



EMN Ad-Hoc Query on EE and NL joint ad-hoc query on safe countries of origin

Requested by Barbara ORLOFF on 28th November 2016

Protection

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Sweden, United Kingdom, Norway (24 in total)

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.


Background information:


With recent amendments to the Estonian legislation, the possibility to draft a list of safe countries of origin was introduced. In relation to this, the Estonian Police and Border Guard Board would like to know about other Member States' practices in determining the countries as safe countries of origin and about the differences in the procedure in case the applicant is from a safe third country. Please note that some of the questions were covered in AHQ 2016.1024 requested on 3rd February 2016 and in the section 5.1 of the study on rejected asylum seekers. Please include in your response the information from the AHQ and the study in an updated form. The responses to this AHQ will also serve as input for an EMN Inform on this subject which will be produced by the EMN in 2017.


Questions


1. 1) Does your Member State have a national list of safe countries of origin?
2. If the answer is yes, please answer to the following questions: 2) Which countries are included in this list?
3. 3) How often is the list re-evaluated? Are any changes planned in the near future?
4. 4) Which criteria are followed in determining a third country as safe country of origin?
5. 5) Does the asylum procedure for applicants from safe countries of origin differ from the normal asylum procedure? Does your Member State use an accelerated procedure? Please explain the procedure.
6. 6) Do different reception conditions apply for applicants from safe countries of origin?
7. 7) Do you have specific return provisions for applicants from safe countries of origin?
8. 8) How do you deal with applications from safe countries of origin where there are also Dublin III indications?


Responses


	Country	Wider Dissemination	Response
	Austria	Yes	<p>1. Yes. Source: Federal Ministry of the Interior.</p> <p>2. According to Art. 1 of the Regulation on Safe Countries of Origin, the following countries are deemed to be safe countries of origin: Bosnia and Herzegovina, Kosovo, Mongolia, Macedonia,</p>


			<p>Montenegro, Serbia, Albania, Ghana, Morocco, Algeria, Tunisia, Georgia. Besides all Member States (Art. 19 para 1 Federal Office for Immigration and Asylum Procedures Act) also Australia, Iceland, Canada, Liechtenstein, New Zealand, Norway and Switzerland are safe countries of origin (Art. 19 para 4 Federal Office for Immigration and Asylum Procedures Act). Source: Federal Ministry of the Interior.</p> <p>3. There is no continuous evaluation. Source: Federal Ministry of the Interior.</p> <p>4. When determining whether countries are safe countries of origin, especially the existence or lack of persecution by the state, protection from private persecution and legal protection against suffered violations of human rights have to be considered (Art. 19 para 5 Federal Office for Immigration and Asylum Procedures Act). Source: Federal Ministry of the Interior.</p> <p>5. Concerning asylum seekers from safe countries of origin, in Austria accelerated proceedings can be conducted (Art. 27a Asylum Act in conjunction with Art. 18 para 1 lit 1 Federal Office for Immigration and Asylum Procedures Act). Accordingly, the reduction of the duration of proceedings makes the difference to ordinary asylum procedures. This does not affect the principle of case-by-case examination which applies in asylum proceedings in Austria. If the asylum seeker is from a safe country of origin, the suspensive effect of a complaint against the first-instance decision may be excluded (Art. 18 para 1 lit 1 Federal Office for Immigration and Asylum Procedures Act). Source: Federal Ministry of the Interior.</p> <p>6. No. Source: Federal Ministry of the Interior.</p> <p>7. No. Source: Federal Ministry of the Interior.</p> <p>8. In such a case the Dublin III Regulation is to be applied. Source: Federal Ministry of the Interior.</p>
	Belgium	No	

	Bulgaria	Yes	<p>1. Yes.</p> <p>2. Europe Republic of Albania, Republic of Armenia, Bosnia and Herzegovina, Georgia, Republic of Macedonia, Serbia and Montenegro, Republic of Turkey, Ukraine. Asia People's Republic of Bangladesh, People's Republic of China, the Republic of India. Africa People's Democratic Republic of Algeria, Federal Democratic Republic of Ethiopia, Republic of Ghana, the Federal Republic of Nigeria, United Republic of Tanzania</p> <p>3. In Bulgaria a list of safe countries of origin and safe third countries was adopted by the Council of Ministers of the Republic of Bulgaria in May 2005, i.e. before the accession of Bulgaria to the EU. Since our accession to the EU in 2007, the adopted national list has neither been officially repealed, nor updated, whereas at the same time it has not been applied in practice. The reason for that situation originates from the fact that prior to the latest amendments of the Bulgarian Law on Asylum and Refugees (in force since the end of December 2015), the latter provided for that the Republic of Bulgaria shall deem as safe countries of origin and safe third countries the countries, included in the minimum common list, adopted by the Council of the European Union. However, such a minimum common list has not been adopted yet on a EU level, because a decision of the European Court of Justice of 6 May 2008 repealed the provisions of Directive 2005/85/EC regarding the requirement to adopt and amend on a EU level a minimum common list of third countries which shall be regarded by Member States as safe countries of origin. Those provisions of Directive 2005/85/EC have been excluded from the recast Directive 2013/32/EU. For that reason and with a view to achieving further harmonization of the national legislation in accordance with the actual requirements of the EU law, at the end of December 2015 the abovementioned provision of the Law on Asylum and Refugees was also repealed. In accordance with the provisions of Directive 2013/32/EU, the Bulgarian law's requirement regarding the obligatory adoption of a national list of safe countries of origin was also repealed.</p> <p>4. The criteria for inclusion of a certain country in the national list of safe countries of origin are laid down in the definition of a safe country of origin in accordance with paragraph 1(8) of the Additional Provisions of the Bulgarian Law on Asylum and Refugees (in force since 1 December 2002). According to the abovementioned provision a 'safe country of origin' is a country where the established legal system and its observance within a democratic social system do not allow the</p>
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			<p>implementation of persecution or prosecution actions and there is no threat of torture in situations of international or internal armed conflict.</p> <p>5. Each application for granting international protection is examined individually, fairly and objectively. A foreigner having filed an application for international protection can disprove the safety presumption of the state included in the national list.</p> <p>6. No.</p> <p>7. No.</p> <p>8. Applications of nationals from safe countries of origin are treated as from other countries of origin.</p>
	Croatia	Yes	<p>1. 1. Yes.</p> <p>2. 2. Algeria, Bosnia and Herzegovina, Montenegro, Morocco, Albania, Kosovo, Macedonia, Serbia, Turkey, Tunisia.</p> <p>3. 3. A national list of safe country of origin was produced in May 2016. The Ministry of Interior shall regularly verify and as necessary revise the list of safe countries of origin, with the prior consent of the minister competent for foreign affairs, and shall inform the European Commission accordingly.</p> <p>4. 4. A country is considered as a safe country of origin where, on the basis of the legal situation, the application of the law and the general political circumstances, it can be shown that there is generally and consistently no persecution or risk of suffering serious harms. The information referred to facts relevant to consider some country as safe country of origin are collecting from various relevant sources, especially from other member states of the European Economic Area, the EASO, the UNHCR, the Council of Europe and other relevant international organisations. We also consider information on: - the relevant laws and regulations of the country and the manner in which they are applied; - observance of the rights and freedoms guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms, especially Article 15, paragraph 2 of the European Convention, the International Covenant for Civil and Political Rights and the United</p>


			<p>Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; - respect for the principle of non-refoulement; - the provision of a system of effective remedies.</p> <p>5. 5. According to the Act on international and temporary protection, a country included on the list may be considered as a safe country of origin in a specific case only if the applicant: - has the nationality of that country or had his/her previous residence in that country as a stateless person; and - has not explained in a credible manner why his country of origin cannot be considered as a safe country of origin for him/her. If the conditions for the application of institute of safe country of origin are fulfilled, The Ministry of Interior shall reject the application in an accelerated procedure, no later than within 2 months from the day the application.</p> <p>6. 6. No.</p> <p>7. 7. No.</p> <p>8. 8. The same way as in case of applications from other countries of origin. That means that Dublin procedure is prior of the procedure of examination in the meritum.</p>
	Cyprus	Yes	<p>1. Cyprus does not have a list of safe countries of origin. Every case is examined on its own merits and according to the available COI.</p> <p>2. n/a</p> <p>3. n/a</p> <p>4. n/a</p> <p>5. n/a</p> <p>6. n/a</p>

			<p>7. n/a</p> <p>8. n/a</p>
	Czech Republic	Yes	<p>1. Yes, the Czech Republic maintains a list of safe countries of origin and a list of European safe third countries.</p> <p>2. The following countries appear on the list of safe countries: 1. Albania, 2. Bosnia and Herzegovina, 3. Montenegro, 4. Iceland, 5. Kosovo, 6. Lichtenstein, 7. FYROM/Macedonia, 8. Mongolia, 9. Norway, 10. United States, 11. Serbia, 12. Switzerland. The following countries appear on the list of European safe third countries: 1. Montenegro, 2. Moldova. The Czech Republic does not establish a list of safe third countries.</p> <p>3. As often as needed.</p> <p>4. The criteria are specified by the Act No. 325/1999 Coll., on Asylum, as amended. The section 2 of the mentioned Act states that: „k) a safe country of origin means the country of which the foreign national is a citizen or, if the foreign national is a stateless person, the country of his/her last permanent residence 1. where widespread and systematic prosecution, torture, inhuman or degrading treatment or punishment does not occur and where there is no threat of indiscriminate violence due to international or internal armed conflict, 2. whose citizens or stateless persons have not left for reasons specified in Section 12 or 14a, 3. that has ratified and observes international conventions on human rights and fundamental freedoms, including laws relating to effective remedial measures, and 4. that permits the operation of legal entities that monitor the degree to which human rights are respected, „l) a safe third country means a country other than that of which the foreign national is a citizen or, if the foreign national is a stateless person, the country of his/her last permanent residence where the foreign national had been staying and formed ties before he/she entered the Territory and 1. to which the foreign national may return and apply for refugee status pursuant to an international agreement²²⁾, 2. where the foreign national will not be exposed to persecution or threat of serious harm, and 3. where the principle of non-refoulement and a ban on expulsion applies, if this would constitute a breach of the ban on torture, cruel, inhuman or degrading treatment or punishment as stipulated by international law, „m) a European safe third country means the country of which the foreign national is a citizen or,</p>


			<p>if the foreign national is a stateless person, the country of his/her last permanent residence, which 1. has ratified and complies with an international agreement governing the status of refugees and observes its provisions without geographical limitation, 2. has ratified and complies with the European Convention on the Protection of Human Rights and Fundamental Freedoms, including laws concerning effective remedial measures, 3. has legally regulated asylum proceedings, and it has been established that the foreign national entered or intended to enter the Territory from the said state unauthorised,“</p> <p>5. According to the Act No. 325/1999, on Asylum, and its Section 16, paragraph 2, “an application for international protection shall also be rejected as manifestly unfounded if the applicant for international protection arrives from a state which the Czech Republic regards as a safe country of origin, unless the applicant for international protection that in his/her case, the state in question cannot be considered to be such a country”. Paragraph 3 also states that “If reasons exist for rejecting an application for international protection as manifestly unfounded, no assessment shall be made as to whether the applicant for international protection satisfies the criteria for being granted asylum pursuant to Section 13 and 14 or subsidiary protection pursuant to Section 14b. If reasons exist for rejection of an application for international protection for being manifestly unfounded according to subsection 2, likewise no assessment shall be made as to whether the applicant for international protection submits information testifying to the fact that he/she might be exposed to persecution for reasons specified in Section 12 or that he/she is under threat of serious harm according to Section 14a”.</p> <p>6. No, they have the same rights and obligations.</p> <p>7. No.</p> <p>8. The fact that there are Dublin III indications are primarily taken into account – more important facts than being from a safe countries of origin.</p>
	Estonia	Yes	<p>1. Currently Estonia does not have a list of safe countries of origin.</p>


			<p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p> <p>7. N/A</p> <p>8. N/A</p>
+	Finland	Yes	<p>1. Finland does not have a list of safe countries of origin.</p> <p>2. Finland does not have a fixed list of safe countries of origin. However, in asylum decision-making in individual cases certain countries can be considered as safe. In 2016, according to Migri's statistics, following countries have been considered as safe countries of origin: Albania, Bosnia and Herzegovina, India, Israel, Kosovo, Macedonia, Serbia, USA, and EU Member States.</p> <p>3. N/A, Finland does not have a fixed list of safe countries of origin.</p> <p>4. Aliens Act section 100: When deciding on an application in the asylum procedure, a State where the applicant is not at risk of persecution or serious violations of human rights may be considered a safe country of origin for the applicant. When assessing a safe country of origin, particular account is taken of: 1) whether the state has a stable and democratic political system 2) whether the state has an independent and impartial judicial system and whether the administration of justice meets the requirements for a fair trial; and 3) whether the state has signed and adheres to the main international conventions on human rights, and whether serious violations of human rights have taken place in the state.</p>

			<p>5. Yes. Aliens Act section 101: An application may be rejected as manifestly unfounded if:...3) the applicant comes from a safe country of asylum origin, where he or she may be returned. Aliens Act section 104: Accelerated procedure may be used on manifestly unfounded asylum applications. In that case, Finnish Immigration Service has to make a decision within 5 months of the lodging of the application. Aliens Act section 201: A return decision concerning an applicant whose application is considered manifestly unfounded may be enforced at the earliest on the eighth day from service of the decision on the applicant.</p> <p>6. No, reception conditions are the same for all adult applicants during their stay in reception services.</p> <p>7. A return decision concerning an applicant from a safe country of origin becomes enforceable quicker. As described above in Q5, a return decision concerning an applicant whose application is considered manifestly unfounded may be enforced at the earliest on the eighth day from service of the decision on the applicant.</p> <p>8. There is no fixed practice. However, as a general rule, asylum applicants from safe countries of origin are not returned to other EU Member States under the Dublin Regulation.</p>
	France	Yes	<p>1. Yes</p> <p>2. According to the decision of 9th October 2015 establishing a list of safe countries of origin (link: https://ofpra.gouv.fr/sites/default/files/atoms/files/151017_jorf_decision_ca_ofpra_du_9_octobre_2015.pdf), 16 countries are included: Albania, Armenia, Benin, Bosnia and Herzegovina, Cape Verde, Georgia, Ghana, India, Former Yugoslav Republic of Macedonia (FYROM), Mauritius, Moldova, Mongolia, Montenegro, Senegal, Serbia, Kosovo.</p> <p>3. The list is regularly re-evaluated by the administrative board of the French Office for the Protection of Refugees and Stateless Persons (OFPRA). The list has been re-evaluated on 9th October 2015. According to Article L.722-1 of the Code of Entry and Residence of Foreigners and the Right for Asylum (CESEDA), it regularly reviews the situation in the countries considered as safe countries of origin. It ensures that the list is updated and relevant. It deletes from the list the countries which do</p>

			<p>not meet the requested criteria and, in case of rapid and uncertain evolution of the situation, it can suspend the entry of the country from the list.</p> <p>4. According to Article L.741-4 of the Code of Entry and Residence of Foreigners and the Right for Asylum (CESEDA), a country is considered as a safe country of origin where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution, no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict.</p> <p>5. The examination of an asylum application by the OFPRA is the same, whether or not the applicants come from a safe country of origin. They are subject to the same procedural guarantees, including the interview and, where appropriate, taking into account the vulnerability. Only processing time is different as applications lodged by asylum seekers from safe countries of origin are examined under the accelerated procedure (article L.723-2 of the CESEDA). Under the accelerated procedure, the OFPRA take a decision within 15 days from the date of lodging the asylum application (96 hours if the asylum seeker is in detention). Regarding the accelerated procedure, the interview report is communicated at the same time as the notification of the decision. In case the OFPRA makes a decision under the accelerated procedure, it has to be mentioned in the decision, by including reasons in law and fact.</p> <p>6. No</p> <p>7. No.</p> <p>8. The procedure for determining the Member State responsible for examining an asylum application takes place when registering the asylum application (at the one-stop shop). Only asylum applications which fall under the responsibility of France can be examined by the OFPRA.</p>
	Germany	Yes	<p>1. Yes, Germany has a list of safe countries of origin according to the Directive 2013/32 and Art.16a GG (German Constitution); § 29a AsylG (Asylum Act).</p>

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| | | <p>2. Safe countries of origin are the Member states of the European Union and the countries included in the list: Albania, Bosnia and Herzegovina, Ghana, Kosovo, Macedonia (former Yugoslav Republic), Montenegro, Senegal, Serbia.</p> <p>3. Germany regularly examines the list. The extension of the list of safe countries of origin to the Maghreb states Algeria, Morocco and Tunisia is in the legislative process. There is still no consent from the Bundesrat (Federal Council).</p> <p>4. The listed safe countries of origin are regarded as stable and democratic in general and towards minorities. The law defines countries as safe countries of origin if it is possible to prove on the basis of the democratic system and of the general political situation that no state persecution is to be feared there as a rule, and that the State in question can provide protection against non-state persecution as a matter of principle. Protection against non-state persecution means for instance that there are legal and administrative provisions in place to provide protection for the population, and that these are also made accessible to all and are actually effective. All ratings need a federal law that means a legislation act by the parliament. This is a principle stated in our German Constitution (Grundgesetz) in Art 16a (3) GG. Ratings cannot be made by administrative acts or internal instructions (see Article 37 (1) of the Directive 2013/32/EU). The classification as a "safe country of origin" is based on national and international data and jurisdiction of the High Court. It accords with Art. 37 (3) of the Directive.</p> <p>5. Even if applicants come from a safe country of origin, the personal interview is no different than those with other countries of origin. It is also by no means ruled out that they can be granted protection. Applicants from safe countries of origin are afforded the opportunity during the interview to submit facts or evidence documenting that they are nonetheless at risk of persecution in their home country, in derogation from the default presumption. If this documentation is successful, they may assert their entitlement to asylum. If the new information is inadequate to refute the default presumption, the asylum application is to be denied as "manifestly unfounded". The appeal deadlines for such rejections are curtailed, which has the effect of accelerating the proceedings. This also has the effect of accelerating the proceedings for court actions that are lodged with the administrative courts.</p> |
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	Hungary	Yes	<p>1. Yes, in July 2015 the Hungarian government adopted a National List of Safe Countries of Origin.</p> <p>2. • EU Member States, • EU candidate countries, • Member States of the European Economic Area, • US States that do not apply death penalty, • Switzerland, • Bosnia-Herzegovina, • Kosovo, • Canada, • Australia, • New Zealand.</p> <p>3. The list was adopted in 2015. We have no information concerning future plans.</p> <p>4. The criteria followed in determining a third country as safe are the following: A safe third country is a country in connection to which the refugee authority has ascertained that the applicant is treated in line with the following principles: a) his/her life and liberty are not jeopardised for racial or religious reasons or on account of his/her ethnicity/nationality, membership of a social group or political conviction and the applicant is not exposed to the risk of serious harm; b) the principle of non-refoulement is observed in accordance with the Geneva Convention; c) the rule of international law, according to which the applicant may not be expelled to the territory of a country where s/he would be exposed to treatment/behaviour stipulated by Article XIV(2) of the Fundamental Law, and d) the option to apply for recognition as a refugee is ensured, and in the event of recognition as a refugee, protection in conformity with the Geneva Convention is guaranteed.</p> <p>5. If a shorter procedure does not apply, the procedure shall be completed within sixty days following the submission of the application. The decision on inadmissible applications or applications to be</p>

			<p>decided on in accelerated proceedings shall be made within fifteen days from the date of establishment of the reason giving rise to inadmissibility or accelerated procedure. An application is inadmissible where for the applicant, there is a third country qualifying as a safe third country for him/her. The application may be decided on in an accelerated procedure where the applicant originated in a country listed on the European Union or national list of safe countries of origin as specified by separate legislation.</p> <p>6. No, the reception conditions do not differ according to the countries of origin.</p> <p>7. No, we do not have any specific return provisions from safe countries of origin.</p> <p>8. If the refugee authority establishes that the Dublin procedure is to be conducted, it shall suspend the procedure until the conclusion of the Dublin procedure. In this view the Dublin procedure takes priority.</p>
	Ireland	Yes	<p>1. Section 72 of the International Protection Act 2015, which was commenced on 31 December 2016, provides that the Minister for Justice and Equality may, by order, designate a country as a safe country of origin.</p> <p>2. Section 72 of the International Protection Act 2015, which came into effect on 31 December 2016, provides that the Minister for Justice and Equality may designate safe countries of origin. To date no countries have been designated as safe countries of origin under the 2015 Act. South Africa is designated as a safe country of origin under the Refugee Act 1996 (Safe Countries of Origin) Order 2004 (S.I. No. 74 of 2004) which remains in force.</p> <p>3. Section 72(5) of the International Protection Act 2015, which was commenced on 31 December 2016, provides that the Minister shall review the situation in a designated safe country of origin on a regular basis.</p> <p>4. Sections 72(2) - (4) of the International Protection Act 2015 sets out criteria that should be followed when designating a country as a safe country of origin as follows: (2) The Minister may make an order under subsection (1) only if he or she is satisfied that, on the basis of the legal</p>



situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution, no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict. (3) In making the assessment referred to in subsection (2), the Minister shall take account of, among other things, the extent to which protection is provided against persecution or mistreatment by— (a) the relevant laws and regulations of the country and the manner in which they are applied, (b) observance of the rights and freedoms laid down in the European Convention on Human Rights, the International Covenant on Civil and Political Rights and the United Nations Convention against Torture, in particular the rights from which derogation cannot be made under Article 15 (2) of the European Convention on Human Rights, (c) respect for the non-refoulement principle in accordance with the Geneva Convention, and (d) provision for a system of effective remedies against violations of those rights and freedoms. (4) The Minister shall base his or her assessment referred to in subsection (2) on a range of sources of information, including in particular information from— (a) other Member States, (b) the European Asylum Support Office, (c) the High Commissioner, (d) the Council of Europe, and (e) such other international organisations as the Minister considers appropriate.


5. Under the International Protection Act 2015 there is no specific accelerated first instance determination procedure for applicants from designated safe countries of origin. Section 73 does allow for the Minister to accord priority to certain cases - this is a non-exhaustive provision but applications from safe countries of origin are not specifically listed. However under section 43 of the International Protection Act 2015, there is an accelerated appeals procedure for applicants from safe countries of origin.


6. No. All asylum applicants are offered accommodation in the accommodation centres run by the Department of Justice and Equality's Reception and Integration Agency.

7. No. All returns are dealt with in accordance with the provisions of the Immigration Act 1999 (as amended).

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	Italy	Yes	<ol style="list-style-type: none"> 1. No, Italy doesn't have a national list of safe countries of origin. 2. See answer 1. 3. See answer 1. 4. See answer 1. 5. See answer 1. 6. See answer 1. 7. See answer 1. 8. See answer 1.
	Latvia	Yes	<ol style="list-style-type: none"> 1. Latvia does not have a national list of safe countries of origin. 2. N/A 3. N/A 4. Even though there is no list of safe countries of origin the Asylum Law provides a concept/definition of safe country of origin – a country other than a Member State and where, according to the legal situation, the application of legal acts in a democratic system and general political conditions, persecution, torture, an inhuman or degrading attitude or an inhuman or degrading punishment, and also threats of violence in case of international or domestic armed conflicts do not exist in general and consistently. At the same time Asylum Law provides for an option of accelerated procedure - an official [...] may examine the application according to accelerated procedures, if at least one of the following conditions exists: [...] the asylum seeker is from a safe country of origin. The country, the nationality of which is held by the asylum seeker or in which he or she has continuously resided as a stateless person beforehand, shall be deemed a safe

			<p>country of origin for the asylum seeker, if he or she has not submitted sufficient justification in order to consider that the relevant country is not a safe country or origin in his or her individual situation and circumstances and in relation to him or her being recognised a refugee or a person who has the right to alternative status (subsidiary form of protection).</p> <p>5. No, the asylum procedure for applicants from safe countries of origin does not differ from the normal asylum procedure, the only difference is a time frame (for the 1st instance's decision and the judgement of the Court) if the case is considered in the accelerated procedure.</p> <p>6. No</p> <p>7. No</p> <p>8. No such practice so far.</p>
	Lithuania	Yes	<p>1. No, Lithuania does not have a national list of safe countries of origin.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p> <p>7. N/A</p> <p>8. N/A</p>


	<p>Luxembourg g</p>	<p>Yes</p>	<p>1. Yes.</p> <p>2. Luxembourg has the following list of safe third countries of countries of origin: Albania, Benin (only for men), Bosnia-Herzegovina, Cape Verde, Ghana (only for men), Kosovo, Macedonia, Montenegro, Senegal Serbia, Ukraine.</p> <p>3. This list is regularly reviewed by the Ministry in charge of Migration and Asylum (MFA). At the moment there are no changes planned in the near future.</p> <p>4. Article 30 (1) of the Law of 18 December 2015 on international protection and temporary protection (Asylum Law) stipulates that a third country can only be considered as safe country of origin after allowing an individual assessment of the application for asylum, if s/he is a national of that country or if the applicant is stateless, and if it was his/her former country of residence. Moreover, the applicant has not produced any hard evidence that this country is not safe in his particular case. Also according to article 30 (2) of the Asylum Law a Grand Ducal regulation can enact a country as a safe country of origin if it is established that in that country there is no general and constant persecution as laid out in the Geneva Convention. This assessment needs to be supported by relevant and diversified country of origin information (EASO, UNHCR, Council of Europe and other international organizations). The following criteria are taken into consideration in order to determine if a country is a safe country of origin: 1. the respect of the rights and freedoms established in the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights or the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment are observed; 2. the respect of the principle of non-refoulement in accordance with the Geneva Convention; 3. the country of origin has to have an effective appeals mechanism against the violations of those rights and liberties.</p> <p>5. Yes. According to article 27 (1) of the Asylum Law the Ministry can decide on the merits of the international protection procedure to use an accelerated procedure if the applicant is a national of a safe country of origin. An individual examination of whether the third country concerned is safe for a particular applicant has to be done before analyzing the merits of the applications. This condition is evaluated by the Refugee department of the Directorate of Immigration (MFA) taking into account the personal situation of the applicant. Once this preliminary examination is done, and if the Minister</p>
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considers that the applicant comes from a safe country of origin, then the Minister will submit the application into an accelerated procedure. Even during the appeal procedure the Administrative Courts examine if the applicant comes from a safe country of origin taking into account his/her personal situation. If the Minister decides to submit the application into the accelerated procedure, the Minister must take the decision within the next two months after the hearing of the asylum claim. The applicant can object to the application of the safe country of origin concept (article 35 (2)) by introducing an appeal against the decision at the First instance Administrative Court by respecting a deadline of 15 days after the notification of the decision. The First instance Administrative Court needs to render its decision within one month. Against the decision of the First instance Administrative Court there is no further appeal possible.


6. No. Article 1 (1) paragraph 2 of the Law of 18 December 2015 on the reception of applicants for international protection and temporary protection does not make any distinction.

7. No specific return provision is foreseen for applicants from safe countries of origin as this concept does not exist in the return's context. However, voluntary returns are much higher for applicants from safe countries of origin as for other countries of origin. In the return context, an evaluation of the situation of the country of origin takes place in accordance with article 3 of the European Convention of Human Rights. If a country fulfils the criteria of article 30 (2) mentioned above for the international protection procedure, there is a high probability that the return of the rejected international protection applicant can be executed. However, the return can be delayed or obstructed because of other issues such as difficulties identifying the applicant or lack of cooperation of the countries of origin.


8. In Luxembourg, article 28 (1) establishes that the Minister in charge of Immigration and Asylum considers that if Dublin III applies and another Member State is responsible for examining the application, the Minister shall stay the proceedings until the other Member State decides if it will treat the application. If the other Member State assumes the examination of the application according to Dublin III the Minister will notify the applicant that s/he will not be examining the application.

	Netherlands	Yes	<p>1. Yes</p> <p>2. • Albania • Algeria • Andorra • Australia • Belgium • Bulgaria • Bosnia-Herzegovina • Canada • Cyprus • Denmark • Germany • Estonia • Finland • France • Georgia • Ghana • Greece • Hungary • Ireland • India • Italy • Jamaica • Japan • Kosovo • Croatia • Lithuania • Liechtenstein • Latvia • Luxembourg • Macedonia • Malta • Morocco • Monaco • Mongolia • Montenegro • New-Zealand • Norway • Ukraine • Austria • Poland • Portugal • Romania • San Marino • Senegal • Serbia • Slovenia • Slovakia • Spain • Czech Republic • Tunisia • Togo (per December 6 2016) • Vatican-City • United Kingdom • United States • Iceland • Sweden • Switzerland</p> <p>3. The situation regarding the safety situation in countries of origin on the list is regularly assessed. The Ministry of Security and Justice intends to evaluate each country at least once a year. Currently, the Ministry is assessing the situation in Bangladesh, Brazil, Colombia, Cuba, Honduras, Jordan, Lebanon, Nepal and Trinidad and Tobago.</p> <p>4. During the assessment on whether or not a country is eligible to be put on the list, the Ministry uses the criteria set out in Articles 36 and 37 and the Annex I of the Asylum Procedures Directive. For this, several information sources are consulted. Amongst others, information from the Member States regarding the safety situation, information from EASO, the UNHCR, the Council of Europe and other relevant international organizations is reviewed.</p> <p>5. Yes. People originating from safe countries of origin are during the asylum procedure processed faster than asylum seekers originating from other countries of origin. The IND determines whether or not an asylum seeker from the above listed countries acquires a residence permit within one week. During this period the asylum seeker resides in a central accommodation location in Ter Apel, and is not transferred to an asylum-seekers center. If the asylum seeker fails to prove that he or she is in need of protection, he or she needs to immediately leave the Netherlands. Also, he gets an entry ban for the European Union for two years.</p> <p>6. Yes. See answer to question no 5. Asylum seekers originating from countries that are not on the list or against whom there is a Dublin claim, only start their asylum procedure in the central</p>
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			<p>accommodation center, and are not replaced to an asylum seekers center, as asylum seekers originating from other countries are</p> <p>7. Migrants residing in the Netherlands can be eligible for support for voluntary departure via the REAN programme, implemented by the IOM and financed by the Dutch government. The REAN programme provides financial support to former asylum seekers and (illegal) migrants. Migrants can obtain €200 (adult) and €40 (child) for the period after their return, payment for their return flight and assistance with the journey. In addition to the REAN support (when eligible), migrants can be eligible for receiving financial and/or in kind support for reintegration in the country of origin through various re-integration programs. In principal, the regular return provisions are also in place for applicants from safe countries of origin. However, several safe countries are excluded from return provisions. The Minister for Migration has decided to exclude migrants from Albania, Serbia, Kosovo, Macedonia, Bosnia-Herzegovina and Montenegro (the six Western Balkan countries) from the REAN programme per 28 September 2016, for a duration of one year. This is due to the high influx of migrants from these countries in the Netherlands. The aim of this measure is to see whether the influx of migrants originating from these safe countries will decline after the exclusion. Next to the Western Balkan countries, EU member states and some other Western countries are also excluded from REAN.</p> <p>8. If an applicant originates from a safe country of origin, his case will be dealt with in the Dublin procedure. However, an exception has been made for applicants originating from the Western Balkan countries (Albania, Serbia, Kosovo, Macedonia, Bosnia, and Montenegro). In these cases, regardless of whether the applicant has Dublin indications, the applications will be assessed in a simplified and accelerated procedure.</p>
	Poland	Yes	<p>1. No. At the moment Poland has not implemented the definition of the safe country of origin. Poland keeps for the organizational purposes the list of countries to which returns of foreigners cannot be realized. In January 2017 a draft amendment to the Act on granting protection to foreigners in the territory of the Republic of Poland was prepared. It is foreseen that it will be adopted in the first half of 2017. The draft amendment includes the implementation of - regulated in the abovementioned directive - the concept of safe country of origin and safe third country. Non-EU member state in the</p>

			<p>list of safe countries will be considered as the safe third country for the applicant, if between the applicant and the state, which is not the country of origin of the applicant, there is a connection that the return of applicant to the country would be reasonable from his point of view and if in that country: 1) life and freedom of the applicant are not threatened by race, religion, nationality, political opinion or membership of a particular social group; 2) there is no real risk of suffering serious harm; 3) the principle referred in Article 33 of the Geneva Convention is complied with; 4) the prohibition of expulsion is complied with if it is contrary to the right to the right to freedom from torture and inhuman or degrading treatment; 5) there is a possibility of applying for refugee status and, if such status is granted, obtaining protection according to the Geneva Convention.</p> <p>2. n/a</p> <p>3. n/a</p> <p>4. n/a</p> <p>5. n/a</p> <p>6. n/a</p> <p>7. n/a</p> <p>8. n/a</p>
	Portugal	Yes	<p>1. Portugal does not have a list of safe countries of origin. There's an analysis case by case.</p> <p>2. N/a.</p> <p>3. N/a.</p> <p>4. N/a.</p>

			<p>5. N/a.</p> <p>6. N/a.</p> <p>7. N/a.</p> <p>8. N/a.</p>
	Slovak Republic	Yes	<p>1. Yes.</p> <p>2. The following countries are considered safe countries of origin: Canada, Commonwealth of Australia, Japan, Kingdom of Norway, Montenegro, New Zealand, Principality of Liechtenstein, Republic of Ghana, Republic of Iceland, Republic of Kenya, Republic of Mauritius, Republic of Seychelles, Republic of South Africa, the Swiss Confederation and the United States of America.</p> <p>3. The list is re-evaluated when it is needed, there is not any time limit when it should be revised. The last revision took place in 2013.</p> <p>4. A safe country of origin is defined by the Slovak legislation as a stable country with the rule of law and democratic order which the alien is a national of or, in the case of a stateless person, it shall mean the last country of his/her residence, in which the state authorities protect human rights and fundamental freedoms and ensure their observance, and which: • is, in general, not left by its citizens or stateless persons residing in it for reasons of a well-founded fear of persecution on the grounds of race, ethnic origin or religion, for reasons of holding certain political opinions or belonging to a certain social group and on the grounds of persecution for the claiming of political rights and freedoms; • ratified and complies with international treaties on human rights and fundamental freedoms; and • allows activities by legal entities overseeing observance of human rights in the country.</p> <p>5. According to the Slovak legislation, the Ministry of Interior SR shall reject an asylum application as manifestly unfounded if the applicant comes from a safe country of origin. This shall not apply if such country cannot be considered safe country of origin in that particular case, which, however,</p>

			<p>represents a rebuttable presumption. In such cases, the Ministry of Interior SR makes a decision within a reduced period of 60 days. The Ministry of Interior SR shall also not reject the asylum application as manifestly unfounded in the case that the application was filed by an unaccompanied minor, which means that the safe country of origin concept is not applicable to unaccompanied minors. However, the concept of safe countries of origin is used in practice very rarely, which relates, among other things, to the overall small number of asylum seekers in Slovakia.</p> <p>6. No, the reception conditions are the same for all asylum seekers.</p> <p>7. No, there are not any specific return provisions for applicants from safe countries of origin.</p> <p>8. If there are also Dublin III indications, the applications from safe countries of origin are dealt with in the same way as in case of applications from other countries.</p>
	Slovenia	Yes	<p>1. Yes</p> <p>2. Albania, Algeria, Bangladesh, Bosnia and Hercegovina, Montenegro, Egypt, Kosovo, Macedonia, Morocco, Serbia, Tunisia, Turkey</p> <p>3. Decree on safe third countries of origin has been adopted in February 2016. Re-evaluation of the national list is done on regular basis. In case of worsening circumstance in the specific origin third country, MOI could proposed its withdrawn from the List. No change is planned in the near future.</p> <p>4. Criteria of third countries are determined in 61. and 62. Article of the International Protection Law of the Republic of Slovenia. A third country is regarded as a safe country of origin if it may be concluded on the basis of the legal situation, application of law within a democratic system and general political situation that, generally and regularly, there is no persecution in it as defined in Article 28 of this Act (serious harm), no torture or inhuman or humiliating treatment or punishment, nor any danger from indiscriminate violence in a situation of international or internal armed conflict. In assessing whether a third country is a safe country of origin, it is necessary to consider inter alia the scope of protection from persecution and abuse by means of: national regulations and the manner in which they are applied; Respect for the rights and freedoms defined in the European Convention of</p>



the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights and the United Nations Convention against Torture, especially the rights which in accordance with Article 15 of the European Convention of the Protection of Human Rights and Fundamental Freedoms cannot be derogated from; Respect for the non-refoulement principle under the Geneva Convention; the existence of a system of effective legal remedies against violations of the rights and freedoms determined in the European Convention of the Protection of Human Rights and Fundamental Freedoms. On the basis of the criteria referred to in the preceding paragraph, a safe country of origin is declared by the Government of the Republic of Slovenia at the proposal of the Ministry, which regularly monitors the situation in the country on the basis of information from other European Union Member States and other institutions of the European Union and relevant international organisations. If the Ministry establishes that the situation regarding human rights in the country that has been declared as safe has significantly deteriorated, or if there are doubts about the fulfilment of the conditions referred to in the preceding paragraph, the Ministry shall re-examine whether the country can still be defined as a safe country of origin, and propose the annulment of the decision declaring the country a safe country of origin if it determines that the requirements for it to be declared a safe country of origin are no longer fulfilled.


5. The sole fact that a person has the nationality of the country, which is designated as a safe country of origin, or has had, in the latter's habitual residence, in the case of a stateless person, it does not mean that it will automatically be excluded from international protection procedure and potentially international protection status. If the person in the process demonstrates reasonable grounds that due to personal circumstances this country it is not safe country of origin for her, the concept of safe country of origin in the present case could not be applied. Otherwise, however, the competent authority will have the option to reject request in the accelerated procedure.

6. No.

7. No.

8. Our priority is applying to Dublin III procedure.

	Sweden	Yes	<p>1. NO</p> <p>2. NA</p> <p>3. NA</p> <p>4. NA</p> <p>5. NA</p> <p>6. NA</p> <p>7. NA</p> <p>8. NA</p>
	United Kingdom	Yes	<p>1. Yes</p> <p>2. The UK has a list of safe countries of origin/third countries. This was introduced by means of Section 94 of the Nationality, Immigration and Asylum Act 2002. The following are designated safe countries of origin by the UK. i. Albania ii. Bolivia iii. Bosnia iv. Brazil v. Ecuador vi. Gambia (men only) i. Ghana (men only) ii. India iii. Kenya (men only) iv. Kosovo v. Liberia (men only) vi. Macedonia vii. Malawi (men only) viii. Mali (men only) ix. Mauritius x. Moldova xi. Mongolia xii. Montenegro xiii. Nigeria (men only) xiv. Peru xv. Serbia xvi. Sierra Leone (men only) xvii. South Africa xviii. South Korea xix. Ukraine</p> <p>3. It was most recently updated in legislation in the Asylum (Designated States) Order 2010, with the inclusion of South Korea and Kosovo. These additions came into effect in March 2010. In March 2015, the Supreme Court in the case of Brown (Jamaica), R (on the applications of) v Secretary of State for the Home Department [2015] UKSC 8 (4 March 2015) found that the designation of Jamaica was unlawful. This was because, although Jamaica could be considered ‘generally safe’ for the most part, this could not be said about the LGBT community there. Jamaica currently still appears on the</p>

			<p>safe list in the legislation but in practice this can no longer be relied upon (so it is excluded from the list above). In light of that judgement we have been reviewing all designated countries to determine whether other changes to the list are necessary in order to comply with the rationale of the Supreme Court judgement. That review process is nearing completion. Any proposals for changes to the designation of countries must be made by order and so will be put to Parliament.</p> <p>4. The legal test for designating states or parts of states is set down in Section 94 of the Nationality, Immigration and Asylum Act 2002. This provides the power for the Home Secretary to designate states where the Home Secretary is satisfied that: (a) there is in general in that State or part no serious risk of persecution of persons entitled to reside in that State or part, and (b) removal to that State or part of persons entitled to reside there will not in general contravene the United Kingdom's obligations under the Human Rights Convention. Additions to the list are made by an Order which is debated in and approved by both Houses of Parliament.</p> <p>5. Most asylum-seekers have a right of appeal if their claim is refused. They will be allowed to remain in the UK while they wait for their appeal. However, some applicants do not automatically have a right to an appeal inside the UK, for example if they come from the countries that are presumed by the Home Office to be safe. These applicants are usually only allowed to make an appeal after they have been removed from the UK.</p> <p>6. No</p> <p>7. There are no specific return provisions although applicants from safe countries of origin are likely to be removed from the UK at an earlier stage than other refused asylum applicants. They are subject to removal at the first decision stage and if they wish to appeal this decision they will have to do so from outside the UK.</p> <p>8. Consideration under the Dublin III Regulation will take precedence as this determines which Member State is responsible for examining the application for international protection.</p>
	Norway	Yes	<p>1. No, Norway does not have a list of safe countries of origin as such. However, in addition to the Dublin procedure we have an accelerated procedure (dealing with an application within 48 hours) for</p>

some citizens of countries. These are countries for which the Norwegian Directorate of Immigration (UDI) has sufficient information on the general security and human rights situation, and from which the majority of applications have been found to be manifestly unfounded. An asylum-seeker from one of these countries will initially have his/her application processed on its individual merits within 48-hours. Following an examination of the claim, those applications that are found to be manifestly unfounded will be rejected, and the rest are transferred to the normal procedure. The list of countries to which the 48-hour procedure applies is reviewed and updated on a regular basis.

2. ALB Albania, ARG Argentina, ARM Armenia, AUS Australia, AUT Austria, BIH Bosnia-Hercegovina, BWA Botswana (except those with claims concerning homosexuality), BLE Belgium, BGR Bulgaria, BRB Barbados, CAN Canada, CHE Switzerland, CHL Chile, CRI Costa Rica, CYP Cyprus (Greek section), CZE Tsjeckia, DEU Germany, DNK Denmark, ESP Spain, EST Estonia, FIN Finland, FRA France, FRO Faeroe Islands, GBR Great Britain, GHA Ghana. (except girls under the age of 18 claiming fear of FGM or sexual minorities), GEO Georgia, GRC Greece, HRV Croatia, HUN Hungary, IRL Ireland, IND India, ISL Iceland, ISR Israel, ITA Italy, JPN Japan, LIE Liechtenstein, LTU Lithuania, LUX Luxembourg, LVA Latvia, MKD Macedonia, MCO Monaco, MDA Moldova, MLT Malta, MNE Montenegro, MNG Mongolia, NAM Namibia except those with claims concerning homosexuality), NLD Netherland, NZL New Zealand, POL Poland, PRT Portugal, ROM Romania, SRB Serbia, SVK Slovakia, SVN Slovenia, SWE Sweden, TZA Tanzania (except girls under the age of 18 fearing FGM and albinos), USA, VAT Vatican, XXK Kosovo (except minorities), ZAF South Africa

3. UDI continuously assesses whether countries need to be removed from the list or new countries should be added. On December 5th 2016 the following countries were added to the list; Armenia, Tanzania, Ghana, Namibia, Botswana and India. There are no changes planned in the near future.

4. The following criteria are used in the country selection process: • Most asylum applications have been found to be unfounded • The authorities of the countries can provide adequate protection for the citizens. • The human rights situation in the country is at a satisfactory level • Applications from these countries have a very low recognition rate • There is good access to relevant country of origin information for assessing the asylum applications

			<p>5. In the 48-hour procedure, all applicants are dealt with on an individual basis and have the same rights as other asylum applicants: they are registered with the police authorities, they have an informative talk with an NGO for refugees (NOAS), a brief interview with UDI, and the right to appeal the decision as well as the right to legal counsel when appealing.</p> <p>6. No, but they may be placed in a reception center with easy access to an airport.</p> <p>7. No</p> <p>8. As stated above (answer to question 1), Norway does not have a list of safe countries of origin, but an accelerated procedure. If an applicant is a citizen of any of the countries on the list and there are Dublin indications as well, the accelerated procedure prevails.</p>
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