7. Exclusion

COMMON ANALYSIS
Last update: March 2026

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

For general guidance on the country guidance approach to this section, see ‘EUAA, Exclusion in *Country Guidance: explained*, February 2026'.

In the context of Nigeria, various circumstances may require consideration of the potential applicability of exclusion grounds. The QD/QR does not set a time limit for the application of the grounds for exclusion. Applicants may be excluded in relation to events regardless of when they took place. Relevant situations from the past could include, for example, the armed conflict (civil war) in Biafra in 1967-1970 and the coups d’état and military regimes in 1966-1979 and 1983-1998.

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

- Boko Haram and other Islamist groups
- Nigerian security forces
- Herders’ and farmers’ and other communal militias
- Vigilante groups

- Separatist groups
- Militant groups in the Niger Delta
- Trafficking networks, student cults, criminal gangs and/or bandits

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

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

☐ 7.1. Exclusion based on the commission of international crimes

The analysis below is based on the following EUAA COI reports: Country Focus 2025, 2.10., 2.13., Security 2025, 1.1.2., 1.1.3., 1.2.2.; Targeting 2018, 2.1.1, 3.14; Country Guidance should not be referred to as a source of COI.

The ground ‘crime against peace’ is not found to be of particular relevance in the cases of applicants from Nigeria.

Serious violations of international humanitarian and human rights law have occurred in Nigeria’s non-international armed conflict between the Nigerian state forces and state-affiliated forces, on the one hand, and Boko Haram and other Islamist groups on the other. The Nigerian security forces have been accused of extrajudicial killings, torture, enforced disappearances and sexual abuse. CJTF has also recruited minors. Boko Haram has committed massacres, abductions, child recruitment, attacks on civilians and in churches and schools, and widespread sexual slavery. In 2020, the Office of the Prosecutor of the International Criminal Court (ICC) found a reasonable basis to believe both Boko Haram (since 2009) and the Nigerian military (since 2011) committed war crimes and crimes against humanity.

☐ 7.2. Exclusion based on the commission of a serious crime

The analysis below is based on the following EUAA COI reports: Country Focus 2025, 2.9.2., 2.14.; Security 2025, 1.2.3., 1.2.4.; Country Guidance should not be referred to as a source of COI.

The personnel of some Nigerian state actors may also be found responsible for serious (non-political) crimes (e.g. killings, sexual abuse, torture, beatings, illegal detention). Some of the crimes committed by militant groups in the Niger Delta include e.g. kidnapping and car bombing and oil bunkering. IPOB and ESN members have also conducted attacks mainly against police and military installations but also against persons not supporting their cause. Violence between herders and farmers, as well as communal militias, has led to casualties, abductions, and destruction of villages and livelihoods. Criminal activity in Nigeria is widely reported, including kidnappings, assassinations, drug trafficking, piracy, human trafficking, and robberies. A rise in the recruitment of children by cult groups has been also reported. Such crimes may trigger the application of Article 12(2)(b) QD/Article 17(1)(b) QD/QR.

Violence against women and children (for example, in relation to FGM/C, domestic violence or in the context of forced and child marriage, etc.) is widespread in Nigeria and could also potentially amount to a serious (non-political) crime.

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

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

(Former) membership in groups such as Boko Haram could trigger relevant considerations and require an examination of the applicant’s activities under Article 12(2)(c)/Article 17(1)(c) QD/QR, in addition to the considerations under Article 12(2)(b)/Article 17(1)(b) QD/QR.

Membership alone is not sufficient to substantiate exclusion, however, participation in the activities of a terrorist group, undertaken with knowledge of the fact that such participation will contribute to the criminal activities of the terrorist group, should be

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

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

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

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

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

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

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