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Exclusion from international protection: EUAA publishes new practical guidance and case law analysis

The EUAA has published two new practical guides to support national authorities in the examination of exclusion cases from international protection. These are accompanied by a report analysing how courts across Europe have interpreted exclusion grounds, highlighting key points of convergence and divergence in one of the most legally complex areas of asylum law.

Exclusion from international protection is a legal mechanism that **denies refugee status or subsidiary protection to an individual** who otherwise meets the criteria for persecution, because their past acts are so severe that they do not deserve protection.

The practical guides support national authorities in applying the exclusion provisions of the new Qualification Regulation, applicable under the Pact on Migration and Asylum since 12 June 2026. The judicial analysis, covering cases from 2020-2026, outlines the principles which were refined by the courts to provide guidance in applying exclusion grounds, codified in the legislative framework of the Pact to reduce variations in interpretation.

The three publications are:

- Practical Guide on Exclusion from International Protection

- Practical Guide on Exclusion for Serious (Non-political) Crimes
- Interpretation and Application of Exclusion Grounds in International Protection: Analysis of Case Law (2020–2026)

The Practical Guide on Exclusion from International Protection provides guidance on the examination of potential exclusion cases, from their detection through to the written decision and any potential follow-up. It addresses the main exclusion grounds applicable to refugee status and subsidiary protection, as well as practical considerations including the detection and referral of potential exclusion cases, procedural guarantees, interviews, evidence assessment, legal analysis and the drafting of decisions.

The Practical Guide on Exclusion for Serious (Non-political) Crimes provides more detailed guidance on one of the specific exclusion grounds. It explains the constitutive elements of a serious (non-political) crime and the criteria for assessing the seriousness and political nature of a crime, as well as the applicable geographic and temporal requirements. It also examines the relationship between exclusion and related provisions of the Qualification Regulation, including exclusion from subsidiary protection for serious crimes, withdrawal of international protection, and considerations related to national security and public order.

Complementing the practical guidance, the Interpretation and Application of Exclusion Grounds in International Protection: Analysis of Case Law (2020–2026) examines how national courts across Europe and the Court of Justice of the European Union (CJEU) have interpreted and applied exclusion grounds in international protection cases. Covering six years of jurisprudence, the analysis looks at cases involving war crimes, crimes against humanity, serious (non-political) crimes, acts contrary to the purposes and principles of the United Nations, and situations where an applicant may pose a danger to the community or national security. It identifies areas of convergence and divergence in national practice and examines how courts have addressed questions of individual responsibility, knowledge, intent, level of responsibility, evidentiary standards and the assessment of serious crimes.

Together, the three publications provide complementary tools for national authorities. The practical guides support the structured examination of individual exclusion cases, while the case law analysis provides a broader overview of how exclusion grounds have been interpreted and applied by courts across Europe.

Background

The Agency's practical guides and tools help increase the knowledge and technical skills of asylum practitioners across the EU. Although not legally binding on Member States, they are regarded by asylum practitioners as soft law instruments and are primarily used by EU+ national authorities, civil society organisations and national judiciary bodies. Therefore, they are commonly developed by – and agreed with – members of the EUAA's thematic networks and are subsequently adopted by the EUAA Management Board.

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