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Reasonableness to settle

GUIDANCE NOTE
Last update: February 2019
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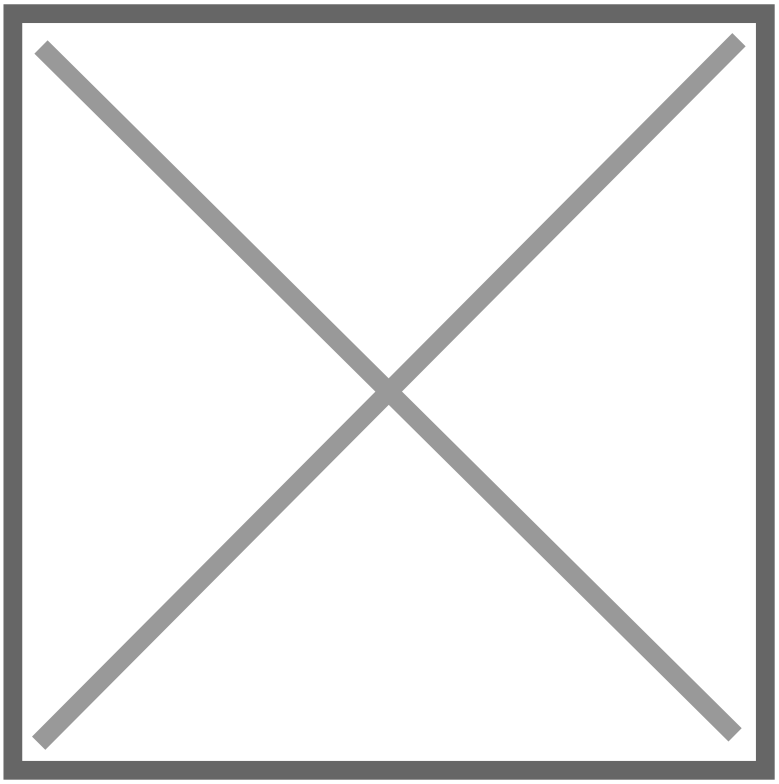
According to Article 8 QD, IPA can only apply if the applicant 'can reasonably be expected to settle' in the proposed area of internal protection.

In applying the reasonableness test, it should be examined whether the basic needs of the applicant would be satisfied, such as food, shelter and hygiene. Additionally, due consideration has to be given to the opportunity for the person to ensure their own and their family's subsistence and to the availability of basic healthcare. The assessment should be based on the general situation in the country and the individual circumstances of the applicant.

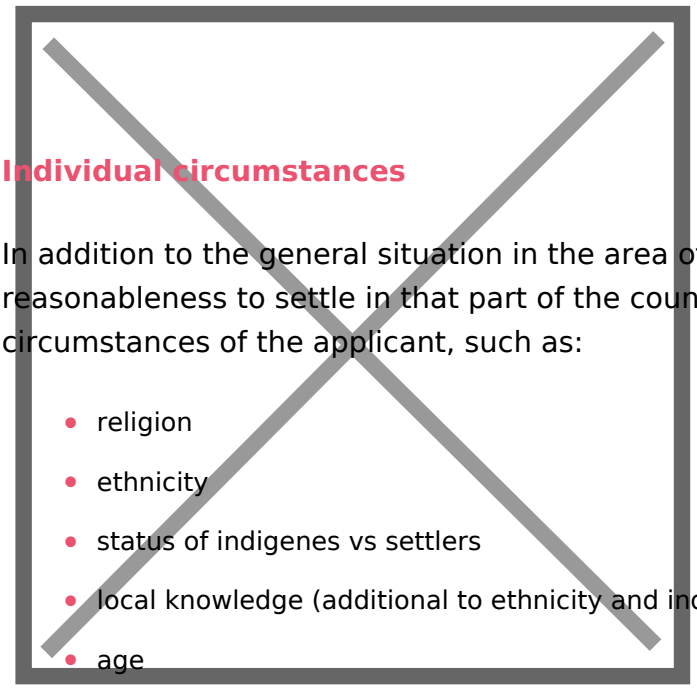
Figure 7. IPA: assessment of the reasonableness requirement.



General situation

The general situation in the area under consideration should be examined in light of the criteria described above, and not in comparison with standards in Europe or other areas in the country of origin.

Based on the available COI, it is found that in order to establish the reasonableness of IPA, the analysis should take into account the individual circumstances of the applicant, such as socio-economic background, education, profession, etc. Support by state authorities, NGOs and social networks, including but not limited to the family (for example, it could also include colleagues, friends) could also be an important consideration, especially with regard to certain profiles.

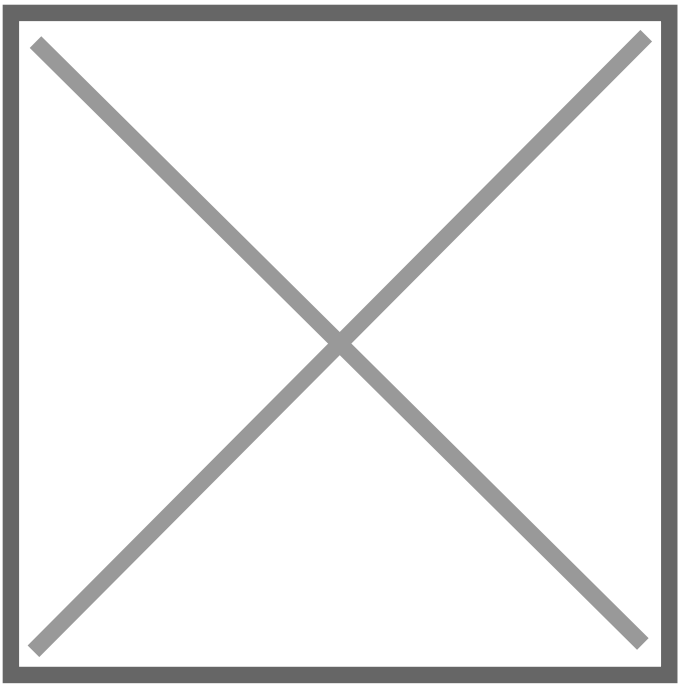


Individual circumstances

In addition to the general situation in the area of potential IPA, the assessment of the reasonableness to settle in that part of the country should take into account the individual circumstances of the applicant, such as:

- religion
- ethnicity
- status of indigenes vs settlers
- local knowledge (additional to ethnicity and indigeneity)
- age
- gender
- state of health (illness or disabilities)
- social, educational and economic background
- support network

The individual considerations could relate to certain vulnerabilities of the applicant as well as to available coping mechanisms. These elements could have an impact when determining to if it would be reasonable for the applicant to settle in a particular area. It should be noted that these factors are not absolute and they would often intersect in the case of the particular applicant, leading to different conclusions on the reasonableness of IPA.



Conclusions on reasonableness: commonly encountered profiles

The list below includes general conclusions with regard to some profiles, which are commonly encountered in practice. For further guidance on elements which are to be assessed in this regard, see the common analysis section Conclusions on reasonableness: particular profiles encountered in practice.

The individual circumstances of the applicant should always be taken into account.

In cases where the applicant is a child or the applicant is accompanied by a child, the best interests of the child shall be a primary consideration.

In general, IPA in in Lagos or elsewhere in Nigeria (excluding states/areas with security problems) may be considered reasonable for these profiles, including where they have no support network in the IPA area.

- **Single able-bodied men**

  Although the situation related to settling in the IPA area entails certain hardship, it can still be concluded that such applicants are able to ensure their basic subsistence, shelter and hygiene, taking into account the fact that their individual circumstances do not pose additional vulnerabilities.

- **(Married) couples of working age**

  The individual assessment should further take into account whether, in the situation of the couple, sufficient basic subsistence can be ensured for both. For couples with children, the individual circumstances and rights of the child should be taken in particular consideration, such as the access to basic education.

IPA in Lagos or elsewhere in Nigeria (excluding states/areas with security problems) may be considered reasonable, depending on the individual circumstances of the applicant.

- **Single able-bodied women**

  Women may encounter additional difficulties in relation to education, work, housing, etc. The assessment should take into account factors such as age, family status, socio-economic background, religion and ethnicity, local knowledge, support network, etc.

- **Elderly applicants**

  Elderly people may face difficulties in accessing means of basic subsistence, in particular through employment. The availability of financial means and/or a support network should be taken into account, as well as the age and state of health of the applicant.

- **Victims of trafficking**

  The assessment should take into account factors such as the age, state of health, socio- economic background of the applicant, the availability of support network, etc.

In general, IPA would not be considered reasonable for these profiles in case they have no support network in the IPA area.

- **Unaccompanied children**

  Due to their young age, children are particularly vulnerable and in general need to depend on other providers for their basic subsistence.

- **Applicants with severe illnesses or disabilities**

  Individual circumstances, such as the availability of sufficient financial means, should, however, be taken into account.

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