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Protection in the country of origin

Geneva Convention
Article 1A(2)

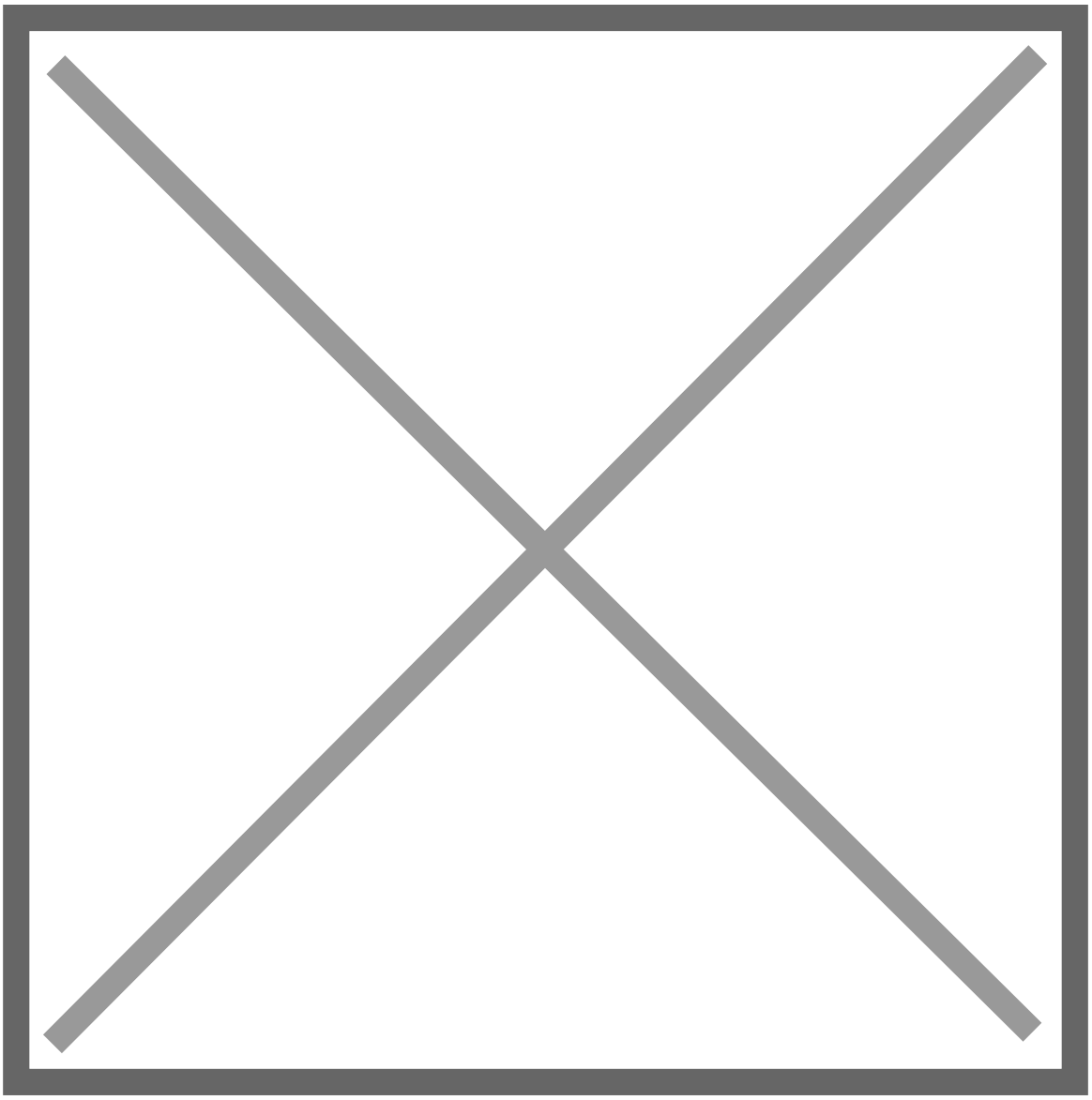
Qualification directive
Article 7

International protection is secondary to the protection available in the country of origin. For this reason, the assessment of the availability of protection in the country of origin is a mandatory step in the analysis of the need for international protection that has to be undertaken if the case officer has previously established that there is a real risk of persecution or serious harm in the event of the applicant's return to his or her home area in the country of origin.

Firstly, the case officer has to consider whether protection will be available in the home area in the country of origin. If such protection is not available to the applicant, the existence of a different safe area in that country can be examined.

The availability or non-availability of protection does not need to be linked to the reasons for persecution. Plain failure and inability to sufficiently protect demonstrate lack of protection. Motives or discriminatory reasons on the part of the actors of protection are not a prerequisite. However, it should be noted that in cases where the lack of protection is intentional, this could amount to persecution or serious harm.

The table below illustrates the mandatory elements to consider when assessing the availability of protection against persecution or serious harm.



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