



## POLICY PAPER AFGHANISTAN

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### DISCLAIMER

A country-specific policy paper provides the main points regarding the policy rules that are applied by the Commissioner General when assessing requests for asylum from a specific country.

A country-specific policy paper begins with a brief, simplified summary of the complex situation in a country of origin. The situation outline only covers the asylum-related aspects of the situation in that country. A non-exhaustive overview is then provided of the at-risk groups in the country of origin. The focus lies on the at-risk profiles that the CGRS encounters during its day-to-day work. In addition, it only covers the policy themes that are relevant for the country of origin or any special policy rules that apply to that particular country. Consequently, a country-specific policy paper does not contain a complete overview of all of the possible issues that may be faced by the citizens of the relevant country of origin.

The policy implemented by the Commissioner General is based on a thorough analysis of accurate and up-to-date information on the general situation in the country of origin. This information is collated in a professional manner from various, objective sources, including the EASO, the UNHCR, relevant international human rights organisations, non-governmental organisations, professional literature and coverage in the media. When determining policy, the Commissioner General does not simply examine the COI Focuses, drawn up by Cedoca and published on this website, as these deal with just one aspect of the general situation in the country of origin. The fact that a COI Focus could be out of date, does not necessarily mean that the policy that is being implemented by the Commissioner General is no longer up-to-date.

The policy paper does not reflect the complexity of the asylum application assessment process. When assessing an application for asylum, the Commissioner General not only considers the actual situation in the country of origin, at the moment of decision-making, he also takes into account the individual situation and personal circumstances of the applicant for international protection concerned. Every asylum application is examined individually. An applicant must comprehensively demonstrate that he has a well-founded fear of persecution or that there is a clear personal risk of serious harm. He cannot, therefore, simply refer back to the general conditions in his country, but must also present concrete, credible and personal facts.

A policy paper is published for informative purposes only and is not binding in any way. No rights, of any nature, can be derived from the content of a country-specific policy paper. The information is of a general nature and is not adapted to applicants' personal or specific circumstances. A country-specific policy paper cannot therefore be used as a resource for corroborating an application for asylum or an appeal against a decision made by the Commissioner General.

The information contained in a policy paper is checked as carefully as possible. The CGRS puts a great deal of effort into updating policy papers and ensuring they are as complete as possible. Despite these efforts, it is possible that they contain oversights or inaccuracies. The CGRS cannot be held liable for any direct or indirect damage resulting from access to, consultation or use of the information published in a policy paper.

For a better understanding of the policy themes that may be dealt with in a country-specific policy paper, see web page "About the CGRS/Policy".

### 1. SITUATION OUTLINE

The general security situation in Afghanistan is largely determined by a long-term, ongoing, internal armed conflict which has resulted in many Afghans being uprooted or seeking refuge in another country. In order to assess the need for international protection, the Commissioner General takes into account the fact that there are fundamental differences between the regions of Afghanistan when it comes to the security situation, the nature and intensity of the violence.

### 2. PERSECUTION IN THE CONTEXT OF THE REFUGEE CONVENTION

The Commissioner General recognises that the situation in Afghanistan is problematic. The extremely complex situation, however, is not such that every Afghan per se, simply because of his origins, will obtain international protection.

A high number of at-risk groups can be distinguished in Afghanistan. According to the situation in which he finds himself, the applicant must be able to demonstrate that he belongs to a specific risk group or must present additional concrete and individual facts in relation to persecution.



In general, refugee status is granted as a result of specific or individual elements or facts. In some cases, the status of refugee is granted as a result of people belonging to a particular group.

The Commissioner General grants the refugee status in principle, independent of the region from which the applicant originates. An applicant for international protection can be recognised as a refugee as a result of his profile, irrespective of his region of origin, i.e. even if he comes from the city of Kabul. The granting of refugee status may sometimes depend on the applicant's region of origin because the situation for certain population groups can vary per region.

The fact that the Commissioner General is of the opinion that there is not a situation of exceptional indiscriminate violence in certain areas, does not mean that the Commissioner General will regard these areas as 'safe'. Persons from such areas will not simply be disregarded in terms of international protection. If the person in question needs protection as a result of his or her specific profile, this will be provided.

The Commissioner General will always investigate whether an applicant for international protection who fears for his life can be protected by moving to another region in the country. The principle of the internal flight alternative is only applicable if it can be clearly demonstrated that the applicant has a genuine and stable internal flight alternative.

### 3. SUBSIDIARY PROTECTION

The Commissioner General recognises that the situation in many regions of Afghanistan is problematic. The available information shows that the level of violence and the impact of armed conflict differs dramatically per region. These strong regional differences characterise the conflict in Afghanistan. For these reasons, when assessing the need for protection, the Commissioner General not only takes into account the current situation in Afghanistan but also examines the security situation in the area from which the applicant originates.

The CGRS constantly monitors the situation in Afghanistan. When assessing the need for subsidiary protection, the Commissioner General takes account of the actual situation in Afghanistan as is the case at the moment of decision-making.

Under certain circumstances, Afghan applicants for international protection can withdraw from the threat to their lives or person as a result of the security situation in their region of origin by settling outside their region of birth or origin. The principle of the internal flight alternative is only applicable if it can be clearly demonstrated that the applicant has a genuine and stable internal flight alternative.

### 4. (DUAL) NATIONALITY

Identity, nationality and origin are significant elements in the asylum procedure. An applicant for international protection must initially, on the basis of concrete documents of proof and/or coherent statements, demonstrate that he has Afghan nationality. If the applicant is not successful in this regard, the Commissioner General will decide to refuse international protection.

It is also important to establish whether the applicant has nationalities other than Afghan nationality. There is no need for international protection if a person has various nationalities and there is no threat of persecution in one of these countries or he can count on the protection of the national authorities. An Afghan applicant for international protection who has dual nationality will thus need to demonstrate that neither the Afghan authorities nor the authorities in the country where he has alternative nationality can or will offer him the necessary protection.

### 5. THE ACTUAL SITUATION



An applicant for international protection cannot simply rely upon a reference to Afghan nationality. The applicant must also provide a clear insight into his place of residence before arriving in Belgium. This is extremely important for the assessment of the asylum application. The fact that the applicant has not recently come from Afghanistan or has spent a period of time in another country does not necessarily mean that they do not need protection. The applicant, however, will be expected to provide a clear overview of his situation or movements in the years before his arrival in Belgium.

The importance of providing clarity about actual origins and previous places of residence cannot be stressed enough. The actual region of origin is vitally important for investigating the need for international protection. The fear of persecution and the risk of serious harm will be examined on the basis of the actual place or origin. An applicant for international protection that provides false statements on his previous places of residence will prevent the asylum organisation from establishing whether the location from which he actually comes corresponds to a genuine risk of serious harm. The applicant will also be failing to provide an insight into whether he has the option to settle in a region where there is no risk of serious harm. Subsequently, the applicant is not providing a credible case for needing subsidiary protection.

## **6. EXCLUSION**

If there are serious reasons for assuming that the applicant was directly involved in war crimes and crimes against humanity, or it is clear that they had a commanding role in this type of act, they will be excluded from the Refugee Convention and the status of subsidiary protection.