

# Guidance on particular profiles with regard to qualification for refugee status

## GUIDANCE NOTE

Last update: April 2022

This section refers to some of the profiles of Afghan applicants, encountered in the caseload of EU Member States. It provides general conclusions on the profiles and guidance regarding additional circumstances to take into account in the individual assessment. Some profiles are further split in sub-profiles, with different conclusions with regard to the risk analysis and/or nexus to a reason for persecution. The corresponding number of the profile and a link to the respective section in the common analysis are always provided for ease of reference.

The conclusions regarding each profile should be viewed without prejudice to the credibility assessment of the applicant's claims.



When reading the table below, the following should be borne in mind:

- An individual applicant could fall under **more than one profile** included in this guidance note. The protection needs associated with all such circumstances should be fully examined.
- The **risk analysis** paragraphs focus on the level of risk and on some of the relevant risk-impacting circumstances. Further guidance with regard to the qualification of the acts as persecution is available within the respective sections of the common analysis.

- The table below summarises the conclusions with regard to different profiles and sub-profiles and aims at providing a practical tool to case officers. While examples are provided with regard to sub-profiles at differentiated risk and circumstances which may increase or decrease the risk, these **examples are non-exhaustive** and they have to be taken into account in light of all circumstances in the individual case.
- **Persons who belonged to a certain profile in the past or family members** of an individual falling under a certain profile may have protection needs similarly to those outlined for the respective profile. This is not explicitly mentioned in the table below, however, it should be taken into account in the individual assessment.
- The **potential nexus** paragraphs indicate a possible connection to the reasons for persecution according to [Article 10 QD](#). The common analysis sections provide further guidance whether a nexus to a reason for persecution is highly likely or may be substantiated depending on the individual circumstances in the case.
- For some profiles, the connection may also be between the **absence of protection** against persecution and one or more of the reasons under [Article 10 QD](#) ([Article 9\(3\) QD](#)).

## 2.1 Persons affiliated with the former Afghan government

### GUIDANCE NOTE

Last update: April 2022

**Risk analysis:** Conflicting and limited information concerning the Taliban policies and differences with regard to the implementation of orders from the central Taliban leadership by Taliban foot soldiers, as well as differences at a regional level, renders an assessment of the risk for individuals under this profile difficult.

Based on previous persecution and reports of continuing targeting, **individuals seen as priority target of the Taliban**, including those in central positions in former military, police and investigative units, as well as members of the judiciary, would in general have a well-founded fear of persecution.

**For other individuals under this profile**, the individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution

should take into account risk-impacting circumstances, such as:

- area of origin
- gender
- personal enmities
- involvement in (local) conflicts
- etc.

Family members of some individuals under this profile could also be at risk of treatment that would amount to persecution, e.g. in the context of the Taliban searching for the mentioned individual.

**Potential nexus:** (imputed) political opinion.

\* [Exclusion](#) considerations could be relevant to this profile.

## 2.2 Individuals who have worked for foreign military troops or perceived as supporting them

GUIDANCE NOTE

Last update: April 2022

**Risk analysis:** Based on information regarding past persecution and reports of continuing targeting by the Taliban, it is found that **interpreters** would in general have a well-founded fear of persecution.

There is limited information concerning the Taliban policies with regard to other individuals who have worked with foreign military troops. However, taking into account the negative perception of the Taliban against them and previous patterns of persecution, **other persons with suspected links with foreign forces** would be likely to have a well-founded fear of persecution.

Family members of some individuals under this profile could also be at risk of treatment that would amount to persecution.

**Potential nexus:** (imputed) political opinion.

\* [Exclusion](#) considerations could be relevant to this profile.

## 2.3 Religious leaders

## GUIDANCE NOTE

Last update: November 2021

**Risk analysis:** Despite limited information concerning the period after the Taliban takeover, taking into account past persecution and the Taliban's continued determination to establish an Islamic Emirate of Afghanistan in accordance with their interpretation of the Sharia, **religious scholars perceived as delegitimising the Taliban ideology** are considered likely to have a well-founded fear of persecution.

**For other individuals under this profile**, additional risk-impacting circumstances would be needed to substantiate a well-founded fear of persecution.

**Potential nexus:** (imputed) political opinion and/or religion.

### **2.4 Persons fearing forced recruitment by armed groups**

## GUIDANCE NOTE

Last update: December 2020

**Risk analysis:** Not all individuals would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- age (belonging to the age group of young adults)
- military background
- area of origin and the presence/influence of armed groups
- increased intensity of the conflict
- position of the clan in the conflict
- poor socio-economic situation of the family
- etc.

**Potential nexus:** While the risk of forced recruitment as such may not generally imply a nexus to a reason for persecution, the consequences of refusal, could, depending on individual circumstances, substantiate such a nexus, among other reasons, to (imputed) political opinion.

### **2.5 Educational personnel**

## GUIDANCE NOTE

Last update: April 2022

**Risk analysis:** Limited information on targeting of educational personnel following the Taliban takeover is available.

Not all individuals would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- gender (i.e. female teachers)
- origin from areas where ISKP has operational capacity
- the individual or the institution not following Taliban directives and/or curriculum
- speaking out against the Taliban
- etc.

**Potential nexus:** (imputed) political opinion and in some cases religion.

## [2.6 Healthcare professionals and humanitarian workers, including individuals working for national and international NGOs](#)

## GUIDANCE NOTE

Last update: April 2022

**Risk analysis:** Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances, could include:

- gender (i.e. women)
- nature of activities (e.g. activities for national/international NGO related to polio vaccination, demining, activities being perceived as non-neutral or in violation of cultural or religious norms, etc.)
- link with the former government or foreign donors
- speaking out or acting against the Taliban or another armed group
- origin from areas where ISKP has operational capacity
- etc.

**Potential nexus:** (imputed) political opinion.

## 2.7 Journalists and media workers

GUIDANCE NOTE

Last update: April 2022

**Risk analysis:** Journalists and media workers seen by the Taliban as critical of them or as not complying with conditions set by the Taliban would in general have a well-founded fear of persecution.

For other journalists and media workers, additional risk-impacting circumstances would be needed to substantiate a well-founded fear of persecution.

The situation of female journalists and media workers should be assessed with particular care.

**Potential nexus:** (imputed) political opinion and/or religion.

## 2.8 Human rights defenders

GUIDANCE NOTE

Last update: April 2022

**Risk analysis:** Well-founded fear of persecution would in general be substantiated.

**Potential nexus:** (imputed) political opinion and/or religion.

## 2.9 Individuals perceived to have transgressed moral and/or societal norms

GUIDANCE NOTE

It is difficult to provide an exhaustive list of practices perceived as a transgression of moral and/or societal norms in Afghanistan. The latter depend on several factors such as local context, actors involved or stakeholders' norm

interpretation. In some cases, the transgression of these norms may be interpreted as 'westernization' by the Taliban or the Afghan society. See more on the sub-section [Moral and societal norms in Afghanistan](#).

See also [2.10 Individuals considered to have committed blasphemy and/or apostasy](#).

### 2.9.1 Honour-based violence and moral offences

Last update: April 2022

**Risk analysis:** Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- gender (the risk is higher for women)
- area of origin (particularly affecting rural areas)
- conservative environment
- perception of traditional gender roles by the family
- power/influence of the actors involved
- the moral and/or societal norm transgressed
- etc.

**Potential nexus:** religion and/or (imputed) political opinion or membership of a particular social group.



### 2.9.2. Individuals perceived as 'Westernized'

Last update: April 2022

**Risk analysis:** Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- behaviour adopted by the applicant,
- area of origin (e.g. particularly affecting rural areas, local divergence in applying Taliban norms)
- gender (the risk is higher for women)
- conservative environment
- perception of traditional gender roles by the family
- age (it may be difficult for children of certain age to (re-)adjust to Afghanistan's social restrictions)
- duration of stay in a western country
- visibility of the applicant
- etc.

**Potential nexus:** The individual circumstances of the applicant need to be taken into account. In some cases, persecution may be for reasons of religion and/or (imputed) political opinion or membership of a particular social group.

See also profiles [2.12.3 Women in public roles](#) and [2.10 Individuals considered to have committed blasphemy and/or apostasy](#).



## **[2.10 Individuals considered to have committed blasphemy and/or apostasy](#)**

GUIDANCE NOTE

Last update: April 2022

**Risk analysis:** Well-founded fear of persecution would in general be substantiated.

**Potential nexus:** religion.



### **[2.11.1 Individuals of Hazara ethnicity](#)**

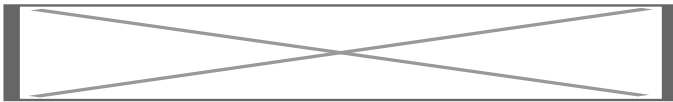
GUIDANCE NOTE

Last update: April 2022



**Risk analysis:** The situation of Hazara has to be assessed in light of the recent takeover by the Taliban. The risk of targeting by ISKP should also be assessed in light of the group’s operational capacity. Risk-impacting circumstances could be related to other profiles, such as [2.11.2 Shia, including Ismaili](#), [2.1 Persons affiliated with the former Afghan government](#), [2.6 Healthcare professionals and humanitarian workers, including individuals working for national and international NGOs](#), or [2.9 Individuals perceived to have transgressed moral and/or societal norms](#).

**Potential nexus:** (imputed) religion (see profile [2.11.2 Shia, including Ismaili](#)), (imputed) political opinion (e.g. links to the former government, perceived support for Iran), and/or race (ethnicity).



### **[2.11.2 Shia, including Ismaili](#)**

GUIDANCE NOTE

Last update: April 2022

**Risk analysis:** The situation of Shia has to be assessed in light of the recent takeover by the Taliban. The risk of targeting by ISKP should also be examined. Currently, it is assessed that not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- area of origin (areas where ISKP has operational capacity present higher risk)
- participation in religious practices
- etc.

**Potential nexus:** religion.



### **[2.11.3 Hindus and Sikhs](#)**

GUIDANCE NOTE

Last update: November 2021

**Risk analysis:** The situation of Hindus and Sikh has to be assessed in light of the recent takeover by the Taliban, however, there is limited information concerning the policies the Taliban intend to pursue towards these minorities. The risk of targeting by ISKP should also be examined. Currently, it is assessed that not all individuals under these profiles would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, in particular their area of origin (e.g. areas where ISKP has operational capacity), etc.

**Potential nexus:** religion.



## **2.12 Women**

### GUIDANCE NOTE

The different forms of violence against women in Afghanistan are often significantly interlinked. Therefore, the following subsections should be read in conjunction.

With regard to an overview of the position of women after the Taliban takeover see also [Situation of women after the Taliban takeover](#).

### **2.12.1 Violence against women and girls: overview**

Last update: December 2020

\*Minor updates added: April 2022

**Risk analysis:** The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as:

- seen as having committed acts contravening the *Sharia*
- type of work and work environment (for women working outside home)
- perception of traditional gender roles in the family

- poor socio-economic situation
- family status (the risk of sexual and gender-based violence against women and adolescent girls is higher for those without a male protector, female heads of households, etc.)
- being in an IDP situation
- etc.

**Potential nexus:** (imputed) political opinion and/or religion (e.g. when persecution is by Taliban), and/or membership of a particular social group (see examples below).



### 2.12.2 Harmful traditional marriage practices

Last update: December 2020

\*Minor updates added: April 2022

**Risk analysis:** The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as:

- young age (in particular, under 16)
- area of origin (particularly affecting rural areas)
- ethnicity (e.g. Pashtun)
- perception of traditional gender roles in the family
- poor socio-economic situation of the family
- local power/influence of the (potential) husband and his family or network
- etc.

**Potential nexus:** membership of a particular social group (e.g. in relation to refusal to enter into a forced or child marriage).



### 2.12.3 Women in public roles

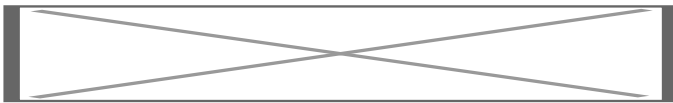
Last update: April 2022

**Risk analysis:** **Women in public roles may fall under other profiles**, such as: [2.1 Persons affiliated with the former Afghan government](#), [2.5 Educational personnel](#), [2.6 Healthcare professionals and humanitarian workers, including individuals working for national and international NGOs](#), [2.7 Journalists and media workers](#), or [2.8 Human rights defenders](#). The risk analysis of those profiles should also be consulted for the assessment of the well-founded fear of persecution.

**For other women in public roles**, the individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as:

- being seen as not complying with conditions set by the Taliban
- visibility of the applicant (e.g. nature of the work)
- conservative environment
- perception of traditional gender roles by the family or network
- etc.

**Potential nexus:** (imputed) political opinion and/or religion.



#### **2.12.4. Women perceived to have transgressed moral and/or societal norms**

See the profile [2.9 Individuals perceived to have transgressed moral and/or societal norms](#).



#### **2.12.5 Single women and female heads of households**

Last update: December 2020

\*Minor updates added: April 2022

**Risk analysis:** Being a single woman or female head of household considerably enhances the risk for such women to be exposed to acts, which, due to their severity, repetitiveness or accumulation could amount to persecution. Similarly, it also increases their risk of being exposed to violence.

Based on negative perceptions against them, their increased vulnerability to be subjected to violence and the restrictions imposed on women following the Taliban takeover, single women and female heads of households would be likely to have a well-founded fear of persecution.

**Potential nexus:** membership of a particular social group (e.g. divorced women).



## **2.13 Children**

### GUIDANCE NOTE

The section on children addresses certain child-specific circumstances of increased vulnerability and risks that children in Afghanistan may be exposed to.

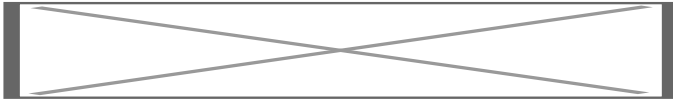
#### **2.13.1 Violence against children: overview**

Last update: December 2020

**Risk analysis:** Not all children would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

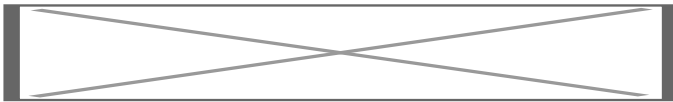
- gender (boys and girls may face different risks)
- age and appearance (e.g. non-bearded boys could be targeted as *bacha bazi*)
- perception of traditional gender roles in the family
- poor socio-economic situation of the child and the family
- etc.

**Potential nexus:** The individual circumstances of the applicant need to be taken into account. For example, in the case of (former) *bacha bazi* children, persecution may be for reasons of membership of a particular social group.



### 2.13.2 Child marriage

See the section [2.12.2 Harmful traditional marriage practices](#) under the profile [2.12 Women](#).



### 2.13.3 Child recruitment

Last update: December 2020

**Risk analysis:** Not all children would face the level of risk required to establish well-founded fear of persecution in the form of child recruitment. Risk-impacting circumstances could include:

- poor socio-economic situation
- area of origin or residence
- etc.

**Potential nexus:** The individual circumstances of the child need to be taken into account.

See also [2.4 Persons fearing forced recruitment by armed groups](#) and [2.13.1 Violence against children: overview](#).



#### 2.13.4 Child labour and child trafficking

Last update: December 2020

**Risk analysis:** Not all children would face the level of risk required to establish well-founded fear of persecution in relation to child labour and/or child trafficking. Risk-impacting circumstances could include:

- age
- gender
- family status
- poor socio-economic status of the child and his or her family
- being in an IDP situation
- drug addiction
- etc.

**Potential nexus:** The individual circumstances of the child need to be taken into account to determine whether a nexus to a reason for persecution can be substantiated.

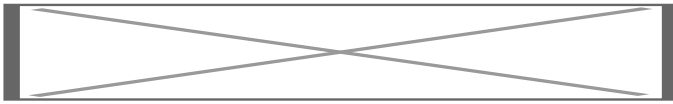


#### 2.13.5 Education of children and girls in particular

Last update: April 2022

**Risk analysis:** The general deficiencies in the educational system, and the limited opportunities for education cannot as such be considered persecution, as they are not the result of a third party's deliberate actions. However, in the case of deliberate restrictions on access to education, in particular for girls, this could amount to persecution. Developments related to the policies and practice of the Taliban concerning the education of girls should be carefully assessed on the basis of up-to-date COI in this regard.

**Potential nexus:** The individual circumstances of the child should be taken into account. Depending on policies pursued by the Taliban, religion and/or political opinion may be relevant.



### 2.13.6 Children without a support network in Afghanistan

Last update: December 2020

**Risk analysis:** The lack of a support network does not amount to persecution in itself. However, it considerably enhances the risk for such children to be exposed to acts, which, due to their severity, repetitiveness or accumulation could amount to persecution. See, for example, [2.13.4 Child labour and child trafficking](#).

**Potential nexus:** The individual circumstances of the child should be taken into account.



## 2.14 LGBTIQ persons

GUIDANCE NOTE

Last update: April 2022

**Risk analysis:** Well-founded fear of persecution would in general be substantiated.

**Potential nexus:** membership of a particular social group.



## 2.15 Persons living with disabilities and persons with severe medical issues



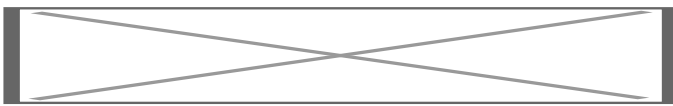
## GUIDANCE NOTE

Last update: April 2022

**Risk analysis:** Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- nature and visibility of the mental or physical disability
- negative perception by the family
- etc.

**Potential nexus:** membership of a particular social group, in the case of persons living with noticeable mental or physical disabilities.



### [2.16.1 Individuals involved in blood feuds](#)

## GUIDANCE NOTE

Last update: December 2020

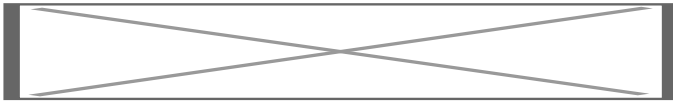
**Risk analysis for men directly involved in a blood feud:** Well-founded fear of persecution would in general be substantiated.

**Risk analysis for women, children and men who are farther removed from the feud:** Not all individuals would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- intensity of the blood feud
- origin from areas where the rule of law is weak
- etc.

**Potential nexus:** The individual circumstances of the applicant need to be taken into account to determine whether a nexus to a reason for persecution can be substantiated. For example, family members involved in a blood feud may have a well-founded fear of persecution for reasons of membership of a particular social group.

\* [Exclusion](#) considerations could be relevant to this profile.



## 2.16.2 Individuals involved in land disputes

### GUIDANCE NOTE

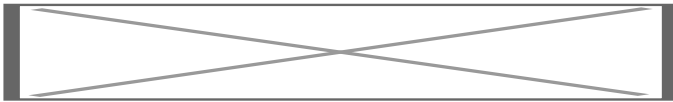
Last update: April 2022

**Risk analysis:** Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- violent nature of the dispute
- power/influence of the actors involved in the land dispute
- area of origin
- etc.

**Potential nexus:** In general, no nexus to a Convention reason. This is without prejudice to individual cases where nexus could be established based on additional circumstances (e.g. ethnicity in relation to Taliban taking sides against certain ethnic groups who might be parties in the dispute, land dispute leading to a blood feud, etc.).

\* [Exclusion](#) considerations could be relevant to this profile.



## 2.17 Individuals accused of ordinary crimes

### GUIDANCE NOTE

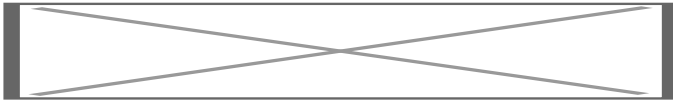
Last update: April 2022

**Risk analysis:** Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- nature of the crime for which the applicant may be prosecuted
- envisaged punishment
- etc.

**Potential nexus:** In the case of individuals accused of ordinary crimes, there would in general be no nexus to a Convention reason. However, where a well-founded fear of persecution is established in relation to the envisaged punishment under Sharia law, persecution may be for reasons of religion. In individual cases, the prosecution may (also) be motivated by another Convention ground or initiated or conducted on a discriminatory basis related to another Convention ground.

\* [Exclusion](#) considerations could be relevant to this profile.



## **2.18 Individuals who were born in Iran or Pakistan and/or who lived there for a long period of time**

GUIDANCE NOTE

Last update: December 2020

**Risk analysis:** In general, the treatment faced by individuals under this profile would not amount to persecution. In exceptional cases, the accumulation of measures could amount to persecution.

**Potential nexus:** In general, no nexus to a Convention ground. This is without prejudice to individual cases where nexus could be established based on additional circumstances.

