); Article 2(d)(ii) and 4 [Reception Conditions Directive 2003/9/EC](http://www.asylumlawdatabase.eu/en/content/en-reception-conditions-directive-council-directive-20039ec-27-january-2003); Article 4 [Family Reunification Directive 2003/86/EC](http://www.asylumlawdatabase.eu/en/content/en-family-reunification-directive-council-directive-200386ec-22-september-2003)

1. Dublin Transfer

*Definition:* " The transfer of responsibility for the examination of the merits of an application for international protection from one Member State to another Member State.

(b) The (physical) transfer of an applicant to the Member State who is considered to be responsible for examining the merits of an application following a Dublin procedure. The determination of the Member State responsible for examining an application for international protection is done on the basis of objective and hierarchical criteria, as laid out in Chapter III of Regulation (EU) No 604/2013 (Dublin III Regulation)."

*Source:*  [EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf) via Art. 17, 19 and 29 Dublin II Regulation

*Legislative Reference(s):* Article [4(2)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%204%20APD) Procedures Directive 2005/85/EC; Article 40(7) [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; Recital [9](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#r8) and Articles [4(4)](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#4), [15(4)](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#15), [16](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#16), [19](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#19) and [20](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#20) Dublin II regulations (EC) No 343/2003; Recital 19, 24, 27, 28 and 34, Articles 3, 5, 26, 27, 29 [Dublin III Regulation No 604/2013](http://www.asylumlawdatabase.eu/en/content/regulation-eu-no-6042013-european-parliament-and-council-26-june-2013-dublin-iii-regulation)

1. Family member

*Definition:* "Generally, persons married to a migrant, or having a relationship legally recognised as equivalent to marriage, as well as their dependent children and other dependants who are recognised as members of the family by applicable legislation.

In the context of the Family Reunification Directive 2003/86/EC (and 2003/109/EC, Long-Term Residents), a third-country national, as specified in Article 4 of said Directive and in accordance with the transposition of this Article 4 into national law in the Member State concerned, who has entered the EU for the purpose of Family Reunification.

In the context of Asylum, and in particular Dublin III Regulation, this means insofar as the family already existed in the country of origin, the following members of the applicant's family who are present in the territory of the Member States:

- the spouse of the applicant or his or her unmarriedpartner in a stable relationship, where the law or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its law relating to third-country nationals,

— the minor children of couples referred to in the first indent or of the applicant, on condition that they are unmarried and regardless of whether they were born in or out of wedlock or adopted as defined under national law,

— when the applicant is a minor and unmarried, the father, mother or another adult responsible for the applicant, whether by law or by the practice of the Member State where the adult is present,

— when the beneficiary of international protection is a minor and unmarried, the father, mother or another adult responsible for him or her whether by law or by the practice of the Member State where the beneficiary is present "

*Source:*  [EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf)

*Legislative Reference(s):* Article [13](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2013), [22](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2022) and [38](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2038) Procedures Directive 2005/85/EC; Article 7, 15, 30 and 45 [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; Recitals [6 and 7](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#r6) and Articles [2(i)](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#2), [4(3)](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#4), [6 – 8](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#6), [14](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#14) and [15](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#15) Dublin II regulations (EC) No 343/2003; Recital 16, 18, 35 and Articles 2(g), 4(1)(c), 6, 7-11, 20, 31 and 34(2) [Dublin III Regulation No 604/2013](http://www.asylumlawdatabase.eu/en/content/regulation-eu-no-6042013-european-parliament-and-council-26-june-2013-dublin-iii-regulation); Recital 10, 27 and 29 and Articles [2(h)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%202%20QD), [23](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2023), [30](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2031) Qualification Directive 2004/83/EC; Recital 36 and 38, Articles 2(j), 23,24 and 31 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); Article 2(d), 3, 8, 14, 19 [Reception Conditions Directive 2003/9/EC](http://www.asylumlawdatabase.eu/en/content/en-reception-conditions-directive-council-directive-20039ec-27-january-2003); Recital 22 and Articles 2(c), 3, 10,11 and 18 [Reception Conditions Directive 2013/33/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-reception-conditions-directive-directive-201333eu-26-june-2013). Generally: Family Reunification Directive 2003/86/EC; Article 7, 9, 33 Charter of Fundamental Rights of the European Union; Article 2, 5, 8, 9, 10, 16, 20, 22, 37 [United Nations Convention on the Rights of the Child](http://www.asylumlawdatabase.eu/en/content/en-convention-rights-child); Article 12 and 16 [Universal Declaration of Human Rights](http://www.asylumlawdatabase.eu/en/content/en-universal-declaration-human-rights); Article 8 and 12 [European Convention on Human Rights](http://www.asylumlawdatabase.eu/en/content/en-european-convention-protection-human-rights-and-fundamental-freedoms-echr); Article 17, 23 and 24 [International Covenant on Civil and Political Rights](http://www.asylumlawdatabase.eu/en/content/en-united-nations-international-covenant-civil-and-political-rights)

1. Family reunification

*Definition:* "The establishment of a family relationship which is either:

(a) the entry into and residence in a Member State, in accordance with Council Directive 2003/86/EC, by family members of a third-country national residing lawfully in that Member State (""sponsor"") in order to preserve the family unit, whether the family relationship arose before or after the entry of the sponsor; or

(b) between an EU national and third-country national established outside the EU who then subsequently enters the EU."

*Source:*  [EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf) via Family Reunification Directive

*Legislative Reference(s):* Generally [Family Reunification Directive 2003/86/EC](http://www.asylumlawdatabase.eu/en/content/en-family-reunification-directive-council-directive-200386ec-22-september-2003)

1. Indirect refoulement

*Definition:* The duty of a State of non-*refoulement* under Article 33 of the 1951 Convention can include “indirect” or “chain-*refoulement*” via an alleged “safe third county”.According to the UNHCR, *“*indirect removal of a refugee from one county to a third country which subsequently will send the refugee onward to the place of feared persecution constitutes *refoulement*, for which both countries would bear joint responsibility.”

*Source:* Derived by EDAL fromApplication No. 43844/98 in the European Court of Human Rights Between: T.I. and the United Kingdom [SUBMISSION BY THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES](http://www.google.ie/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&ved=0CDAQFjAA&url=http%3A%2F%2Fwww.unhcr.org%2Frefworld%2Fpdfid%2F42f7737c4.pdf&ei=0XkbUYCVNI6GhQed84CYDg&usg=AFQjCNHfHyB2c5eFQmZpXzAZ9cnahpqgHA&sig2=BOV_HAl_n44b5MmRN1-jyQ&bvm=bv.42261806,d.ZG4).

*Legislative Reference(s):*  Article 33 [1951 Convention relating to the Status of Refugees](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951); [Recital 2,](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Rec%202) [Article 20](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2020), [25(2)(e),](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2025) [26(b),](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2026) [27(1),](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2027) [36(4),](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2036) [Annex II](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Annex) Asylum Procedures Directive 2005/85/EC; Article 9(3) and 41(1) [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; [Recital 2](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#r2), Articles 3(2) and [21](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#20) Dublin II Regulation (EC) No 343/2003; [Recital 2](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Rec%202) Qualification Directive 2004/83/EC; Article 21 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); [Recital 2](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0009:EN:HTML) Reception Conditions Directive 2003/9/EC

1. Non-refoulement

*Definition:* A core principle of international Refugee Law that prohibits States from returning refugees in any manner whatsoever to countries or territories in which their lives or freedom may be threatened.

Note: The principle of non-refoulement is a part of customary international law and is therefore binding on all States, whether or not they are parties to the Geneva Convention.

*Source:*  [EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf)

*Legislative Reference(s):* Article 33 [1951 Convention relating to the Status of Refugees](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951); Recital [2](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Rec%202), Article [20](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2020), [25(2)(e), 26(b), 27(1)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2025), [29(b)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2029), [36(4)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2036), Annex [II](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Annex) Procedures Directive 2005/85/EC; Recital 3 and Article 28(2), 35, 38(1) and 39(4) [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; Recitals [2](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#r2) and Article [21](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#20) Dublin II regulations (EC) No 343/2003; Recital 3 [Dublin III Regulation No 604/2013](http://www.asylumlawdatabase.eu/en/content/regulation-eu-no-6042013-european-parliament-and-council-26-june-2013-dublin-iii-regulation); Recital [2](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Rec%202) Qualification Directive 2004/83/EC; Recital 3 and 48 and Article 21 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); Recital 2 [Reception Conditions Directive 2003/9/EC](http://www.asylumlawdatabase.eu/en/content/en-reception-conditions-directive-council-directive-20039ec-27-january-2003); Recital 3 [Reception Conditions Directive 2013/33/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-reception-conditions-directive-directive-201333eu-26-june-2013).

1. Request that charge be taken

*Definition:* Formal request by one Member State in which an application for asylum has been lodged, where it considers that another Member State is responsible for examining the application, calling upon that other Member State to take charge of the applicant. It should be made as quickly as possible and in any case within three months of the date on which the application was lodged within the meaning of Article 20(2) Dublin III Regulation.

*Source:* Derived by EDAL fromArticle 20 Dublin III Regulation

*Legislative Reference(s):* Article [4(2)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%204%20APD) Asylum Procedures Directive 2005/85/EC; Recital [9](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#9), Article [3(2)](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#3), [17 – 20](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#17), [22, 23](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#22) Dublin II Regulation (EC) No 343/2003; Recital 28 and 34, Articles 7(3), 17-19, 21, 22, 26, 28, 29 and 34 -36 [Dublin III Regulation No 604/2013](http://www.asylumlawdatabase.eu/en/content/regulation-eu-no-6042013-european-parliament-and-council-26-june-2013-dublin-iii-regulation).

1. Request to take back

*Definition:* Formal request by one Member State that another Member State take back, under the conditions laid down in Article 23 of the Dublin III Regulation:

* an applicant whose application is under examination and who made an application in another Member State or who is on the territory of another Member State without a residence document;
* a third-country national or a stateless person who has withdrawn the application under examination and made an application in another Member State or who is on the territory of another Member State without a residence document;
* a third-country national or a stateless person whose application has been rejected and who made an application in another Member State or who is on the territory of another Member State without a residence document..

*Source:* Derived by EDAL from Article 18 Dublin III Regulation

*Legislative Reference(s):* Article [4(2)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%204%20APD) Asylum Procedures Directive 2005/85/EC; Recital [9](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#r8) and Art [3, 4](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#3), [16](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#16), [20](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#20), [23](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#23) Dublin II Regulation (EC) No 343/2003; Recital 28 and 34, Articles 7(3), 17(1), 18, 19, 23-26, 28, 29 and 34-36 [Dublin III Regulation No 604/2013](http://www.asylumlawdatabase.eu/en/content/regulation-eu-no-6042013-european-parliament-and-council-26-june-2013-dublin-iii-regulation).

1. Residence document

*Definition:* “means any authorisation issued by the authorities of a Member State authorising a third-country national or a stateless person to stay on its territory, including the documents substantiating the authorisation to remain on the territory under temporary protection arrangements or until the circumstances preventing a removal order from being carried out no longer apply, with the exception of visas and residence authorisations issued during the period required to determine the Member State responsible as established in this Regulation or during the examination of an application for international protection or an application for a residence permit”

*Source:* Derived by EDAL from [Article](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#2) 2(l) of the Dublin III Regulation

*Legislative Reference(s):* [Article 2(j),](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#2) [4(5),](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#4) [9](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#9), [16(2) and (3)](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#16), and [21(2)(e)](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#20) Dublin II Regulation (EC) No 343/2003; Article 2(l), 12, 18, 19, 20 and 24 [Dublin III Regulation No 604/2013](http://www.asylumlawdatabase.eu/en/content/regulation-eu-no-6042013-european-parliament-and-council-26-june-2013-dublin-iii-regulation).

1. Responsibility for examining application

*Definition:* The Member State responsible for examining an application for asylum is determined in accordance with the criteria contained in Chapter III Dublin III Regulation in the order in which they are set out in that Chapter and on the basis of the situation obtaining when the asylum seeker first lodged his application with a Member State.

*Source:* Derived by EDAL fromArticle 7Dublin III Regulation .

*Legislative Reference(s):* Recitals [3 – 5](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#r3), Article [5 - 14](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#5) Dublin II Regulation (EC) No 343/2003; Articles 7-15 [Dublin III Regulation No 604/2013](http://www.asylumlawdatabase.eu/en/content/regulation-eu-no-6042013-european-parliament-and-council-26-june-2013-dublin-iii-regulation).

1. Return

*Definition:* "In the context of the [Return Directive](http://www.asylumlawdatabase.eu/en/content/en-directive-2008115ec-european-parliament-and-council-16-december-2008-common-standards-and) (2008/115/EC), the process of going back - whether in voluntary compliance with an obligation to return, or enforced - to:

- one's country of origin; or

- a country of transit in accordance with EU or bilateral readmission agreements or other arrangements; or

- another third country, to which the third-country national concerned voluntarily decides to return and in which he/she will be accepted.

There are subcategories of return which can describe the way the return is implemented, e.g. voluntary, forced, assisted and spontaneous return; as well as sub-categories which describe who is participating in the return, e.g. repatriation (for refugees)."

*Source:*  [EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf)

*Legislative Reference(s):*  [Return Directive 2008/115/EC](http://www.asylumlawdatabase.eu/en/content/en-directive-2008115ec-european-parliament-and-council-16-december-2008-common-standards-and)

1. Sponsor

*Definition:* "Broadly, a person or entity which undertakes a (legal, financial or personal) engagement, promise or pledge, on behalf of another.

In the EU context of Family Reunification, a third-country national residing lawfully in a Member State and applying or whose family members apply for family reunification to be joined with him/her."

*Source:*  [EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf) via Art 2(c)FRD

*Legislative Reference(s):* Articles 2(c) and 3, 8[Family Reunification Directive 2003/86/EC](http://www.asylumlawdatabase.eu/en/content/en-family-reunification-directive-council-directive-200386ec-22-september-2003)

1. Temporary Protection

*Definition:* "A procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of displaced persons from third countries who are unable to return to their country of origin, immediate and temporary protection to such persons, in particular if there is also a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of the persons.

Note: In Latvia, the right granted to a group of persons to reside in the Republic of Latvia for a specified period of time if such persons need protection and they are or have been forced to leave the country of their citizenship or, if the persons are stateless persons, their country of former residence due to: ethnic conflict, or civil war."

*Source:*  [EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf) via [Temporary Protection Directive 2001/55/EC](http://www.asylumlawdatabase.eu/en/content/en-council-directive-200155ec-20-july-2001-minimum-standards-giving-temporary-protection)

*Legislative Reference(s):* [Temporary Protection Directive2001/55/EC](http://www.asylumlawdatabase.eu/en/content/en-council-directive-200155ec-20-july-2001-minimum-standards-giving-temporary-protection); Article [2(j)](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#2) Dublin II regulations (EC) No 343/2003; Article 3(3) [Reception Conditions Directive 2003/9/EC](http://www.asylumlawdatabase.eu/en/content/en-reception-conditions-directive-council-directive-20039ec-27-january-2003) ; Article 2(l) [Reception Conditions Directive 2013/33/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-reception-conditions-directive-directive-201333eu-26-june-2013); 3(2)(b) [Family Reunification Directive 2003/86/EC](http://www.asylumlawdatabase.eu/en/content/en-family-reunification-directive-council-directive-200386ec-22-september-2003)

1. Visa

*Definition:* "The authorisation or decision of a Member State required for transit or entry for an intended stay in that Member State or in several Member States. The nature of the visa shall be determined in accordance with the following definitions:

(i) ‘long-stay visa’ means the authorisation or decision of a Member State required for entry for an intended stay in that Member State of more than three months;

(ii) ‘short-stay visa’ means the authorisation or decision of a Member State required for entry for an intended stay in that State or in several Member States for a period whose total duration does not exceed three months;

(iii) ‘transit visa’ means the authorisation or decision of a Member State for entry for transit through the territory of that Member State or several Member States, except for transit at an airport;

(iv) ‘airport transit visa’ means the authorisation or decision allowing a third-country national specifically subject to this requirement to pass through the transit zone of an airport, without gaining access to the national territory of the Member State concerned, during a stopover or a transfer between two sections of an international flight.

Note:

For some third countries (specifically, and as of December 2011, Albania, Bosnia and Herzegovina, FYR of Macedonia, Georgia, Moldova, Montenegro, Serbia, Russian Federation and Ukraine) there are Visa Facilitation Agreements which facilitate, on the basis of reciprocity, the issuance of visas for an intended stay of no more than 90 days per period of 180 days to the citizens of the European Union and the third country party to the agreement. These are often concluded at the same time as Re-admission Agreements."

*Source:*  [EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf) via Article 2(m) of the Dublin III Regulation

*Legislative Reference(s):* [Article 2,](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#2) [9](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#9), [11](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#11) and [21(2)(e)](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#20) Dublin II Regulation (EC) No 343/2003; Article 2, 12, 14 and 34 [Dublin III Regulation No 604/2013](http://www.asylumlawdatabase.eu/en/content/regulation-eu-no-6042013-european-parliament-and-council-26-june-2013-dublin-iii-regulation); Article 13 [Family Reunification Directive 2003/86/EC](http://www.asylumlawdatabase.eu/en/content/en-family-reunification-directive-council-directive-200386ec-22-september-2003)

*VII - Reception conditions; general rights and entitlements*

1. Access to the labour market

*Definition:* Per Art 26 QD: Member States must authorise beneficiaries of international protection status to engage in employed or self-employed activities subject to rules generally applicable to the profession and to the public service immediately after the status has been granted.

Member States shall ensure that activities such as employment-related education opportunities for adults, vocational training, including training courses for upgrading skills, practical workplace experience and counselling services afforded by employment offices, are offered to beneficiaries of international protection, under equivalent conditions as nationals.

Per Art. 15 RCD: "Member States shall ensure that applicants have access to the labour market no later than 9 months from the date when the application for international protection was lodged if a first instance decision by the competent authority has not been taken and the delay cannot be attributed to the applicant."

*Source:* Derived by EDAL from RCD Art. 15 QD Art 26

*Legislative Reference(s):* Article 17 [1951 Convention relating to the Status of Refugees](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951); Article [26](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2026)Qualification Directive 2004/83/EC;; Article 26 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); Article 11, 12 [Reception Conditions Directive 2003/9/EC](http://www.asylumlawdatabase.eu/en/content/en-reception-conditions-directive-council-directive-20039ec-27-january-2003);Article 15 [Reception Conditions Directive 2013/33/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-reception-conditions-directive-directive-201333eu-26-june-2013)

1. Accommodation centre

*Definition:* A place used for the collective housing of applicants for international protection.

*Source:*  EMN Glossary via Art 2(i) RCD

*Legislative Reference(s):* Recital 14 and Articles2(l), 10, 14, 16(3) and 19(2) [Reception Conditions Directive 2003/9/EC](http://www.asylumlawdatabase.eu/en/content/en-reception-conditions-directive-council-directive-20039ec-27-january-2003); Recital 27 and Articles 2(i), 10, 11, 14, 18, 20, 23 and 24[Reception Conditions Directive 2013/33/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-reception-conditions-directive-directive-201333eu-26-june-2013).

1. Best interest of the child

*Definition:* Legal principle required to be applied as a primary consideration when taking measures concerning minors in the asylum process.

“Any determination or assessment of best interests must be based on the individual circumstances of each child and must consider the child’s family situation, the situation in their country of origin, their particular vulnerabilities, their safety and the risks they are exposed to and their protection needs, their level of integration in the host country, and their mental and physical health, education and socio-economic conditions. These considerations must be set within the context of the child’s gender, nationality as well as their ethnic, cultural and linguistic background. The determination of a separated child’s best interests must be a multi-disciplinary exercise involving relevant actors and undertaken by specialists and experts who work with children."

*Source:* "Derived by EDAL based on Article 20(5) of the Qualification Directive; Separated Children in Europe Programme, [SCEP Statement of Good Practice](http://www.unhcr.org/refworld/docid/415450694.html), March 2010, Fourth edition, March 2010"

*Legislative Reference(s):* [Recital 12](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Rec%2012) , [Article 20](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2020)(5), [Article 30(4)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2031) Qualification Directive 2004/83/EC; Recital 18, 19, 38 and Articles 20(5) and 31(4) [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); [Recital 14](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#r14) and [Article 17](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2017)(6) Asylum Procedures Directive 2005/85/EC; Recital 33 and Articles 2(n), 25 [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; [Article 15(3)](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#15) Dublin II Regulation (EC) No. 343/2003; Recital 13, 16, 24 and 35, Article 6, 8 and 20 [Dublin III Regulation No 604/2013](http://www.asylumlawdatabase.eu/en/content/regulation-eu-no-6042013-european-parliament-and-council-26-june-2013-dublin-iii-regulation); [Article 18 and 19](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0009:EN:HTML) Reception Conditions Directive 2003/9/EC; Recital 22 and Articles 11, 23 and 24 [Reception Conditions Directive 2013/33/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-reception-conditions-directive-directive-201333eu-26-june-2013); Article 5(5) [Family Reunification Directive 2003/86/EC](http://www.asylumlawdatabase.eu/en/content/en-family-reunification-directive-council-directive-200386ec-22-september-2003); Article 24(2) [Charter Of Fundamental Rights Of The European Union](http://www.asylumlawdatabase.eu/en/content/en-charter-fundamental-rights-european-union); Article 3(1), 9(1), 18(1), 20(1), 21 of [United Nations Convention on the Rights of the Child](http://www.asylumlawdatabase.eu/en/content/en-convention-rights-child). See also [UNHCR Guidelines on Determining the Best Interests of the Child](http://www.unhcr.org/refworld/docid/48480c342.html)

1. Detention

*Definition:* "Restriction on freedom of movement through confinement that is ordered by an administrative or judicial authority(ies) in order that another procedure may be implemented.

In an EU asylum context, this means confinement of an asylum seeker by a Member State within a particular place, where the applicant is deprived of his or her freedom of movement. This may occur during any stage of or throughout the asylum process, from the time an initial application is made up to the point of removal of an unsuccessful asylum seeker.

In an EU Return context, Member States may only detain or keep in a detention facility a third-country national who is the subject of return procedures in order to prepare the return and/or carry out the removal process, in particular when: (a) there is a risk of absconding; or (b) the third-country national concerned avoids or hampers the preparation of return or the removal process. Any detention shall be for as short a period as possible and only maintained as long as removal arrangements are in progress and executed with due diligence."

*Source:*  [EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf) via [UNESCO's People on the Move Handbook](http://www.unesco.org/ulis/cgi-bin/ulis.pl?catno=163621&set=4B9BEDBD_3_201&gp=1&lin=1&ll=1); Reception Conditions Directive 2003/9/EC; [Reception Conditions Directive 2013/33/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-reception-conditions-directive-directive-201333eu-26-june-2013); and [Returns Directive 2008/115/EC](http://www.asylumlawdatabase.eu/en/content/en-directive-2008115ec-european-parliament-and-council-16-december-2008-common-standards-and)

*Legislative Reference(s):* Article [16(2)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2016), [18](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2018) and [21(1)(a)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2021) Asylum Procedures Directive 2005/85/EC; Recital 28 and Articles 6,8, 23, 26 and 29 [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; [Article 17(2)](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#17) Dublin II Regulation (EC) No 343/2003; Recital 20, Articles 28 and 33 [Dublin III Regulation No 604/2013](http://www.asylumlawdatabase.eu/en/content/regulation-eu-no-6042013-european-parliament-and-council-26-june-2013-dublin-iii-regulation); [Recital 10, Article 2(k), 6(2), 13(2) and 14(8)](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0009:EN:HTML) Reception Conditions Directive 2003/9/EC; Recital 15 – 20, Articles 2, 6, 8-11 and 17 [Reception Conditions Directive 2013/33/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-reception-conditions-directive-directive-201333eu-26-june-2013); Article 9 and 37(b) [United Nations Convention on the Rights of the Child](http://www.asylumlawdatabase.eu/en/content/en-convention-rights-child); Article 9 [Universal Declaration of Human Rights](http://www.asylumlawdatabase.eu/en/content/en-universal-declaration-human-rights); Articles 4 and 5 [ECHR](http://www.asylumlawdatabase.eu/en/content/en-european-convention-protection-human-rights-and-fundamental-freedoms-echr); Articles 8 and 9 [International Covenant on Civil and Political Rights](http://www.asylumlawdatabase.eu/en/content/en-united-nations-international-covenant-civil-and-political-rights)

1. Education (right to)

*Definition:* PerArt. 14 RCD Member States must grant minor children of asylum seekers and asylum seekers who are minors access to the education system under similar conditions as nationals of the host State for so long as an expulsion measure against them or their parents is not actually enforced. Such education may be provided in accommodation centres.

Per Art. 27 QD Member States must grant full access to the education system to all minors granted refugee or subsidiary protection status, under the same conditions as nationals . Adults granted protection status are entitled to access to the general education system, further training or retraining, under the same conditions as third country nationals legally resident

Source: Derived by EDAL from RCD Art. 14 and Art. 27 QD

*Legislative Reference(s):* Article 22 [1951 Convention relating to the Status of Refugees](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951); Recital [30](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Rec%2030) and [31](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Rec%2031) and Article [26](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2026) and [27](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2027) Qualification Directive 2004/83/EC; Recital 42 and 43, Articles 26 and 27 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); Article 10 [Reception Conditions Directive 2003/9/EC](http://www.asylumlawdatabase.eu/en/content/en-reception-conditions-directive-council-directive-20039ec-27-january-2003); Article 14 [Reception Conditions Directive 2013/33/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-reception-conditions-directive-directive-201333eu-26-june-2013); Article 14 [Family Reunification Directive 2003/86/EC](http://www.asylumlawdatabase.eu/en/content/en-family-reunification-directive-council-directive-200386ec-22-september-2003); Article 14 and 32 [Charter of Fundamental Rights of the European Union](http://www.asylumlawdatabase.eu/en/content/en-charter-fundamental-rights-european-union); Article 19, 23, 24(2), 28, 29 and 32 [United Nations Convention on the Rights of the Child](http://www.asylumlawdatabase.eu/en/content/en-convention-rights-child); Article 26 [Universal Declaration of Human Rights](http://www.asylumlawdatabase.eu/en/content/en-universal-declaration-human-rights); Article 2 Protocol 1 to [European Convention on Human Rights](http://www.asylumlawdatabase.eu/en/content/en-european-convention-protection-human-rights-and-fundamental-freedoms-echr)

1. Family unity (right to)

*Definition: “* In the context of a refugee, a right provisioned in Art. 23 of Directive 2011/95/EU and in Art. 12 of Directive 2013/33/ EU obliging Member States to ensure that family unity can be maintained..

Note: There is a distinction from the Right to Family Life. The Right to Family Unity relates to the purpose and procedural aspects of entry and stay for the purpose of reuniting a family, in order to meet the fundamental right enshrined in the Charter of Fundamental Rights of the European Union.”

“A right to family unity is inherent in the universal recognition of the family as the fundamental group unit of society, which is entitled to protection and assistance. This right is entrenched in universal and regional human rights instruments and international humanitarian law, and it applies to all human beings, regardless of their status. ….Although there is not a specific provision in the 1951 Refugee Convention and its 1967 Protocol, the strongly worded Recommendation in the Final Act of the Conference of Plenipotentiaries reaffirms the ‘essential right’ of family unity for refugees.”

*Source:*  [EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf) via Art 12 RCD and 23 QD and [Expert roundtable organized by the United Nations High Commissioner for Refugees and the Graduate Institute of International Studies, Geneva, Switzerland, 8–9 November 2001](http://www.unhcr.org/419dbfaf4.pdf).

*Legislative Reference(s):* Article 8 [Reception Conditions Directive 2003/9/EC](http://www.asylumlawdatabase.eu/en/content/en-reception-conditions-directive-council-directive-20039ec-27-january-2003); Recital 9 and Article 12 [Reception Conditions Directive 2013/33/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-reception-conditions-directive-directive-201333eu-26-june-2013); Article 23 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); Recital [6](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#r6) and Article [23](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#23) Dublin II regulations (EC) No 343/2003

1. Freedom of movement (right to)

*Definition:* Generally: “This right is made up of three basic elements: freedom of movement within the territory of a country, right to leave any country and the right to return to his or her own country."

In an EU context:

"A fundamental right of every citizen of an EU Member State or another European Economic Area (EEA) State or Switzerland to freely move, reside and work within the territory of these States.

Notes:

1. This is a fundamental right enshrined in Article 45 of the Charter of Fundamental Rights of the European Union.

2. Whilst initially one of the founding rights in the establishment of the European Union, it has also been extended, via various acquis and agreements (e.g. see Protocol 19 of the Treaty on the Functioning of the EU), to other EEA states (i.e. Iceland, Liechtenstein, Norway) plus Switzerland and certain categories of third-country nationals (as outlined in Notes 4. and 5. below).

3. Some Member States have applied transitional arrangements that currently restrict freedom of movement of workers/(citizens) of EU- 1 Member State (see [http://ec.europa.eu)](http://ec.europa.eu/social/main.jsp?catId=466&langId=en).

4. Whilst third-country nationals have the right to travel freely within the Schengen area, taking up residence in another Member State is covered by specific legal instruments, detailed below.

5. Third-country nationals may take up residence in another Member State depending on their status and subject to the necessary conditions being met. For third-country nationals who are long-term legal residents in an EU Member State, this is covered by Chapter III of Council Directive 2003/109/EC, whilst for third-country nationals with highly qualified employment, this is covered by Article 18 of Council Directive 2009/50/EC.”

*Source:* Derived by EDAL from[IOM Glossary on Migration](http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/serial_publications/Glossary_eng.pdf) via Art. 13 UDHR and [EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf) via [Treaty on the Functioning of the European Union (Title IV)](http://www.asylumlawdatabase.eu/en/content/en-treaty-functioning-european-union-2010c-8301)

*Legislative Reference(s):* Article 26 [1951 Convention relating to the Status of Refugees](http://www.asylumlawdatabase.eu/en/content/en-refugee-convention-28-july-1951); Recital [8](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#r7) Dublin II regulations (EC) No 343/2003; Recital 25 [Dublin III Regulation No 604/2013](http://www.asylumlawdatabase.eu/en/content/regulation-eu-no-6042013-european-parliament-and-council-26-june-2013-dublin-iii-regulation);Article [32](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2032) Qualification Directive 2004/83/EC; Article 33 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); Article 2(k) and 7 [Reception Conditions Directive 2003/9/EC](http://www.asylumlawdatabase.eu/en/content/en-reception-conditions-directive-council-directive-20039ec-27-january-2003); Article 2(h) and 7 [Reception Conditions Directive 2013/33/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-reception-conditions-directive-directive-201333eu-26-june-2013); Recital 1 [Family Reunification Directive 2003/86/EC](http://www.asylumlawdatabase.eu/en/content/en-family-reunification-directive-council-directive-200386ec-22-september-2003); Article 45 [Charter of Fundamental Rights of the European Union](http://www.asylumlawdatabase.eu/en/content/en-charter-fundamental-rights-european-union); Article 2, Protocol 4 [European Convention on Human Rights](http://www.asylumlawdatabase.eu/en/content/en-european-convention-protection-human-rights-and-fundamental-freedoms-echr); Article 13[Universal Declaration of Human Rights](http://www.asylumlawdatabase.eu/en/content/en-universal-declaration-human-rights); Article 12 [International Covenant on Civil and Political Rights](http://www.asylumlawdatabase.eu/en/content/en-united-nations-international-covenant-civil-and-political-rights).

1. Health (right to)

*Definition:* Member States shall ensure that applicants receive the necessary health care which shall include, at least, emergency care and essential treatment of illness and of serious mental disorders.

Member States shall ensure that beneficiaries of international protection have access to healthcare under the same eligibility conditions as nationals of the Member State that has granted such protection*Source:* RCD Art. 19 and Art 30 QD

*Legislative Reference(s):* Recital [30](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Rec%2030), [34, 35](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Rec%2034) and Article [29](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2029) Qualification Directive 2004/83/EC; Recital 40, and 46, Article 30 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); Article 5, 13, 15 and 18[Reception Conditions Directive 2003/9/EC](http://www.asylumlawdatabase.eu/en/content/en-reception-conditions-directive-council-directive-20039ec-27-january-2003) ; Article 5, 11, 13, 17, 19, 20 and 23 [Reception Conditions Directive 2013/33/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-reception-conditions-directive-directive-201333eu-26-june-2013); Art 31, 32, and 35 [Charter of Fundamental Rights of the European Union](http://www.asylumlawdatabase.eu/en/content/en-charter-fundamental-rights-european-union); Article 3, 17, 23, 24, 25 and 32 [United Nations Convention on the Rights of the Child](http://www.asylumlawdatabase.eu/en/content/en-convention-rights-child)

1. Integration measures

*Definition:* Member Statemeasures intended to further the integration of immigrants into their host communities. Per Art. 7(2) FRD Member States may require third country nationals to comply with integration measures, in accordance with national law.

*Source:* Derived by EDAL by reference to FRD Art. 7(2)

*Legislative Reference(s):* Article 7 [Family Reunification Directive 2003/86/EC](http://www.asylumlawdatabase.eu/en/content/en-family-reunification-directive-council-directive-200386ec-22-september-2003)

1. Material reception conditions

*Definition: “* Reception conditions that include housing, food and clothing provided in kind, or as financial allowances or in vouchers, or a combination of the three, and a daily expenses allowance.”

*Source:*  [EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf) via Art. 2(g) RCD

*Legislative Reference(s):* Article 2(j), 7(4), 13, 14, 16(1)(b) and (5) and 17[Reception Conditions Directive 2003/9/EC](http://www.asylumlawdatabase.eu/en/content/en-reception-conditions-directive-council-directive-20039ec-27-january-2003); Recital 25 and Articles 2(g), 17, 18, 20 and Annex I [Reception Conditions Directive 2013/33/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-reception-conditions-directive-directive-201333eu-26-june-2013),

1. Reception conditions

*Definition:* The full set of measures that Member States grant to asylum seekers in accordance with [Reception Conditions Directive 2013/33/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-reception-conditions-directive-directive-201333eu-26-june-2013),

*Source:* [EMN Glosssary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf)

*Legislative Reference(s):* [Reception Conditions Directive 2003/9/EC](http://www.asylumlawdatabase.eu/en/content/en-reception-conditions-directive-council-directive-20039ec-27-january-2003); [Reception Conditions Directive 2013/33/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-reception-conditions-directive-directive-201333eu-26-june-2013); Article 25 [Universal Declaration of Human Rights](http://www.asylumlawdatabase.eu/en/content/en-universal-declaration-human-rights)

1. Unaccompanied minor

*Definition:* “Unaccompanied minor’ means a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such a person; it includes a minor who is left unaccompanied after he or she has entered the territory of the Member States;.”

Source: Derived by EDAL from [Article](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%202%20QD) 2(l) of the Qualification Directive

*Legislative Reference(s):* [Recital 14,](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#r14) [Article 2 (h) and (i),](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%202%20APD) [17](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2017) and [35(3)(f)](http://www.asylumlawdatabase.eu/en/content/en-asylum-procedures-directive-council-directive-200585ec-1-december-2005#Art%2035) Asylum Procedures Directive 2005/85/EC; Articles 2, 7, 25 and 31 [Asylum Procedures Directive](http://www.asylumlawdatabase.eu/en/content/directive-201332eu-recast-qualification-directive) 2013/32/EU; Articles [2(h),](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#2) [6,](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#6) and [15(3)](http://www.asylumlawdatabase.eu/en/content/en-dublin-ii-regulation-council-regulation-ec-no-3432003-18-february-2003#15) Dublin II Regulation (EC) No 343/2003; Recital 13, 16, 34-35, Articles 2, 6 and 8 [Dublin III Regulation No 604/2013](http://www.asylumlawdatabase.eu/en/content/regulation-eu-no-6042013-european-parliament-and-council-26-june-2013-dublin-iii-regulation); [Article 2(i),](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#Art%202%20QD) [20(3)](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2020) and [30](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2031) Qualification Directive 2004/83/EC; Recital 27 and Article 2(l), 20(3) and 31 [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); [Article 2(h), 17 and 19](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0009:EN:HTML) Reception Conditions Directive 2003/9/EC; Articles 2, 11, 21, 24 and Annex I [Reception Conditions Directive 2013/33/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-reception-conditions-directive-directive-201333eu-26-june-2013); Article 2(f) and 10(3) [Family Reunification Directive 2003/86/EC](http://www.asylumlawdatabase.eu/en/content/en-family-reunification-directive-council-directive-200386ec-22-september-2003); Article 22 [United Nations Convention on the Rights of the Child](http://www.asylumlawdatabase.eu/en/content/en-convention-rights-child).

1. Vulnerable Person

*Definition:* Persons in a vulnerable position, such as"Minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of trafficking in human beings, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation.”

Note: Directive 2011/36/EU (Trafficking Directive) defines a ‘position of vulnerability’ as a ‘situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved’.

*Source:*  [EMN Glossary](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf) via Art 20 Qualification Directive

*Legislative Reference(s):* Article [20](http://www.asylumlawdatabase.eu/en/content/en-qualification-directive-council-directive-200483ec-29-april-2004#QD%20Art%2020) Qualification Directive 2004/83/EC;Article 20(3) [Qualification Directive 2011/95/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-qualification-directive-directive-201195eu-13-december-2011); Article 17 [Reception Conditions Directive 2003/9/EC](http://www.asylumlawdatabase.eu/en/content/en-reception-conditions-directive-council-directive-20039ec-27-january-2003);Articles 2, 11, 17, 18, 21 and 22 [Reception Conditions Directive 2013/33/EU](http://www.asylumlawdatabase.eu/en/content/en-recast-reception-conditions-directive-directive-201333eu-26-june-2013);Article 2 [Trafficking Directive 2011/36/EU](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF);