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**2025.32 SAFE COUNTRIES OF
ORIGIN AND SAFE THIRD
COUNTRIES: CRITERIA FOR
IDENTIFYING AND EXAMINING
APPLICATIONS FOR ASYLUM IN
THE LIGHT OF THE NEW
PROCEDURAL REGULATION (EU)
2024/1348**

**European Migration Network
Ad-hoc query**

September, 2025

AD-HOC QUERY ON 2025.32 SAFE COUNTRIES OF ORIGIN AND SAFE THIRD COUNTRIES: CRITERIA FOR IDENTIFYING AND EXAMINING APPLICATIONS FOR ASYLUM IN THE LIGHT OF THE NEW PROCEDURAL REGULATION (EU) 2024/1348

REQUESTED BY EUROPEAN COMMISSION ON 2 JULY 2025

COMPILATION PRODUCED ON 17 APRIL 2026

Exported for: Unrestricted Dissemination

Responses from: EMN NCP Austria, EMN NCP Belgium, EMN NCP Bulgaria, EMN NCP Croatia, EMN NCP Cyprus, EMN NCP Czech Republic, EMN NCP Estonia, EMN NCP Finland, EMN NCP France, EMN NCP Greece, EMN NCP Hungary, EMN NCP Ireland, EMN NCP Italy, EMN NCP Latvia, EMN NCP Lithuania, EMN NCP Luxembourg, EMN NCP Netherlands, EMN NCP Poland, EMN NCP Portugal, EMN NCP Serbia, EMN NCP Slovakia, EMN NCP Slovenia, EMN NCP Spain, EMN NCP Sweden **(24 in total)**

Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN National Contact Points (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 Country.

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BACKGROUND INFORMATION

The Inform focuses on current legislation and policies in EMN Member and Observer Countries. It refers to Articles 36–38 of the Asylum Procedures Directive,[1] which establish the legal framework for designating Safe Countries of Origin (SCOs) and Safe Third Countries (STCs). These provisions allow Member States a degree of discretion in applying the concepts, including the option to develop national lists and define exceptions. Under the EU Pact on Migration and Asylum, the aim is to harmonise these practices further.

Following the approval of the Pact on Migration and Asylum and Regulation (EU) 2024/1348 (Asylum Procedure Regulation),[2] a shared reflection on current legislative frameworks, procedures, and practices by EMN Member and Observer Countries is relevant in view of the necessary adjustments. The new Asylum Procedure Regulation specifies some key concepts regarding "safe third countries and safe countries of origin" (articles 59 and 61). Additionally, rules are laid down concerning the designation, suspension, and revocation of safe third countries and safe countries of origin at both the EU and national levels.

Compared to the previous Directive 2013/32/EU, there are some new significant features, not only due to its new status as a regulation but also concerning the introduction of new definitions. As noted in the summary published by the European Parliamentary Research Service (EPRS),[3] some relevant aspects of the new regulation include: the assessment of safety in the application of the safe third country concept; the interpretation of the applicant's connection requirement with the safe third country; the possibility of designating a third country as safe with territorial limitations or excluding certain clearly identifiable categories of people from such designation; the creation of a list of safe third countries at Union level in addition to national lists. The application of these concepts has been discussed extensively among various EMN Member and Observer Countries and at a supranational level. Legislative proposals and innovations have emerged since the adoption of the first Directive 2005/85/EC, leading to different and sometimes divergent approaches and outcomes, such as the adoption of different lists of safe countries, whether or not to include a national list designating safe third countries. Another relevant element is the constant evolution of national and European jurisprudence on the matter (see C-406/22 and the pending Italian preliminary rulings C-758/24 and C-759/24), especially concerning the issue of considering exceptions for specific parts of territory or clearly identifiable categories of persons.

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Therefore, the analysis of current designation methods at the national level is essential for EMN Member States and Observer countries to compare legislation and practices. In that regard, this Inform will explore complementarity and synergies with, and make use of, the information on safe third countries and safe countries of origin that is already available on the EUAA's 'who is who' webpage[4].

The Inform will provide a detailed and updated mapping of national legislation and policy regarding asylum procedures to which the concepts of safe country of origin and safe third country apply, with a view to supporting legislators in understanding and implementing the changes required by Regulation (EU) 2024/1348. By comparing regulatory data among different States, the analysis will also identify good practices that can be adopted by other EMN Member States and Observer countries to improve the efficiency and fairness of their asylum procedures.

It is important to note that not all EMN Member and Observer Countries participate in the current Directive, and some will not be bound by the forthcoming Regulation introduced by the Pact[5].

As this inform is being launched during the holiday period the deadline is of eight (8) weeks instead of six weeks. The value for reporting purposes is of two (2) AHQs.

[1] Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast).

[2] Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU, <https://eur-lex.europa.eu/eli/reg/2024/1348/oj>.

[3] EPRS | European Parliamentary Research Service, Safe third country concept in the EU pact on migration and asylum, Briefing, A. Radjenovic, December 2024.

[4] <https://whoiswho.euaa.europa.eu/Pages/safe-country-concept.aspx>

[5] DK, IE, and NO, GE, MD, UA, ME, AM, RS, MK.

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WE WOULD LIKE TO ASK THE FOLLOWING QUESTIONS:

We would very much appreciate your responses by **27 August 2025**.


1. Does your EMN Member or Observer Country use a national list of safe countries of origin? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).
2. Does your country consider that certain regions within a "safe country of origin" or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).
3. If an applicant for international protection comes from a designated safe country of origin, which procedure do you apply for assessing their case (e.g. normal procedure, accelerated, border procedure; deadline for lodging an appeal)? Please explain.
4. Does your EMN Member or Observer Country use a national list of safe third countries? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).
5. Does your country consider that certain regions within a "safe third country " or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).
6. [Only for EMN Member Countries and Norway] Does your EMN Member Country apply the safe third country concept on a case-by-case assessment as stated in Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If YES, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list. If you are an Observer Country (except Norway), please answer question 13.

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7. If your answer to Q4 and/or Q6 is YES, has your EMN Member State encountered difficulties in the practical application of the safe third country concept in the examination of international protection applications (e.g., issues related to the inadmissibility of international protection applications)? YES/NO. If YES, please describe them and indicate solutions adopted (if applicable).
8. If the answer to Q4 and/or Q6 is YES, does your EMN Member State have any assurances/guarantees from the safe third country regarding the treatment of transferred individuals upon arrival (e.g. living conditions, non-refoulement principle)? YES/NO. If YES, please specify.
9. What sources of information do you use in your EMN Member or Observer Country to assess the safety of the country of origin and safe third countries? (e.g., UNHCR, EUAA, etc.)?
10. In your EMN Member State, have there been any relevant judicial decisions from 2020 until today regarding the application of the concepts of safe country of origin and safe third country? If YES, please provide a summary of the decisions and the link.
11. Has your EMN Member or Observer Country identified any good practices in the application of safe country of origin and/or safe third country concepts? If your answer is YES, please explain (e.g. how to deal with cases of vulnerabilities).
12. In your EMN Member or Observer Country, are there any ongoing or planned strategies to adapt the current framework to align with the new Asylum Procedure Regulation? YES/NO. If your answer is YES, please specify which strategies are being implemented or considered (including their scope and timeline if available).
13. [Only for EMN Observer Countries except Norway] Does your country apply the safe third country concept on a case-by-case assessment in alignment with Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If yes, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list.

RESPONSES

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		Unrestricted Dissemination ?	
	EMN NCP Austria	Yes	<p>1. Does your EMN Member or Observer Country use a national list of safe countries of origin? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>Yes, there are two lists in Austria that indicate safe countries of origin: Country of Origin Regulation: This regulation is issued by the federal government in accordance with Art. 19 para. 5 subpara. 2 Federal Office for Immigration and Asylum Procedures Act)List of safe countries of origin in Art. 19 Federal Office for Immigration and Asylum Procedures Act, which was adopted through the regular legislative process (National Council, Federal Council)---</p> <p>Source: Ministry of the Interior</p> <p>2. Does your country consider that certain regions within a "safe country of origin" or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>In countries of origin that are considered safe (see Q1), there is currently no evidence of persecution relevant to asylum (Böckmann-Winkler in Schrefler-</p>

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			<p>König/Szymanski, Fremdenpolizei- und Asylrecht, § 19 Federal Office for Immigration and Asylum Procedures Act, Note 1). Nevertheless, in Austria, every asylum application is always decided on a case-by-case basis, considering the individual circumstances. In this context, claims of persecution in safe countries of origin are also examined.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>. If an applicant for international protection comes from a designated safe country of origin, which procedure do you apply for assessing their case (e.g. normal procedure, accelerated, border procedure; deadline for lodging an appeal)? Please explain.</p> <p>In principle, the general procedural rules apply, whereby the asylum procedure for persons from safe countries of origin is accelerated – in compliance with the principle of individual proceedings – and the suspensive effect can be revoked.</p> <p>Special procedural rules for the airport procedure: In airport procedures, an application may be rejected at the initial reception center at the airport if there is no reasonable indication that international protection status (asylum, subsidiary protection) should be granted and the applicant comes from a safe country of origin (Art. 33 para. 1 subpara. 4 of the Asylum Act 2005). Under the current legal situation, the rejection of an application for international protection from persons from a safe country of origin and the rejection of an application on the grounds of existing protection in a safe third country may only be carried out with the consent of the UNHCR.</p> <p>---</p> <p>Source: Ministry of the Interior</p>
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			<p>4. Does your EMN Member or Observer Country use a national list of safe third countries? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>No. --- Source: Ministry of the Interior</p> <p>5. Does your country consider that certain regions within a "safe third country " or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>n/a --- Source: Ministry of the Interior</p> <p>6. [Only for EMN Member Countries and Norway] Does your EMN Member Country apply the safe third country concept on a case-by-case assessment as stated in Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If YES, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list. If you are an Observer Country (except Norway), please answer question 13.</p> <p>An application for international protection is generally rejected as inadmissible if the third-country national can find protection from persecution in a safe third country. However, this</p>
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			<p>does not apply if a return decision associated with the rejection would lead to a violation of Art. 8 ECHR.</p> <p>For a country to be classified as a safe third country, it must first have ratified the Geneva Refugee Convention without geographical reservation and comply with its provisions, secondly, it must have a legally established asylum procedure, and thirdly, it must have ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms and comply with its provisions, including the standards on effective remedies (Art. 39 para. 1 Asylum Procedures Directive).</p> <p>In Austria, third-country safety is regulated in more detail in Art. 4 para. 2 of the Asylum Act. Protection in a safe third country exists if a foreign person in a country where he or she is not threatened according to Art. 8 para. 1 of the Asylum Act, has access to a procedure for granting refugee status under the Geneva Refugee Convention or is guaranteed such status via another third country (procedure for international protection) if they are entitled to reside in that country during these proceedings and if they have protection there from deportation to their country of origin – including by way of chain deportation – provided that the third-country national is threatened in their country of origin pursuant to Art. 8 of the Asylum Act. Art. 4 of the Asylum Act implements Articles 35 (protection in the first country of asylum), 38 (protection in a safe third country) and 39 (concept of a safe European third country) of the Asylum Procedures Directive (Directive 2013/32/EU) without distinction. These provisions must therefore be observed when applying Art. 4 of the Asylum Act.</p> <p>---</p> <p>Source: Ministry of the Interior</p>
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			<p>7. If your answer to Q4 and/or Q6 is YES, has your EMN Member State encountered difficulties in the practical application of the safe third country concept in the examination of international protection applications (e.g., issues related to the inadmissibility of international protection applications)? YES/NO. If YES, please describe them and indicate solutions adopted (if applicable).</p> <p>n/a ---</p> <p>Source: Ministry of the Interior</p> <p>8. If the answer to Q4 and/or Q6 is YES, does your EMN Member State have any assurances/guarantees from the safe third country regarding the treatment of transferred individuals upon arrival (e.g. living conditions, non-refoulement principle)? YES/NO. If YES, please specify.</p> <p>n/a ---</p> <p>Source: Ministry of the Interior</p> <p>9. What sources of information do you use in your EMN Member or Observer Country to assess the safety of the country of origin and safe third countries? (e.g., UNHCR, EUAA, etc.)?</p> <p>The preferred sources for the SCO assessment are the standard sources of state documentation, as found at https://ecoi.net and https://staatendokumentation.at as well as: UNHCR, IOM, EUAA, MoI liaison officers, national representative authorities, state sources,</p>
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			<p>international and national non-governmental organizations, online media, news portals, expert discussions (e.g., fact-finding calls), etc.</p> <p>When determining safe countries of origin, the Federal Government must, in accordance with and taking into account the relevant EU law, give particular consideration to the existence or absence of state persecution, protection against private persecution, and legal protection against human rights violations suffered (Art. 19 para. 5 Federal Office for Immigration and Asylum Procedures Act).</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>10. In your EMN Member State, have there been any relevant judicial decisions from 2020 until today regarding the application of the concepts of safe country of origin and safe third country? If YES, please provide a summary of the decisions and the link.</p> <p>Exemplary decision by the Supreme Administrative Court: Supreme Administrative Court 10.10.2022, Ra 2022/18/0076: The designation of a country as a safe country of origin supports the assumption that the authorities of that country are fundamentally capable of providing protection and willing to do so (cf. Supreme Administrative Court 10.8.2017, Ra 2017/20/0153, 0154; May 29, 2018, Ra 2017/20/0388; Nov. 6, 2018, Ra 2017/01/0292). However, in this case, a foreign person is free to point out specific circumstances relating to the case which, regardless of this, could lead to protected rights being violated in a significant manner according the Asylum Act 2005 in the event of his/her, in this case under Art. 3 ECHR (cf. in this sense Supreme Administrative Court 16.11.2016, Ra 2016/18/0233). The inclusion of a country in the list of safe countries of origin does not therefore lead to a legal presumption that cannot be rebutted. Link: RIS - Ra 2022/18/0076 -</p>
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			<p>Legal principle – Supreme Administrative Court --- Source: Ministry of the Interior</p> <p>11. Has your EMN Member or Observer Country identified any good practices in the application of safe country of origin and/or safe third country concepts? If your answer is YES, please explain (e.g. how to deal with cases of vulnerabilities).</p> <p>n/a --- Source: Ministry of the Interior</p> <p>12. In your EMN Member or Observer Country, are there any ongoing or planned strategies to adapt the current framework to align with the new Asylum Procedure Regulation? YES/NO. If your answer is YES, please specify which strategies are being implemented or considered (including their scope and timeline if available).</p> <p>Further negotiations are currently underway in the Council committees on the newly presented concepts of safe third countries and safe countries of origin. Austria is actively involved in the negotiations with a view to significantly strengthening the concepts while ensuring appropriate flexibility for the member states. The work on the legislative implementation of the Pact on Migration and Asylum is not yet complete, and therefore no information can be provided at this time. --- Source: Ministry of the Interior</p>
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			<p>13. [Only for EMN Observer Countries except Norway] Does your country apply the safe third country concept on a case-by-case assessment in alignment with Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If yes, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list.</p>
	<p>EMN NCP Belgium</p>	<p align="center">Yes</p>	<p>1. Does your EMN Member or Observer Country use a national list of safe countries of origin? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>YES</p> <p>The national list of safe countries of origin is encoded in Article 57/6/1, §3 of the Immigration Act. The list is updated at least once per year by Royal Decree.</p> <p>Safe countries of origin are formally designated by Royal Decree, upon the proposal of the Minister for Asylum and Migration and the Minister of Foreign Affairs, taking into consideration the advice given by the Commissioner General for Refugees and Stateless Persons. The assessment of whether a country is a safe country of origin is based on a range of information sources, including information from other Member States of the European Union, information from the EUAA (the European Union Agency for Asylum), the United Nations High Commissioner for Refugees, the Council of Europe and other relevant international organisations.</p>

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			<p>2. Does your country consider that certain regions within a "safe country of origin" or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>NO</p> <p>3. If an applicant for international protection comes from a designated safe country of origin, which procedure do you apply for assessing their case (e.g. normal procedure, accelerated, border procedure; deadline for lodging an appeal)? Please explain.</p> <p>As defined in Article 57/6/1, §1: The accelerated procedure is applied to applicants from safe countries of origin. The acceleration is objectively determined based on nationality. Exceptions (all conditions must be cumulatively met): concrete indications of a specific need for protection + the applicant's ability to exercise their rights within the procedure would be significantly impaired (reasonableness test) + within the short timeframe of the accelerated procedure, no appropriate support measures can be provided that sufficiently guarantee the applicant's rights.</p> <p>The processing time is 15 working days (indicative deadline – non-compliance affects appeals: the shortened appeal period of 10 days does not apply; instead, the standard appeal period of 30 days applies. Processing time is 10 working days in case of detention (in a closed center or border procedure)).</p>
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			<p>4. Does your EMN Member or Observer Country use a national list of safe third countries? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>NO</p> <p>5. Does your country consider that certain regions within a "safe third country " or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>No list of "safe third countries" is established, unlike the list of "safe countries of origin". The Commissioner General may assess, on a case-by-case basis, whether a particular country qualifies as a "safe third country" for a specific applicant. This assessment must be based on a thorough examination (see Q6).</p> <p>6. [Only for EMN Member Countries and Norway] Does your EMN Member Country apply the safe third country concept on a case-by-case assessment as stated in Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If YES, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list. If you are an Observer Country (except Norway), please answer question 13.</p> <p>A third country may be considered a "safe third country" if the following cumulative conditions are met: the applicant has such a connection with the country concerned that it would be reasonable</p>
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			<p>for them to go there; AND it must be plausible (not necessarily certain) that the applicant must meet a number of requirements in order to be considered "safe" for the applicant;The applicant must be treated in accordance with certain principles in the third country (compliance with the principle of non-refoulement + guaranteed access to an asylum procedure for the determination of refugee status, and if recognized, the applicant must be able to rely on effective protection).</p> <p>7. If your answer to Q4 and/or Q6 is YES, has your EMN Member State encountered difficulties in the practical application of the safe third country concept in the examination of international protection applications (e.g., issues related to the inadmissibility of international protection applications)? YES/NO. If YES, please describe them and indicate solutions adopted (if applicable).</p> <p>There are no difficulties to mention. In Belgium the practical implementation of the safe third country concept is very limited. Only a couple of countries are considered safe third countries.</p> <p>8. If the answer to Q4 and/or Q6 is YES, does your EMN Member State have any assurances/guarantees from the safe third country regarding the treatment of transferred individuals upon arrival (e.g. living conditions, non-refoulement principle)? YES/NO. If YES, please specify.</p> <p>Belgium requires certain guarantees before applying the "safe third country" concept: compliance with the principle of non-refoulement, guaranteed access to an asylum procedure for the determination of refugee status, and, if recognized, the applicant must be able to rely on effective protection. However, there is no individual guarantee or assurance from the safe</p>
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			<p>third country required in every case.</p> <p>9. What sources of information do you use in your EMN Member or Observer Country to assess the safety of the country of origin and safe third countries? (e.g., UNHCR, EUAA, etc.)?</p> <p>Certain sources of information on the general situation in the third country must be considered in the assessment (Article 57/6/6, §3 of the Immigration Act). This specifically concerns information from other European Union Member States, the European Commission (progress reports), the European Union Agency for Asylum (EUAA), UNHCR, the Council of Europe, and other relevant organisations. These sources must form the basis of the assessment that the applicant will be treated in accordance with the principles mentioned above.</p> <p>10. In your EMN Member State, have there been any relevant judicial decisions from 2020 until today regarding the application of the concepts of safe country of origin and safe third country? If YES, please provide a summary of the decisions and the link.</p> <p>Number 328 978, 27/06/2025 (CALL): case of a decision where Georgia was considered a safe country of origin at the moment of the decision, though not anymore at the time the case was discussed at court. The judge clarified: "At the time of the contested decision, the Royal Decree of 14 January 2022 designated Georgia as a safe country of origin. However, in the Royal Decree of 12 May 2024 implementing Article 57/6/1, §3, fourth paragraph of the Aliens Act, which establishes the list of safe countries of origin, Georgia is no longer included in the list. As such, the legal basis for the contested decision no longer exists.</p> <p>This fact alone is not sufficient to annul the contested decision. In appeals against the decision</p>
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of the Commissioner General, the Council has full jurisdiction. This means that the dispute, including all factual and legal questions, is brought before the Council in its entirety, which conducts an investigation based on the procedural file. As an administrative court, the Council makes a final ruling on the merits of the case. Due to the devolutive effect of the appeal, the Council is not necessarily bound by the grounds on which the contested decision is based, nor by the applicant's arguments against it.

In accordance with Directive 2011/95/EU, the Council must exercise its jurisdiction in a way that fulfills the obligation to provide "an effective remedy before a court or tribunal" within the meaning of Article 46 of Directive 2013/32/EU. Consequently, when the Council examines an appeal submitted under Article 39/2, §1 of the Aliens Act, it is required to interpret the law in a manner consistent with the requirements of a full and ex nunc examination, as stipulated in Article 46, §3 of Directive 2013/32/EU.

Given that Georgia is no longer listed in the Royal Decree of 12 May 2024 implementing Article 57/6/1, §3, fourth paragraph of the Aliens Act establishing the list of safe countries of origin, the Council must assess whether the applicant does or does not meet the criteria set out in Articles 48/3 and 48/4 of the Aliens Act. In this case, the procedural file appears to contain sufficient information to proceed with such an assessment, with due respect for the rights of the defense."


https://www.rvv-ccce.be/sites/default/files/arr/a328978.an_.pdf

Number 327 480, 06/06/2025 (CALL): Switzerland is considered a safe third country: "Based on the country information contained in the administrative file, it can be established, together with the defendant, that Switzerland is a party to international and European treaties that legally bind the country in matters of human rights, the principle of non-refoulement, access to the asylum procedure, and the possibility to request refugee status or to guarantee effective protection. It is also established that compliance with these standards is generally

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			<p>upheld in practice, and that there are no indications of systematic or structural deficiencies in this regard. The applicant does not provide any country information or concrete elements in the application that would suggest he would be unable to request refugee status in Switzerland.</p> <p>(...)</p> <p>In this case, there is indeed such a connection with Switzerland that it would be reasonable for the applicant to go to that country, and it can be presumed that he would be admitted to Swiss territory."</p> <p>https://www.rvv-cce.be/sites/default/files/arr/a327480.an_.pdf</p> <p>11. Has your EMN Member or Observer Country identified any good practices in the application of safe country of origin and/or safe third country concepts? If your answer is YES, please explain (e.g. how to deal with cases of vulnerabilities).</p> <p>NO</p> <p>12. In your EMN Member or Observer Country, are there any ongoing or planned strategies to adapt the current framework to align with the new Asylum Procedure Regulation? YES/NO. If your answer is YES, please specify which strategies are being implemented or considered (including their scope and timeline if available).</p> <p>NO</p> <p>At this stage, the integration of the new provisions set out in the Asylum Procedure Regulation can be accommodated within the existing national framework regarding safe countries of origin and safe third countries. Other than the necessary arrangements to be put in place</p>
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			<p>regarding the designation, suspension, and revocation of safe third countries and safe countries of origin, and to ensure compliance with the lists that are to be established at Union level, no significant adaptations to the existing framework are expected.</p> <p>13. [Only for EMN Observer Countries except Norway] Does your country apply the safe third country concept on a case-by-case assessment in alignment with Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If yes, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list.</p>
	<p>EMN NCP Bulgaria</p>	<p align="center">Yes</p>	<p>1. Does your EMN Member or Observer Country use a national list of safe countries of origin? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>Pursuant to Art. 98, para. 1 of the Law on Asylum and Refugees, the Chairperson of the State Agency for Refugees, in coordination with the Minister of Foreign Affairs, may, if necessary, submit for adoption by the Council of Ministers national lists of safe countries of origin and safe third countries for persons seeking protection. In view of the above provision, in 2023, measures were taken by the competent authorities to update the list of safe countries of origin and safe third countries adopted in 2005. A working group with representatives of the State Agency for Refugees, the Ministry of Foreign Affairs, the Migration Directorate and the General Directorate "Border Police" of the Ministry of Interior held two meetings, during the first of which information was presented on the concepts of safe countries of origin and safe third countries and their application in the procedure for international protection in the Republic of</p>

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			<p>Bulgaria. During the second meeting of the working group, a draft list of safe countries of origin and safe third countries was prepared, and at a later stage and in accordance with the requirement of Art. 98 of the Law on Asylum and Refugees, the State Agency for Refugees requested and received positive opinions from the Ministry of Foreign Affairs regarding the inclusion of a total of 19 countries in the list of safe countries of origin and 4 countries in the list of safe third countries.</p> <p>The lists and the necessary set of documents have been submitted to the Council of Ministers of the Republic of Bulgaria. The lists were approved and adopted by Decision No. 247 of the Council of Ministers of 03.04.2024 and include 22 safe countries of origin and three safe third countries.</p> <p>All countries on the specified list have been included after a due process with the participation of several institutions and in compliance with all the requirements of the Bulgarian national legal framework set out in the Law on Asylum and Refugees and in particular in Chapter 9 "Lists of Safe Countries".</p> <p>2. Does your country consider that certain regions within a "safe country of origin" or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>The concepts of safe country of origin and safe third country are not used as a stand-alone ground for issuing a decision refusing international protection. The individual approach to examining applications for international protection, established in the Law on Asylum and Refugees, remains the guiding principle in the procedure in the Republic of Bulgaria,</p>
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			<p>regardless of whether an applicant arrives from a safe country of origin/safe third country on the list or not. As an additional procedural guarantee, the Law on Asylum and Refugees allows each applicant for protection to rebut the presumption of safety of the respective country. Each applicant has the opportunity to present arguments as to why the given country of origin is not safe for him/her specifically, even though it is on the national list of safe countries.</p> <p>3. If an applicant for international protection comes from a designated safe country of origin, which procedure do you apply for assessing their case (e.g. normal procedure, accelerated, border procedure; deadline for lodging an appeal)? Please explain.</p> <p>An application for international protection by a foreigner shall be rejected as manifestly unfounded when the conditions for granting international protection are not met and: [.....] 13. comes from a safe country of origin; 14. comes from a safe third country, provided that he will be admitted there; [.....]</p> <p>The provision is cumulative, accordingly, applications for international protection submitted cannot be rejected as manifestly unfounded, solely because the applicant comes from a safe country of origin or from a safe third country.</p> <p>As an additional legal guarantee, according to Art. 73 of the Law on Asylum and Refugees, applications for international protection are examined individually, objectively and impartially. No shorter time limits apply for appealing decisions by which an application for international protection is rejected as manifestly unfounded or by which the granting of international protection is refused.</p>
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			<p>When the conditions for granting international protection are not met, and the applicant comes from a safe country of origin, included in the List of safe countries of origin, the State Agency for Refugees can reject an application as manifestly unfounded.</p> <p>When examining an application for international protection and there are no grounds for granting international protection, then, within 14 working days of the registration of the foreigner, the interviewing authority may apply accelerated procedure by taking a decision to reject the application as manifestly unfounded. The decision may be appealed within 7 days of its delivery, before the administrative court at the current address on the foreigner's registration card.</p> <p>During the administrative proceedings, the state ensures conditions foreigners seeking international protection in the Republic of Bulgaria to obtain legal assistance.</p> <p>Accelerated proceedings are not conducted in relation to an unaccompanied minor who has submitted an application for international protection.</p> <p>The decision in an accelerated procedure is issued in a faster procedure in a shortened period of time, without violating the rights of the applicant.</p> <p>4. Does your EMN Member or Observer Country use a national list of safe third countries? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>See the answer to question 1.</p>
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			<p>5. Does your country consider that certain regions within a "safe third country " or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>See the answer to question 2.</p> <p>6. [Only for EMN Member Countries and Norway] Does your EMN Member Country apply the safe third country concept on a case-by-case assessment as stated in Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If YES, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list. If you are an Observer Country (except Norway), please answer question 13.</p> <p>See answers to questions 2 and 5.</p> <p>7. If your answer to Q4 and/or Q6 is YES, has your EMN Member State encountered difficulties in the practical application of the safe third country concept in the examination of international protection applications (e.g., issues related to the inadmissibility of international protection applications)? YES/NO. If YES, please describe them and indicate solutions adopted (if applicable).</p> <p>No problems have been identified in the practical application of the safe third country concept. According to the current legislation, both concepts are grounds for conducting accelerated procedure, and the current Law on Asylum and Refugees does not provide for an admissibility procedure on a first application.</p>
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			<p>8. If the answer to Q4 and/or Q6 is YES, does your EMN Member State have any assurances/guarantees from the safe third country regarding the treatment of transferred individuals upon arrival (e.g. living conditions, non-refoulement principle)? YES/NO. If YES, please specify.</p> <p>The State Agency for Refugees does not have any similar guarantees. According to the Bulgarian legislative framework, the institution responsible for the return of persons with a confirmed refusal of protection by a court is the Migration Directorate of the Ministry of Interior.</p> <p>9. What sources of information do you use in your EMN Member or Observer Country to assess the safety of the country of origin and safe third countries? (e.g., UNHCR, EUAA, etc.)?</p> <p>According to Art. 98, para. 2 of the Law on Asylum and Refugees, when adopting the lists, the Council of Ministers, referring to sources of information from other EU Member States, EUAA, UNHCR, the Council of Europe and other organisations, takes into account the extent to which the state offers protection against persecution and inhuman or degrading treatment, through:</p> <ul style="list-style-type: none">• the relevant legal and regulatory provisions adopted in this area, and the way in which they are implemented;• respect for the rights and freedoms guaranteed in the Convention for the Protection of Human Rights and Fundamental Freedoms, or in the International Covenant on Civil and Political Rights, 19 December 1966, or in the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly of the United Nations on 10 December 1984;• respect for the principle of non-refoulement in accordance with the 1951 Convention relating to the Status of Refugees;
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- the existence of a system of effective remedies against violations of these rights and freedoms.

According to Art. 21, item 8 of the Organisational Regulations of the State Agency for Refugees with the Council of Ministers (adopted by Decree No. 350/2016 of the Council of Ministers), the International Affairs Directorate at the State Agency for Refugees with the Council of Ministers, in accordance with the Methodology of the European Union Agency for Asylum, collects, maintains and updates a database of countries of origin and safe third countries, including general geographical, political, economic and cultural information, information on the legal framework and on the observance of human rights. The reports are prepared by a competent authority, within the scope of its powers, constitute an official written document and are binding on the court and other authorities when considering applications for international protection. They also assist in the adequate assessment of the specific case by providing up-to-date information on risks in a given country of origin and serve as an independent and authoritative source in international protection procedures.

The references are compiled based on a review of publicly available external sources of information, with all sources used being indicated in a footnote at the appropriate place in the document.

According to the Asylum and Refugees Act, the State Agency for Refugees has the authority to “collect, process and analyse information on the countries of origin of applicants”. This means that other authorities cannot independently issue such references with legal value in the international protection procedure.


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			<p>10. In your EMN Member State, have there been any relevant judicial decisions from 2020 until today regarding the application of the concepts of safe country of origin and safe third country? If YES, please provide a summary of the decisions and the link.</p> <p>Following the approval of the lists and taking into account the profile of the asylum seekers, the concept of safe country of origin is applied mainly to citizens of Morocco, Algeria and Tunisia, as the main countries of origin of the asylum seekers. In the event that the conditions for granting international protection are not met and the application is rejected as manifestly unfounded, the asylum seeker has the right to appeal against the administrative act to an administrative court in the Republic of Bulgaria. The decisions appealed by citizens of the above-mentioned countries are confirmed by the court as correct and lawful.</p> <p>Regarding the concept of safe third country, the same is applied mainly to citizens of Syria who have resided legally in the Republic of Türkiye for a long period of time. The appealed decisions are also confirmed by the courts in the Republic of Bulgaria.</p> <p>Summary information about the appealed decisions is not available on the public sites of the administrative courts, but the State Agency for Refugees with the Council of Ministers has prepared a comprehensive analysis of the case law, which also includes cases falling under the above-mentioned hypotheses. The analysis can be found at the following link: https://aref.government.bg</p> <p>11. Has your EMN Member or Observer Country identified any good practices in the application of safe country of origin and/or safe third country concepts? If your answer is YES, please explain (e.g. how to deal with cases of vulnerabilities).</p>
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			<p>The definition of persons belonging to a vulnerable group, regardless of their country of origin or habitual residence, is in §1, item 17 of the Supplementary Provisions of the Law on Asylum and Refugees. In addition, in the State Agency for Refugees currently there is a practice according to which, for the purposes of the proceedings, the special situation of persons from a vulnerable group is taken into account, and the interviewing authorities and the Agency's legal advisors undergo periodic training in working with persons from vulnerable groups.</p> <p>Considerations when examining applications submitted by this category of persons are also the subject of two other periodic trainings, namely "Interviewing Techniques" and "Evidence Assessment".</p> <p>12. In your EMN Member or Observer Country, are there any ongoing or planned strategies to adapt the current framework to align with the new Asylum Procedure Regulation? YES/NO. If your answer is YES, please specify which strategies are being implemented or considered (including their scope and timeline if available).</p> <p>One of the upcoming amendments to the current asylum legal framework foresees the creation of a section governing the admissibility procedure for a first application for protection. In this context, one of the grounds for decision in that procedure will be the concept of a safe third country.</p> <p>13. [Only for EMN Observer Countries except Norway] Does your country apply the safe third country concept on a case-by-case assessment in alignment with Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If yes, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third</p>
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			country list.
	EMN NCP Croatia	Yes	<p>1. Does your EMN Member or Observer Country use a national list of safe countries of origin? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>The Republic of Croatia has a List of safe countries of origin in the procedure for granting international protection. The Minister responsible for internal affairs in agreement with the Minister responsible for foreign affairs issues a decision establishing the list of safe countries of origin, which is notified to the European Commission.</p> <p>2. Does your country consider that certain regions within a "safe country of origin" or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>We consider safe countries of origin only those countries where based on the legal situation, application of regulations and general political circumstances, there is no evidence of persecution or a risk of serious harm. We do not make exceptions for specific areas or for specific groups within safe countries of origin.</p> <p>3. If an applicant for international protection comes from a designated safe country of origin, which procedure do you apply for assessing their case (e.g. normal procedure, accelerated,</p>

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			<p>border procedure; deadline for lodging an appeal)? Please explain.</p> <p>The accelerated procedure is carried out within 2 months of receiving the application for international protection. In the accelerated procedure, the lawsuit is filed within 8 days of the delivery of the decision; the lawsuit does not have a suspensive effect, but may contain a request for the suspensive effect of the lawsuit.</p> <p>4. Does your EMN Member or Observer Country use a national list of safe third countries? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>No.</p> <p>5. Does your country consider that certain regions within a "safe third country " or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>No.</p> <p>6. [Only for EMN Member Countries and Norway] Does your EMN Member Country apply the safe third country concept on a case-by-case assessment as stated in Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If YES, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list. If you are an Observer Country (except Norway), please answer question 13.</p>
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			<p>We currently do not apply the safe third country institute.</p> <p>7. If your answer to Q4 and/or Q6 is YES, has your EMN Member State encountered difficulties in the practical application of the safe third country concept in the examination of international protection applications (e.g., issues related to the inadmissibility of international protection applications)? YES/NO. If YES, please describe them and indicate solutions adopted (if applicable).</p> <p>N/A</p> <p>8. If the answer to Q4 and/or Q6 is YES, does your EMN Member State have any assurances/guarantees from the safe third country regarding the treatment of transferred individuals upon arrival (e.g. living conditions, non-refoulement principle)? YES/NO. If YES, please specify.</p> <p>N/A</p> <p>9. What sources of information do you use in your EMN Member or Observer Country to assess the safety of the country of origin and safe third countries? (e.g., UNHCR, EUAA, etc.)?</p> <p>When determining countries for the Safe Countries of Origin List we used authoritative sources, particularly other members of the European Economic Area, the EUAA, UNHCR, and other relevant international organizations.</p>
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			<p>10. In your EMN Member State, have there been any relevant judicial decisions from 2020 until today regarding the application of the concepts of safe country of origin and safe third country? If YES, please provide a summary of the decisions and the link.</p> <p>No.</p> <p>11. Has your EMN Member or Observer Country identified any good practices in the application of safe country of origin and/or safe third country concepts? If your answer is YES, please explain (e.g. how to deal with cases of vulnerabilities).</p> <p>We have noticed that cases in which we apply the Safe Country of Origin are generally resolved more quickly.</p> <p>12. In your EMN Member or Observer Country, are there any ongoing or planned strategies to adapt the current framework to align with the new Asylum Procedure Regulation? YES/NO. If your answer is YES, please specify which strategies are being implemented or considered (including their scope and timeline if available).</p> <p>We are currently working on amending the Law on International and Temporary Protection. The provisions regulating Safe Countries of Origin and Safe Third Countries have been adjusted with the new Asylum Procedure Regulation.</p> <p>13. [Only for EMN Observer Countries except Norway] Does your country apply the safe third country concept on a case-by-case assessment in alignment with Article 38 par.2 letter b) of</p>
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			<p>Directive 2013/32/EU? YES/NO. If yes, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list.</p> <p>/</p>
 <p>EMN NCP Cyprus</p>		<p>Yes</p>	<p>1. Does your EMN Member or Observer Country use a national list of safe countries of origin? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>Yes. The Minister of Interior adopted the most updated list of Safe Country of Origin on 30/5/2025, Κ.Δ.Π. 145/2025, upon the recommendation of the Head of the Asylum Service, on the basis of the procedure and the criteria laid down in Article 12Β της of the Refugees Law of 2000 (as amended) (Law nr.6(I)/2000)</p> <p>2. Does your country consider that certain regions within a "safe country of origin" or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>Yes. Practically yes, as each case is examined on a case-by-case basis. However, these exceptions are not laid down explicitly in the safe country of origin list published. As such, practically, a case included initially under the accelerated procedure due to the safe designation of the country of origin of the applicant, is then transferred to be examined under</p>

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			<p>the normal procedure, or, is examined under the accelerated procedure but is afforded international protection status (if it is possible to be examined within the time limit of the accelerated procedure).</p> <p>3. If an applicant for international protection comes from a designated safe country of origin, which procedure do you apply for assessing their case (e.g. normal procedure, accelerated, border procedure; deadline for lodging an appeal)? Please explain.</p> <p>As noted above, applicants from SCO are examined under the accelerated procedure currently. The idea is that they will be examined under the border procedure with the implementation of the pact, and transferred to the accelerated procedure only if needed.</p> <p>4. Does your EMN Member or Observer Country use a national list of safe third countries? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>No. N/A</p> <p>5. Does your country consider that certain regions within a "safe third country " or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>Yes. As noted, no "safe third country" list, and no explicit exceptions from the concept of "safe</p>
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			<p>third country” are provided. Furthermore, the concept of “safe third country” has very rarely been applied, and often not explicitly. However, Article 12B of the Refugees Law, mirrors Art 38(1) of the Qualification Directive, providing that a country is considered a “safe third country” only if the conditions therein are cumulatively met.[1] As such, the application of the “safe third country” concept is not applied to applicants still facing risk of persecution, serious harm, refoulement, or who are unable to apply and potentially receive protection akin to the protection afforded under the Geneva Convention. Exceptions considered thus far: Somali women still in risk of FGM in Kenya, individuals facing detention conditions that are contrary to Art.3 of ECHR, individuals facing extradition orders, Cameroonian national recognized as a refugee by UNHCR in Nigeria who was however not afforded the protection envisaged under the Geneva Convention etc,</p> <p>[1] (there is no threat to life of liberty due to race, religion, nationality, participation in particular social group, or political opinion; there is no risk of serious harm as provided under Art.19(2)(b) (Art 15(b) of the Qualification Directive); the principle of non-refoulement is respected; there is prohibition of removal that impinges on the prohibition of torture, harsh, inhuman, or degrading treatment as provided under international law; there is the possibility to apply for the refugee status, and if such status is granted, to receive protection as provided by the Convention on the Refugees)</p> <p>6. [Only for EMN Member Countries and Norway] Does your EMN Member Country apply the safe third country concept on a case-by-case assessment as stated in Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If YES, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list. If you are an Observer Country (except Norway), please answer question 13.</p>
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			<p>Yes. Not explicitly. As explained in Q5 and 4, there is no safe third country list. In practical terms, the rules adopted nationally under Art 38 par 2(b) of the Asylum Procedures Directive correspond to Art 12B(3)(b) and (c) of the Refugees Law. These rules envisage that the Head of the Asylum Service (practically an asylum officer whose decision has been approved by a person designated to perform the duties of the Head of the Asylum Service), examines on an individualised basis whether a third country is safe for the specific applicant, and, in combination with Art 38 par 2(c) of the Qualification Directive, corresponding to Art 12B(3)(c) of the Refugees Law, said officer examines on an individualized basis and based on international law, whether that third country is safe for that specific applicant, who is able to appeal against the decision putting forward reasons for which the third country is not safe for his specific circumstances, or doubting his link with the third country.</p> <p>More detailed rules in accordance with Art 38 par 2 letter b of the Asylum Procedures Regulation have not been identified.</p> <p>7. If your answer to Q4 and/or Q6 is YES, has your EMN Member State encountered difficulties in the practical application of the safe third country concept in the examination of international protection applications (e.g., issues related to the inadmissibility of international protection applications)? YES/NO. If YES, please describe them and indicate solutions adopted (if applicable).</p> <p>Yes. The main challenge encountered is that applicants are not informed beforehand of the possible application of the concept of safe third country. This is due to lack of training of the asylum officers in terms of the admissibility procedure and the concept of safe third country. This leads to situations that the safe third country concept comes to the officer's attention after a substantive interview has been conducted in line with the regular</p>
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			<p>procedure. This means that the applicant has not been informed beforehand that the purpose of the interview is to examine the application of the safe third country concept, in order to determine whether their application is admissible, and informing them of their respective rights, possible outcomes, and ensuing deadlines. The concept has been applied very limitedly, thus far. It is often taken into account in a non-explicit manner, in the cases where it cannot be applied on an individualised basis</p> <p>8. If the answer to Q4 and/or Q6 is YES, does your EMN Member State have any assurances/guarantees from the safe third country regarding the treatment of transferred individuals upon arrival (e.g. living conditions, non-refoulement principle)? YES/NO. If YES, please specify.</p> <p>Yes. In certain cases, typically involving extradition requests, assurances are given from the safe third country regarding the non-refoulement and the living conditions in case the individual will be placed in a detention facility.</p> <p>9. What sources of information do you use in your EMN Member or Observer Country to assess the safety of the country of origin and safe third countries? (e.g., UNHCR, EUAA, etc.)?</p> <p>Regarding the concept of "safe third country", the first thing that is considered is whether an applicant could apply for the refugee status and receive the protection envisaged under the Geneva Convention, which typically translates to whether the third country is a signatory state to the Geneva convention. Then COI research is conducted, starting from EUAA and UNHCR, and if no relevant information can be found, the research is expanded to information from NGOs (Amnesty International, Human Rights Watch, Freedom House etc), and Ministries of</p>
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			<p>Foreign Affairs, Ministries of Interior etc. Same applies regarding the concept of SCO.</p> <p>10. In your EMN Member State, have there been any relevant judicial decisions from 2020 until today regarding the application of the concepts of safe country of origin and safe third country? If YES, please provide a summary of the decisions and the link.</p> <p>There is a plethora of judicial decisions from 2022 when the accelerated procedure started to be applied on the basis of the safe country of origin concept. Indicatively.: T1932/23 A.C.U. (from Nigeria) vs. The Republic of Cyprus (Asylum Service), (28 February 2025) - the case concerned a Nigerian national from Imo state who initially claimed to have left the country due to the economic hardship caused by the conditions in his country, including the ethnic and religious tensions. The Court (IPAC – International Protection Administrative Court of Cyprus), decided that the Asylum Service had informed the applicant of the application of the concept of SCO, and the accelerated procedure to be followed, and had given the applicant the opportunity to put forward any reasons for which the concept of SCO did not apply to the applicant. The applicant’s claim concerning risks from unknown gunmen, and herdsmen, were not found credible, although the applicant was correctly asked sufficient open and close questions giving him the possibility to substantiate his claims. As such, the IPAC concluded that the Asylum Service had correctly considered that the applicant did not overturn the rebuttable presumption that the concept of safe third country applied to his case. Upon substantive examination of the claims put forward by the applicant, the Asylum Service correctly considered the application of the applicant as manifestly unfounded. The Court noted that the determination of the safe third country list takes into account also the ability of the country of origin to protect its citizens from infringements of their rights. With regards to safe third country no relevant decisions could be found within the time restrictions of this EMN query.</p>
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			<p>11. Has your EMN Member or Observer Country identified any good practices in the application of safe country of origin and/or safe third country concepts? If your answer is YES, please explain (e.g. how to deal with cases of vulnerabilities).</p> <p>In practical terms, the following can be considered as identified good practices: – Rigorous and continuous review of the designation of SCO list; - prompt alignment with the ECJ’s jurisprudence and with European standards; - prompt examination of applications where the SCO or the safe third country of origin concepts can be applied in order to meet the deadlines currently envisaged for issuing a decisions (30 days); - proper training of the officers dealing with RSD on the accelerated procedure and the application of the safe third country and SCO concepts; - proper explanation of the procedure to be followed to the asylum seekers as early as possible and giving the opportunity to explain any reasons why the concept of SCO or third country of origin should not be applied in the specific case of the applicant, on the outset of the asylum interview; -proper explanation of the procedure to be followed on appeal, especially regarding the right to remain.</p> <p>12. In your EMN Member or Observer Country, are there any ongoing or planned strategies to adapt the current framework to align with the new Asylum Procedure Regulation? YES/NO. If your answer is YES, please specify which strategies are being implemented or considered (including their scope and timeline if available).</p> <p>Still under discussion</p> <p>13. [Only for EMN Observer Countries except Norway] Does your country apply the safe third country concept on a case-by-case assessment in alignment with Article 38 par.2 letter b) of</p>
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			<p>Directive 2013/32/EU? YES/NO. If yes, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list.</p> <p>N/A</p>
	<p>EMN NCP Czech Republic</p>	<p align="center">Yes</p>	<p>1. Does your EMN Member or Observer Country use a national list of safe countries of origin? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>YES. This is a decree of the Ministry of the Interior, i.e. the decision to adopt this legal regulation is made by the Minister of the Interior. It is a legally binding legal regulation and the authority to issue a decree on a specific topic is established by law. The Asylum Act contains the authority to issue a list of safe countries of origin in the form of a decree.</p> <p>2. Does your country consider that certain regions within a "safe country of origin" or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>NO.</p> <p>3. If an applicant for international protection comes from a designated safe country of origin, which procedure do you apply for assessing their case (e.g. normal procedure, accelerated,</p>

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			<p>border procedure; deadline for lodging an appeal)? Please explain.</p> <p>Currently, i.e. until the new regulation on asylum procedures comes into force, an asylum application may be rejected as manifestly unfounded in the normal procedure, but also in the border procedure (if the application is lodged at the external border). The deadline for issuing a decision is 90 days. The deadline for lodging an appeal is 15 days from the notification of the decision.</p> <p>4. Does your EMN Member or Observer Country use a national list of safe third countries? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>National legislation recognizes this concept and provides for a list of safe third countries, but currently there are no countries on the list of safe third countries. The procedure for adoption is the same as for safe countries of origin (question 1).</p> <p>5. Does your country consider that certain regions within a "safe third country " or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>NO.</p>
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			<p>6. [Only for EMN Member Countries and Norway] Does your EMN Member Country apply the safe third country concept on a case-by-case assessment as stated in Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If YES, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list. If you are an Observer Country (except Norway), please answer question 13.</p> <p>NO.</p> <p>7. If your answer to Q4 and/or Q6 is YES, has your EMN Member State encountered difficulties in the practical application of the safe third country concept in the examination of international protection applications (e.g., issues related to the inadmissibility of international protection applications)? YES/NO. If YES, please describe them and indicate solutions adopted (if applicable).</p> <p>N/A</p> <p>8. If the answer to Q4 and/or Q6 is YES, does your EMN Member State have any assurances/guarantees from the safe third country regarding the treatment of transferred individuals upon arrival (e.g. living conditions, non-refoulement principle)? YES/NO. If YES, please specify.</p> <p>N/A</p>
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			<p>9. What sources of information do you use in your EMN Member or Observer Country to assess the safety of the country of origin and safe third countries? (e.g., UNHCR, EUAA, etc.)?</p> <p>All relevant sources, in accordance with the COI methodology, may be used. The Czech Republic mostly uses general reports on the human rights situations - such as those from UNHCR, EUAA, and the US State Department—along with other reports on specific topics of relevance. In addition, information provided by the Ministry of Foreign Affairs of the Czech Republic is also used.</p> <p>10. In your EMN Member State, have there been any relevant judicial decisions from 2020 until today regarding the application of the concepts of safe country of origin and safe third country? If YES, please provide a summary of the decisions and the link.</p> <p>YES. Several judicial decisions between 2020 and today concern the application of the safe country of origin and safe third country concepts:</p> <p>1. Supreme Administrative Court, 23 April 2020, No. 1 Azs 43/2020-24 Confirmed that EU Member States are to be considered safe countries of origin under Protocol No. 24 to the Treaty on European Union, and asylum applications from EU citizens are generally inadmissible unless exceptional circumstances are present.</p> <p>Available at: https://www.zakonyprolidi.cz/judikat/nsscr/1-azs-43-2020-24</p> <p>2. Regional Court in Brno, 20 October 2021, No. 41 Az 58/2020-52 Stressed that the Ministry of Interior may reject an asylum application as manifestly unfounded (§ 16(2) Asylum Act) only if the administrative file shows that the listed safe</p>
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			<p>country of origin meets the criteria in Annex I of Directive 2013/32/EU and § 2(1)(k) of the Asylum Act. Stressed the right to effective remedy (Art. 46 Directive; Art. 47 Charter). Available at: https://www.zakonyprolidi.cz/judikat/ksbr/41-az-58-2020-52</p> <p>3. Supreme Administrative Court, 24 March 2022, No. 1 Azs 36/2022-31 Held that due to the armed conflict in Ukraine, its entire territory no longer meets the criteria for a safe country of origin. Therefore, asylum claims by Ukrainian nationals cannot be rejected as manifestly unfounded under § 16(2) Asylum Act. Available at: https://www.zakonyprolidi.cz/judikat/nsscr/1-azs-36-2022-31</p> <p>4. Supreme Administrative Court, 8 November 2024, No. 5 Azs 324/2021-57 Following the CJEU judgment of 4 October 2024 in C-406/22, held that to label a third country as safe, Annex I criteria must be met throughout its territory. Designating Georgia—and earlier Moldova—as safe with territorial exceptions (Abkhazia, South Ossetia, Transnistria) was inconsistent with EU law. Asylum applications from these countries cannot be rejected as manifestly unfounded. (Link to CJEU case C-406/22) Available at: https://www.zakonyprolidi.cz/judikat/nsscr/5-azs-324-2021-57</p> <p>5. Supreme Administrative Court, 30 October 2024, No. 2 Azs 86/2023-35 Ruled that inclusion of only part of a country on the list of safe countries of origin (i.e. territorial exceptions) contravenes § 2(1)(k) of the Asylum Act and cannot serve as a basis for rejecting asylum applications under § 16(2) Asylum Act. Available at: https://www.zakonyprolidi.cz/judikat/nsscr/2-azs-86-2023-35</p> <p>6. Constitutional Court, 22 October 2024, No. III. ÚS 2620/24 Though not directly about asylum, this decision considered extradition to Ukraine during armed conflict. The Constitutional Court upheld extradition, affirming that general violence</p>
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			<p>alone does not automatically block extraditions; diplomatic assurances can mitigate non-refoulement concerns Available at: https://www.zakonyprolidi.cz/judikat/uscr/iii-us-2620-24-1</p> <p>11. Has your EMN Member or Observer Country identified any good practices in the application of safe country of origin and/or safe third country concepts? If your answer is YES, please explain (e.g. how to deal with cases of vulnerabilities).</p> <p>N/A</p> <p>12. In your EMN Member or Observer Country, are there any ongoing or planned strategies to adapt the current framework to align with the new Asylum Procedure Regulation? YES/NO. If your answer is YES, please specify which strategies are being implemented or considered (including their scope and timeline if available).</p> <p>The new Asylum Procedures Regulation explicitly allows for geographical and/or personal exceptions regarding safe countries of origin and safe third countries. We therefore anticipate broader application of these concepts in practice, including the adaptation of relevant COI.</p> <p>13. [Only for EMN Observer Countries except Norway] Does your country apply the safe third country concept on a case-by-case assessment in alignment with Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If yes, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list.</p>
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			N/A
 EMN NCP Estonia		Yes	<p>1. Does your EMN Member or Observer Country use a national list of safe countries of origin? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>Yes, Estonia uses a national list of safe countries of origin. The adoption and maintenance of the list is regulated by the Act on Granting International Protection to Aliens (AGIPA). According to § 9 section 6¹ of the act, the authority responsible for establishing and updating the list of safe countries of origin is the Police and Border Guard Board (PBGB).</p> <p>The PBGB has the legal right to establish and revise this list at least once a year. The procedure involves an assessment based on relevant and up-to-date information about the general situation in the country of origin, including its legal framework, implementation of laws in a democratic system, and political circumstances. In forming its assessment, the PBGB relies on information primarily obtained from other EU Member States, EUAA, UNHCR, the Council of Europe, and other relevant international human rights organisations.</p> <p>The legislation allows for parts of countries to be designated as safe, if certain conditions are met. It also gives individual applicants for international protection a right to submit justifications as to why their country of origin cannot be considered safe for him/her. The list is established by the decree of the Director General of the PBGB and consists of the list itself and of the analyses based on which the list has been composed. The decree is not</p>

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			<p>public and is classified as for internal use only.</p> <p>The Ministry of the Interior informs the European Commission about Estonia's designations of safe countries of origin at least once a year.</p> <p>2. Does your country consider that certain regions within a "safe country of origin" or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>Yes, Estonia considers that certain regions within a safe country may still be unsafe, and therefore assesses them accordingly. Upon assessment of the safety of a country, the applicant for international protection shall be given the opportunity to submit justifications as to why that country cannot be considered a safe country of origin in their specific case. The Police and Border Guard Board may specify a part of the country of origin or third country as safe.</p> <p>It is not clearly stipulated that a country can be designated as safe based on specific categories of people but the list does not remove the obligation to assess the case individually. This means that the foreign national has a right to first explain why the country is not safe for them personally as the list does not mean an automatic refusal.</p> <p>3. If an applicant for international protection comes from a designated safe country of origin, which procedure do you apply for assessing their case (e.g. normal procedure, accelerated, border procedure; deadline for lodging an appeal)? Please explain.</p>
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			<p>In Estonia, the Act on Granting International Protection to Aliens (AGIPA) provides the legal framework for assessing applications from individuals originating from designated safe countries of origin. According to the AGIPA, the Police and Border Guard Board (PBGB) has the discretion to apply either the normal or the accelerated procedure in such cases.</p> <p>Under § 201 of the AGIPA, an application may be considered clearly unfounded if the claims and reasons presented are not related to the circumstances described in § 20 subsection 1, or if it is evident that the application was submitted for the purpose of abusing the international protection system. One of the grounds for considering an application clearly unfounded is that the applicant comes from a safe country of origin.</p> <p>As provided in § 202, such clearly unfounded applications may be examined under the accelerated procedure, including at the border. However, the use of the accelerated procedure is not mandatory and is determined case by case, depending on the nature and merits of the application.</p> <p>Regarding the right to appeal, § 251 subsection 3 of the AGIPA states that if a decision is made on the basis of § 201, the court handling the appeal decides whether the applicant may remain in Estonia during the proceedings. Until this decision is made, the applicant has the right to stay in the country.</p> <p>4. Does your EMN Member or Observer Country use a national list of safe third countries? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>No, Estonia uses the concept of safe third countries as part of its asylum system and has the</p>
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			<p>legal framework in place to designate such countries nationally but there is no formal list. The Act on Granting International Protection to Aliens states that the PBGB is the competent authority for determining safe third countries or parts of third countries.</p> <p>5. Does your country consider that certain regions within a "safe third country " or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>Yes, Estonia considers that certain regions within a safe third country may still be unsafe, and therefore assesses them accordingly. Upon assessment of the safety of a third country, the applicant for international protection shall be given the opportunity to submit justifications as to why that country cannot be considered a safe third country in their specific case. PBGB has an obligation to assess all the applications individually including the cases an applicant comes from the country, which is on the list of safe countries of origin or has been considered as safe third country in practice.</p> <p>6. [Only for EMN Member Countries and Norway] Does your EMN Member Country apply the safe third country concept on a case-by-case assessment as stated in Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If YES, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list. If you are an Observer Country (except Norway), please answer question 13.</p> <p>N/A</p>
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			<p>7. If your answer to Q4 and/or Q6 is YES, has your EMN Member State encountered difficulties in the practical application of the safe third country concept in the examination of international protection applications (e.g., issues related to the inadmissibility of international protection applications)? YES/NO. If YES, please describe them and indicate solutions adopted (if applicable).</p> <p>N/A</p> <p>8. If the answer to Q4 and/or Q6 is YES, does your EMN Member State have any assurances/guarantees from the safe third country regarding the treatment of transferred individuals upon arrival (e.g. living conditions, non-refoulement principle)? YES/NO. If YES, please specify.</p> <p>N/A</p> <p>9. What sources of information do you use in your EMN Member or Observer Country to assess the safety of the country of origin and safe third countries? (e.g., UNHCR, EUAA, etc.)?</p> <p>In forming its assessment, the PBGB relies on information primarily obtained from other EU Member States, EUAA, UNHCR, the Council of Europe, and other relevant international human rights organisations and uses COI methodology established by the EUAA</p> <p>10. In your EMN Member State, have there been any relevant judicial decisions from 2020 until today regarding the application of the concepts of safe country of origin and safe third</p>
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		<p>country? If YES, please provide a summary of the decisions and the link.</p> <p>N/A</p> <p>11. Has your EMN Member or Observer Country identified any good practices in the application of safe country of origin and/or safe third country concepts? If your answer is YES, please explain (e.g. how to deal with cases of vulnerabilities).</p> <p>N/A</p> <p>12. In your EMN Member or Observer Country, are there any ongoing or planned strategies to adapt the current framework to align with the new Asylum Procedure Regulation? YES/NO. If your answer is YES, please specify which strategies are being implemented or considered (including their scope and timeline if available).</p> <p>Yes. The overall legal framework is undergoing a fundamental change, and a public consultation on the draft law is currently in progress. However, with regard to the concept of safe countries, no substantial changes are foreseen beyond those arising directly from the regulation and its amendments.</p> <p>13. [Only for EMN Observer Countries except Norway] Does your country apply the safe third country concept on a case-by-case assessment in alignment with Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If yes, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third</p>
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			country list.
+	EMN NCP Finland	Yes	<p>1. Does your EMN Member or Observer Country use a national list of safe countries of origin? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>The concept of a safe country of origin is defined in Section 100 of the Aliens Act. There is no legal provision on the designation of a national list of safe countries of origin. This has not been adopted, and the concept is applied on a case-by-case basis. The responsibility for determining safe countries of origin lie within the Finnish Immigration Service.</p> <p>2. Does your country consider that certain regions within a "safe country of origin" or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>No.</p> <p>3. If an applicant for international protection comes from a designated safe country of origin, which procedure do you apply for assessing their case (e.g. normal procedure, accelerated, border procedure; deadline for lodging an appeal)? Please explain.</p> <p>The concept of safe country of origin is applied in practice within an accelerated procedure or border procedure when applicable. An application may be rejected as manifestly unfounded if</p>

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			<p>the applicant "comes from a safe country of origin where he/she may be returned" according to the Article 104 (2) of the Aliens Act. An accelerated procedure is carried out when the safe country of origin concept applies, as provided by Sections 104 (1) and (2) of the Aliens Act, including for unaccompanied minors (on the grounds provided in Section 101 (3)).</p> <p>When the country of origin cannot be considered safe for the applicant, the application will be referred to the regular procedure. If the decision cannot be taken within the time limit of 5 months, the case is referred to the regular procedure. In addition, according to the Aliens Act, the border procedure or accelerated procedure cannot be applied for vulnerable applications unless special procedural support for vulnerable applicants can be guaranteed. Otherwise the accelerated procedure cannot be applied to vulnerable applicants.</p> <p>An appeal is possible within 30 days, pursuant to Sections 190 and 193 of the Aliens Act. There is no automatic prohibition or suspension of enforcement, as the procedure is identical with the admissibility and accelerated procedure. The applicant can request for the prohibition or suspension of enforcement within 7 days after notification of the contested decision, pursuant to Section 198b of the Aliens Act. The deadline includes at least five weekdays. A decision to implement the expulsion cannot be implemented before a decision is made on the request for the prohibition or suspension of enforcement of as provided under Section 198 b (1) – see Section 200a (4) of the Aliens Act.</p> <p>The court has no time limit to issue a decision on the appeal but both Sections 193 and 196 of the Aliens Act provide that the matter shall be treated as urgent both by the administrative court and the Supreme Administrative Court.</p>
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			<p>4. Does your EMN Member or Observer Country use a national list of safe third countries? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>No.</p> <p>5. Does your country consider that certain regions within a "safe third country " or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>No.</p> <p>6. [Only for EMN Member Countries and Norway] Does your EMN Member Country apply the safe third country concept on a case-by-case assessment as stated in Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If YES, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list. If you are an Observer Country (except Norway), please answer question 13.</p> <p>The concept of a safe third country is defined in Article 99a (concept) and 103(1) (procedure) in the Aliens Act. This concept is applied rarely in practice within the admissibility procedure. A list of safe third countries has not been adopted, and the concept is applied on a case-by-case basis. The responsibility for determining safe third countries lie within the Finnish Immigration Service.</p>
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			<p>When deciding on an asylum application, a state may be considered to be a safe third country for the applicant, pursuant to Section 99a of the Aliens Act, if: It is a signatory, without geographical reservations, to the Convention relating to the Status of Refugees, the International Covenant on Civil and Political Rights (Treaty Series of the Statute Book of Finland 8/1976) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Treaty Series of the Statute Book of Finland 60/1989) and adheres to them; and In that state, the applicant has received and may continue to receive the protection referred to in Sections 87 or 88 or protection that is otherwise sufficient. Examples of countries that may be considered to be safe third countries: EEA countries, Australia, Canada, Japan, New Zealand and the United States. Finland has a bilateral readmission agreement with Kosovo. There are no third country agreements.</p> <p>There is no specific guideline in Finland; however, the assessment is made based on the information and the documents provided by the applicant, country of origin information and replies given by third countries to the Finnish Immigration Service queries.</p> <p>7. If your answer to Q4 and/or Q6 is YES, has your EMN Member State encountered difficulties in the practical application of the safe third country concept in the examination of international protection applications (e.g., issues related to the inadmissibility of international protection applications)? YES/NO. If YES, please describe them and indicate solutions adopted (if applicable).</p> <p>No.</p>
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			<p>8. If the answer to Q4 and/or Q6 is YES, does your EMN Member State have any assurances/guarantees from the safe third country regarding the treatment of transferred individuals upon arrival (e.g. living conditions, non-refoulement principle)? YES/NO. If YES, please specify.</p> <p>No.</p> <p>9. What sources of information do you use in your EMN Member or Observer Country to assess the safety of the country of origin and safe third countries? (e.g., UNHCR, EUAA, etc.)?</p> <p>According to the preparatory work to the Aliens Act, when examining the conditions in countries, key sources include using information provided by UNHCR and other UN organizations, other international organizations, EU bodies, non-governmental organizations and news agencies.</p> <p>10. In your EMN Member State, have there been any relevant judicial decisions from 2020 until today regarding the application of the concepts of safe country of origin and safe third country? If YES, please provide a summary of the decisions and the link.</p> <p>Not applicable.</p> <p>11. Has your EMN Member or Observer Country identified any good practices in the application of safe country of origin and/or safe third country concepts? If your answer is YES, please explain (e.g. how to deal with cases of vulnerabilities).</p>
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			<p>Yes. Automation in the case management system (UMA) identifies applicants that are potentially from a safe country of origin and directs the cases straight to the accelerated procedure. All the applications are also screened manually by a case officer directly after the registration of the application, where the suitable procedure will be determined (border procedure, accelerated procedure etc.). Vulnerabilities are also detected in the screening phase and necessary measures are taken e.g., need for a legal representative, specific accommodations for the asylum interview. Applicants that are potentially from a safe country of origin or safe third country will be receiving their asylum interview appointments quickly. All the cases in the accelerated procedure are examined by case workers by a specialized Fast Track – team.</p> <p>In June 2025, Finland started a pilot program by establishing reception centres specialized in promoting returns. Applicants from safe countries of origin etc. are housed in a return centre, where in addition to normal reception services, the return centre will provide applicants with more extensive advice on voluntary return and support with return arrangements. The aim is to increase the effectiveness of voluntary return and streamline the enforcement of returns by police.</p> <p>12. In your EMN Member or Observer Country, are there any ongoing or planned strategies to adapt the current framework to align with the new Asylum Procedure Regulation? YES/NO. If your answer is YES, please specify which strategies are being implemented or considered (including their scope and timeline if available).</p> <p>Yes. National legislation is currently being revised. It will define national procedures for determining safe countries of origin and safe third countries. Whether national lists will be adopted, is yet to be determined.</p>
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			<p>13. [Only for EMN Observer Countries except Norway] Does your country apply the safe third country concept on a case-by-case assessment in alignment with Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If yes, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list.</p>
	<p>EMN NCP France</p>	<p align="center">Yes</p>	<p>1. Does your EMN Member or Observer Country use a national list of safe countries of origin? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>Yes. Pursuant to Articles L. 121-13 and L. 531-25 of the French code for stay and residence of foreign nationals and right of asylum (CESEDA), the list of countries considered to be safe countries of origin is established, under the supervision of the Council of State, by the board of directors of the French Office for the Protection of Refugees and Stateless Persons (OFPRA).</p> <p>The OFPRA Board of Directors thus establishes this list under the conditions set out in Article 37 and Annex I of Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection. It regularly reviews the situation in countries considered to be safe countries of origin. It ensures that the entries are up to date and relevant.</p> <p>It removes from the list any countries that no longer meet the conditions required to be considered safe countries of origin and may, in the event of rapid and uncertain developments in a country, suspend its entry.</p>

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			<p>Within the board of directors, in addition to its members who have voting rights as a matter of principle, three qualified individuals, at least one of whom represents the organisations involved in the reception and care of asylum seekers and protected persons, also have voting rights solely for the determination of safe countries of origin.</p> <p>The chairpersons of the standing committees responsible for foreign affairs and constitutional law of the National Assembly and the Senate, a human rights organisation, an association defending the rights of foreign nationals or asylum seekers, or an association defending the rights of women or children may refer a request to the OFPRA board of directors, under conditions laid down by decree of the Council of State, for the inclusion or removal of a State from the list of countries considered to be safe countries of origin.</p> <p>2. Does your country consider that certain regions within a "safe country of origin" or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>NO.</p> <p>Article L. 531-25 of the CESEDA states that "a country is considered a safe country of origin when, based on the legal situation, the application of the law within a democratic system and the general political circumstances, it can be demonstrated that, in general and uniformly for men and women, regardless of their sexual orientation, there is never recourse to persecution, torture, or inhuman or degrading treatment or punishment, and there is no threat of violence that may extend to persons regardless of their personal circumstances in situations of international or internal armed conflict. "</p>
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			<p>This provision expressly excludes the principle of exceptions based on gender or sexual orientation criteria: it is therefore not possible to consider a country that is safe only for certain categories of persons and not for others as a safe country of origin.</p> <p>This position was confirmed by a ruling of the Council of State on 2 July 2021.</p> <p>The highest administrative court has thus ruled against designating third countries as safe countries of origin where safety cannot be guaranteed in general for various categories of persons, and in this case persons fearing persecution on account of their sexual orientation: "However, the addition of the words "regardless of the sexual orientation of its nationals" to the list of criteria for inclusion in the list set out in the eighth paragraph of Article L. 722-1 the words "regardless of the sexual orientation of its nationals" by the law of 18 September 2018, it is clear that the legislature intended that particular attention should be paid, when drawing up and reviewing the list of safe countries of origin, to the risks of persecution or inhuman and degrading treatment on the grounds of the sexual orientation of the nationals of that country. Given the existence of legislative provisions criminalising homosexual relations in Senegal and Ghana and the persistence of behaviour encouraged, promoted or simply tolerated by the authorities of those countries, leading to a situation where individuals may genuinely fear being exposed to such risks, the OFPRA could not, without committing an error of assessment, consider these States to be safe countries of origin when examining applications submitted by their nationals.</p> <p>However, this provision of the CESEDA does not expressly exclude the principle of territorial exceptions.</p> <p>However, due to both the exclusion of a categorical approach by law and the fact that the 2013 'procedure' directive, currently in force, reversed the possibility, expressly provided for in the 2005 directive, which it replaced, of applying the concept of safe countries of origin only</p>
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			<p>to a 'part of the territory' of a country, the OFPRA Board of Directors has so far only included on the safe countries of origin list countries that can be considered safe throughout their entire territory.</p> <p>3. If an applicant for international protection comes from a designated safe country of origin, which procedure do you apply for assessing their case (e.g. normal procedure, accelerated, border procedure; deadline for lodging an appeal)? Please explain.</p> <p>Where the claimant comes from a country considered to be a safe country of origin, the OFPRA shall rule, pursuant to Article L. 531-24 (1°) of CESEDA, in an accelerated procedure, within fifteen days of the submission of the application for international protection. If the OFPRA rejects the application for international protection, the applicant for international protection may appeal to the National Court of Asylum (CNDA) within one month of notification of the rejection decision. However, pursuant to Article L. 542-2 of the CESEDA, the right to remain on French territory ends as soon as the Office has taken a decision to reject an application from an applicant from a country considered to be a safe country of origin. The applicant may therefore be subject to a removal order as soon as their application is rejected. To ensure the effectiveness of their right to appeal against the OFPRA decision, applicants may ask the judge hearing the appeal against the removal decision to suspend its enforcement. Pursuant to Article L. 532-6 of the CESEDA, when the OFPRA has ruled in an expedited procedure, 'the Court shall rule [as a single judge] within five weeks of being seized of the matter'. However, pursuant to Article L. 131-7 of CESEDA, the president of the CNDA or the president of the panel may, on his own initiative or at the request of the applicant, at any stage of the proceedings, refer the application to the full panel if he considers that it raises a question that justifies such a referral. In this case, the court shall rule within five months.</p>
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			<p>4. Does your EMN Member or Observer Country use a national list of safe third countries? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>NO</p> <p>5. Does your country consider that certain regions within a "safe third country " or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>N/a</p> <p>6. [Only for EMN Member Countries and Norway] Does your EMN Member Country apply the safe third country concept on a case-by-case assessment as stated in Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If YES, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list. If you are an Observer Country (except Norway), please answer question 13.</p> <p>NO</p> <p>7. If your answer to Q4 and/or Q6 is YES, has your EMN Member State encountered difficulties in the practical application of the safe third country concept in the examination of international protection applications (e.g., issues related to the inadmissibility of international protection</p>
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			<p>applications)? YES/NO. If YES, please describe them and indicate solutions adopted (if applicable).</p> <p>n/a</p> <p>8. If the answer to Q4 and/or Q6 is YES, does your EMN Member State have any assurances/guarantees from the safe third country regarding the treatment of transferred individuals upon arrival (e.g. living conditions, non-refoulement principle)? YES/NO. If YES, please specify.</p> <p>n/a</p> <p>9. What sources of information do you use in your EMN Member or Observer Country to assess the safety of the country of origin and safe third countries? (e.g., UNHCR, EUAA, etc.)?</p> <p>In order to assess security in the country of origin, in addition to any documentation provided by the authors of the referral to the Board of Directors, the Board relies in particular on summary notes prepared by the OFPRA documentation centre, which describe, among other things, the security situation in the country, respect for human rights, the state of the police and judicial system, and the risk of refugees being returned to their country. These reports are based exclusively on information available in open sources and processed in accordance with European information gathering methodology. They are very diverse in nature, including information from other Member States, the EUAA, the Council of Europe, and other relevant international organisations such as the UNHCR.</p>
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10. In your EMN Member State, have there been any relevant judicial decisions from 2020 until today regarding the application of the concepts of safe country of origin and safe third country? If YES, please provide a summary of the decisions and the link.

With regard to strengthening the Council of State's control over the lists of safe countries of origin in terms of classification grounds:

In a ruling dated 2 July 2021, Association des avocats ELENA, nos. 437141, 437142, 437365 B, the Council of State, hearing an appeal against the decision of 5 November 2019 by the OFPRA board of directors not to amend the list of safe countries of origin that it had previously established on 9 October 2015, ruled that the OFPRA could not, without committing an error of assessment, consider Senegal and Ghana as safe countries of origin when examining applications submitted by their nationals, given the existence of legislative provisions criminalising homosexual relations in Senegal and Ghana and the persistence of behaviour encouraged, promoted or simply tolerated by the authorities of those countries, leading to a situation where individuals may genuinely fear being exposed to such risks.

Furthermore, in a ruling dated 25 April 2024, Association La CIMADE, No. 490225 C, the Council of State, hearing an appeal for abuse of power by the association La CIMADE against the decision of 5 July 2023 by which the OFPRA board of directors decided not to amend the list of safe countries of origin, specified that, in assessing the situation of countries likely to be included on the list of safe countries of origin, particular attention should be paid to the risks of persecution or inhuman and degrading treatment to which women are exposed. Thus, as long as the violence against them is not systematic and does not reach the level of persecution in a context of encouragement or tolerance by the public authorities, the fact that violence is committed against them is not sufficient to exclude a country from the list of safe countries of origin.

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			<p>With regard to strengthening the Council of State's judicial review of the designation of safe countries of origin: In a ruling dated 19 November 2021, ELENA France and others, nos. 437141 and 437142 A, the Council of State ruled on a request to repeal the OFPRA board of directors' decision on Armenia, Georgia and Senegal. The request was based on events that occurred after the adoption of this decision: the violent protests in Senegal in 2021, the Nagorno-Karabakh conflict in 2020 for Armenia, and the tensions in Georgia related to the October 2020 parliamentary elections.</p> <p>The court established the principle that an administrative judge, acting as a judge of abuse of power, hearing main arguments seeking the annulment of a regulatory act and subsidiary arguments seeking the repeal of the same act on the grounds of illegality resulting from a change in legal or factual circumstances subsequent to its enactment, now has the power to repeal such an act so that any illegal infringements it may cause to the legal order can still be punished. It defined the role of the judge hearing such subsidiary conclusions, specifying that the judge, on the one hand, rule in accordance with the applicable rules and circumstances prevailing on the date of its decision and, on the other hand, may, having regard to the subject matter and scope of the act, the conditions under which it was drawn up and the interests involved, provide in its decision that the repeal shall take effect only on a later date to be determined by it. Prior to this ruling, the administrative judge was limited, in matters of abuse of power, to assessing the legality of the contested act in light of the legal and factual circumstances at the date of its enactment and, if the appeal was well-founded, to annulling that act. In this case, the Council of State refused to repeal the deliberation for Armenia and Georgia, considering that the situation in these countries had not deteriorated since the deliberation to the point of rendering it illegal.</p>
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11. Has your EMN Member or Observer Country identified any good practices in the application of safe country of origin and/or safe third country concepts? If your answer is YES, please explain (e.g. how to deal with cases of vulnerabilities).


Yes. The concept of safe country of origin is applied in accordance with procedural safeguards, in particular by taking into account the vulnerability of applicants for international protection from a country considered to be a safe country of origin.

This consideration of vulnerabilities is illustrated in particular by the possibility for the OFPRA to reclassify the asylum procedure of an applicant from a country considered to be a safe country of origin.

In fact, the OFPRA may, pursuant to Article L. 531-28 of CESEDA, decide not to rule in an accelerated procedure, unless the applicant's presence in France constitutes a threat to public order, public safety or national security, when it deems this necessary to ensure an appropriate examination of the application, in particular if the applicant from a safe country of origin invokes serious reasons to believe that their country of origin cannot be considered safe due to their personal situation and the grounds for their application. In this regard, it should be noted that in 2024, OFPRA made use of the possibility of reclassifying an accelerated procedure as a normal procedure on 152 occasions, most often (44%) for reasons related to the vulnerability of the asylum seeker.

Furthermore, the President of the CNDA or the presiding judge may, pursuant to Article L. 131-7 of the CESEDA, on his own initiative or at the request of the applicant, at any stage of the proceedings, refer the application to the full panel if he considers that it raises a question that justifies this, instead of ruling as a single judge.

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			<p>12. In your EMN Member or Observer Country, are there any ongoing or planned strategies to adapt the current framework to align with the new Asylum Procedure Regulation? YES/NO. If your answer is YES, please specify which strategies are being implemented or considered (including their scope and timeline if available).</p> <p>France is currently reviewing the compliance of its national framework with the European Pact on Migration and Asylum. It is also closely monitoring the ongoing negotiations on the concept of safe countries following the European Commission's proposals of 16 April and 20 May 2025.</p> <p>13. [Only for EMN Observer Countries except Norway] Does your country apply the safe third country concept on a case-by-case assessment in alignment with Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If yes, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list.</p>
	<p>EMN NCP Greece</p>	<p align="center">Yes</p>	<p>1. Does your EMN Member or Observer Country use a national list of safe countries of origin? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>Yes. According to paragraph 5, article 92 of the Asylum Code-law 4939/2022 (GG A' 111/2022, transposing art. 36 and 37 of Directive 2013/32/EU), the countries of origin that are considered safe, are determined by a Joint Ministerial Decision (JMD) of the Ministers of Migration and Asylum and Foreign Affairs, issued upon recommendation of the Director of the Asylum Service. The information taken into account, for the issuance of the above JMD must</p>

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			<p>be up to date and come from reliable sources of information, in particular from official diplomatic sources in Greece and abroad, the European Union Agency for Asylum, the legislation of other Member States in relation to the concept of safe countries, the Council of Europe, and the UN High Commissioner for Refugees. The designation is reviewed on a mandatory basis in November of each year. If a significant change in the human rights situation is found in a country that has been designated as a safe country of origin, the designation shall be reviewed as soon as possible and before the end of the year. The European Commission shall be informed of any decision on designation.</p> <p>The list of safe countries of origin was last updated with the publication of the JMD no. 305652/2024 (G.G. B' 7117/27.12.2024) which designates the following country as safe countries of origin: 1. Albania, 2. Algeria, 3. Armenia, 4. Bangladesh, 5. Benin, 6. Egypt, 7. Gambia, 8. Georgia, 9. Ghana, 10. India, 11. Morocco, 12. Nepal, 13. Pakistan, 14. Senegal, 15. Togo, 16. Tunisia, 17. Angola and 18. Moldova.</p> <p>2. Does your country consider that certain regions within a "safe country of origin" or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>No. Greek Law does not explicitly set "exception lists" for categories or sub-regions inside a country. Instead, the application of the 'safe third country' concept constitutes a rebuttable presumption. Therefore, applicants, following an individual assessment, can rebut the presumption with their individual circumstances.</p> <p>According to the Asylum Service of the Ministry of Migration and Asylum, the COI department</p>
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			<p>of the Processes and Training Department of the above Service has developed an internal report with country of origin information in order the case officer to be able to identify specific profiles (e.g. women, children) of applicants that may encounter higher risk of persecution or serious harm and enjoy limited state protection in relation to the general population.</p> <p>3. If an applicant for international protection comes from a designated safe country of origin, which procedure do you apply for assessing their case (e.g. normal procedure, accelerated, border procedure; deadline for lodging an appeal)? Please explain.</p> <p>According to paragraph 9 (β') of article 88 of law 4939/2022 "The Determining Authority shall examine an application under the accelerated procedure when the applicant comes from a safe country of origin, in accordance with Article 92 of this Code". The only effect of the accelerated procedure is to shorten the deadlines (Article 88(2) of L.4939/2022). The accelerated process does not affect the criteria for the examination of the need for international protection nor the guarantees that are provided. Deadlines in the accelerated procedure are provided for in art. 88 par. 4 and 11 of l.4939/2022. The examination of the applications should be concluded as soon as possible and in any case within 20 days. This deadline may be extended for a period not exceeding 10 additional days where a large number of third country nationals or stateless persons simultaneously apply for international protection, making it very difficult in practice to conclude the accelerated procedure within the 20-day time limit.</p> <p>Moreover, according to art. 95 par. 1 of the above law, cases where applications for international protection are submitted at the borders and crossing zones of ports or airports in the country, may be examined both as to their admissibility and substance according to border procedure, meaning in shorter processing times, provided that application is listed as one of the cases of Article 88, par. 9. Hence, being from a safe country of origin is in itself a</p>
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			<p>possible ground for processing the application at the border under art. 88 par. 9 point b & art. 95 par. 1.</p> <p>Deadlines in border procedure are shorter and if an asylum decision is not taken within 28 days from the date of submission of the application, according to article 95, par. 2 of the Asylum Code, the applicant is allowed to entry and stay within the country.</p> <p>As regards appeals (2nd instance of examination of application), article 97, par. 1 point c of l.4939/2022, provides that an appeal may be filed against a decision rejecting an application for international protection in cases of border procedure, within 10 days from the notification of the decision or from the time it is presumed that the appellant became aware of the decision. The hearing of the appeal must be scheduled no later than 5 days after the submission of an appeal against (Article 100, par. 2 point c of the above law)</p> <p>Finally, an accelerated or border procedure is not applied or ceased to apply, if the applicant is in need of special procedural guarantees and where adequate support may not be provided in the framework of an accelerated or border procedure (art. 72 par. 3 of l.4939/2022).</p> <p>4. Does your EMN Member or Observer Country use a national list of safe third countries? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>Yes. According to par.3 of article 91 of law 4939/2022, the third countries that are considered safe, in accordance with article 91 of l.4939/2022, for certain categories of asylum seekers, depending on their characteristics (racial, religious, etc.), for the purposes of examining applications for international protection, are determined by a Joint Ministerial Decision of the Ministers of Migration and Asylum and Foreign Affairs, which is issued upon the</p>
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			<p>recommendation of the Director of the Asylum Service.</p> <p>The aforementioned designation shall be reviewed in November of each year.</p> <p>If a significant change in the human rights situation is observed in a country designated as a safe country of origin, the designation will be reviewed as soon as possible and before the expiry of one (1) year. The European Commission is informed of each designation decision (art. 91 par. 3 and par. 6 of I.4939/2022). The list of safe third countries was last updated with the publication of the JMD no. 63905/2025 (G.G. B' 1727/08.04.2025) which designates:</p> <ul style="list-style-type: none">-Türkiye as a safe third country for applicants of international protection coming from Syria, Afghanistan, Pakistan, Bangladesh, and Somalia.-Albania as a safe third country for applicants of international protection entering the Greek territory illegally through the borders with Albania.-North Macedonia as a safe third country for applicants of international protection entering the Greek territory illegally through the borders with North Macedonia. <p>5. Does your country consider that certain regions within a "safe third country " or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>There are no exceptions for specific categories of people explicitly stated under Greek law. The national list of safe third countries is established by the JMD 63905/2025, mentioned in answer 4. However, in Greece the "safe third country" (STC) designation constitutes a rebuttable presumption, and the burden of proof resides with the applicant to demonstrate that the concept of safe third country does not apply to his/her case. Therefore, while Greek law does not explicitly set "exception lists" for categories or sub-regions inside a STC, it allows applicants to rebut the presumption with their individual circumstances.</p>
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			<p>Also, the Processes and Training Department of the Greek Asylum Service has developed SOPs (for strictly internal use) regarding the admissibility examination of applications which include practical guidance on how to examine those cases and key elements to consider for the examination of the respective cases.</p> <p>6. [Only for EMN Member Countries and Norway] Does your EMN Member Country apply the safe third country concept on a case-by-case assessment as stated in Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If YES, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list. If you are an Observer Country (except Norway), please answer question 13.</p> <p>Yes. The applicant undergoes a personal interview during which he or she has the opportunity to rebut the presumption of a certain country as a STC, based on his/her individual circumstances and experiences. Additionally, as mentioned above, the caseworker conducting the personal interview must also explore whether the applicant satisfies all the criteria set out in paragraph 1 of article 91 of law 4939/2022 (A' 111), namely that in this specific country:</p> <ul style="list-style-type: none">a) his/her life and freedom are not threatened on account of his race, religion, nationality, membership of a particular social group or political opinion;b) that country observes the principle of non-refoulement in accordance with the Geneva Convention;c) there is no risk of serious harm to the applicant under Article 14 of this Code;d) that country prohibits the removal of a person to a country where he or she would be at risk of torture or cruel, inhuman, or degrading treatment or punishment, as defined in international law;e) it is possible to apply for refugee status and, if the applicant is recognized as a refugee, to be granted protection in accordance with the Geneva Convention; and
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			<p>f) the applicant has a connection with that third country on the basis of which it would be reasonable for him or her to go there. The applicant's transit through a third country may, in conjunction with specific circumstances relating to him or her, in particular:</p> <ul style="list-style-type: none">i) the length of his or her stay there,ii) any contact or objective and subjective possibility of contact with the authorities, access to work or the granting of a right of residence,iii) any previous stay prior to transit, such as, for example, long-term visits or studies,iv) the existence of any family ties, even distant ones,v) the existence of social, professional, or cultural ties,vi) the existence of property,vii) connection with a wider community,viii) knowledge of the relevant language,ix) geographical proximity of the country of origin, to be considered as a link between the applicant and the third country, on the basis of which it would be reasonable for him to move there."<p>The fulfillment of the above- criteria shall be examined for each individual case, except where a third country has been designated as generally safe in the national list. In the latter case, the applicant can challenge the application of the concept of a safe third country, stating as a reason the fact that the third country is not safe under the specific circumstances in which s/he finds himself/herself (art. 91 par. 2 of l.4939/2022)</p><p>To support the examination of applications falling under the scope of the safe third country concept, the Processes and Training Department of the Greek Asylum Service has developed internal SOPs (for strictly internal use). During the interview process, the applicant is given the opportunity to rebut the presumption of safe third country. In particular, it should be explained to the applicant that the third country (Türkiye/Albania/North Macedonia) is</p>
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			<p>included in the national list of safe third countries, and therefore, this entails that the third country is considered as generally safe. Also, it is explained that if the applicant has serious reasons to believe otherwise, they should state in a clear and coherent manner the circumstances on which their fear of persecution or serious harm upon return is based, providing the latter with the opportunity to challenge the safety of the third country in their particular circumstances.</p> <p>7. If your answer to Q4 and/or Q6 is YES, has your EMN Member State encountered difficulties in the practical application of the safe third country concept in the examination of international protection applications (e.g., issues related to the inadmissibility of international protection applications)? YES/NO. If YES, please describe them and indicate solutions adopted (if applicable).</p> <p>According to the Asylum Service of the Ministry of Migration and Asylum, the difficulties encountered concern the practical application of the safe third country concept in the examination of international protection applications and mainly the need for:</p> <ul style="list-style-type: none">- Further development of the already established communication channels with other co-competent authorities.- reform of the framework for the return procedures. <p>The Ministry of Migration and Asylum has submitted a draft bill, titled "Reform of framework and procedures of returning third country nationals", covering legislation loopholes in the current law.</p> <p>8. If the answer to Q4 and/or Q6 is YES, does your EMN Member State have any assurances/guarantees from the safe third country regarding the treatment of transferred</p>
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			<p>individuals upon arrival (e.g. living conditions, non-refoulement principle)? YES/NO. If YES, please specify.</p> <p>The designation of a country as a safe third country takes into account reliable information which is assessed and cross-checked multiple times and ensures respect for fundamental rights and safeguards by the third country. In addition, the designation also takes into account fundamental legal agreements, such as the EU-Turkey Joint Statement of 18 March 2016 (EU-Turkey Statement, Mar. 18, 2016, Press Release 144/16, Council of the European Union).</p> <p>9. What sources of information do you use in your EMN Member or Observer Country to assess the safety of the country of origin and safe third countries? (e.g., UNHCR, EUAA, etc.)?</p> <p>The information taken into account for the issuance of the above joint ministerial decision must be up to date and comes from reliable sources of information, in particular from official diplomatic sources in Greece and abroad, EUAA, the legislation of other Member States in relation to the concept of safe countries, the Council of Europe, and the UN High Commissioner for Refugees. The designation is reviewed on a mandatory basis in November of each year. If a significant change in the human rights situation is found in a country that has been designated as a safe country of origin/safe third country, the designation shall be reviewed as soon as possible and before the end of the year. The European Commission shall be informed of any decision on designation. Indicatively, the sources that are used for assessing the safety of the country of origin and safe third countries come from the European Commission, the UNHCR, diplomatic sources [USDOS, CIA, BTI], legal texts, ECtHR jurisprudence and international research centers [ECRE, Freedom House, Amnesty International, RULAC, ACLED].</p>
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			<p>10. In your EMN Member State, have there been any relevant judicial decisions from 2020 until today regarding the application of the concepts of safe country of origin and safe third country? If YES, please provide a summary of the decisions and the link.</p> <p>Yes. According to Judgment of the Court of EU in Case C 134/23, Article 38 of Directive 2013/32, read in the light of Article 18 of the Charter, must be interpreted as not precluding legislation of a Member State classifying a third country as generally safe for certain categories of applicants for international protection where, despite the legal obligation to which it is subject, that third country has generally suspended the admission or readmission of those applicants to its territory and there is no foreseeable prospect of a change in that position.</p> <p>This judgment issued after Greek Council of State decided to refer questions to the Court of Justice for a preliminary ruling whether Article 38 of Directive 2013/32, read in the light of Article 18 of the Charter, must be interpreted as precluding legislation of a Member State classifying a third country as generally safe for certain categories of applicants for international protection where, despite the legal obligation to which it is subject, that third country has generally suspended the admission or readmission of those applicants to its territory and there is no foreseeable prospect of a change in that position. In 2025, the Greek Council of State has annulled the previous JMD. The Court Decision is expected to be notified to the Ministry of Migration and Asylum.</p> <p>11. Has your EMN Member or Observer Country identified any good practices in the application of safe country of origin and/or safe third country concepts? If your answer is YES, please explain (e.g. how to deal with cases of vulnerabilities).</p>
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			<p>Yes. The Greek Asylum Service has established one office which is responsible for receiving and examining applications submitted by applicants coming from safe countries of origin. In particular, the Asylum Unit for Nationals of Safe Countries of origin operates under the competence of the Directorate of Regional Services and is responsible for the above applications that are in the jurisdiction of the Regional Asylum Office of Thessaloniki. Also, there are two (2) Asylum Units responsible for receiving and processing applications for international protection submitted by persons belonging to vulnerable groups with local competence that of the Directorate of Regional Services and of the Attica Directorate. To support the practical application of the safe country concepts, the Processes and Training Department has developed:</p> <ul style="list-style-type: none">- SOPs/guidelines- Interview/decision templates- Thematic training & coaching sessions- Quality Feedback Reports- COI reports <p>12. In your EMN Member or Observer Country, are there any ongoing or planned strategies to adapt the current framework to align with the new Asylum Procedure Regulation? YES/NO. If your answer is YES, please specify which strategies are being implemented or considered (including their scope and timeline if available).</p> <p>Greece already implements the safe third country and safe country of origin concepts and therefore, the necessary preparatory actions to align with the new APR Regulation are undergoing, taking into consideration the relevant pending procedures at EU level regarding the European Commission's proposals.</p>
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			<p>13. [Only for EMN Observer Countries except Norway] Does your country apply the safe third country concept on a case-by-case assessment in alignment with Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If yes, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list.</p> <p>N/A</p>
	<p>EMN NCP Hungary</p>	<p align="center">Yes</p>	<p>1. Does your EMN Member or Observer Country use a national list of safe countries of origin? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>The Government has adopted Government Decree 191/2015 (VII. 21.) on the determination of countries of origin and safe third countries declared safe at the national level. According to this the following are considered safe countries of origin: Member States and candidate countries of the European Union, the member states of the European Economic Area, and the member states of the United States of America that do not apply the death penalty, as well as:</p> <ol style="list-style-type: none"> 1. Switzerland, 2. Bosnia and Herzegovina, 3. Kosovo, 4. Canada, 5. Australia, 6. New Zealand.

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			<p>2. Does your country consider that certain regions within a "safe country of origin" or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>Pursuant to Section 2(h) of Act LXXX of 2007 on Asylum, a safe country of origin is a country that is included in the minimum list of third countries considered safe countries of origin by the Council of the European Union, or on the list of countries of origin declared safe at national level in the Government Decree, or certain parts of the countries on these lists; the inclusion of the country of origin on any of these lists establishes a rebuttable presumption that, with regard to the person seeking recognition, there is generally and consistently no persecution in that country or part of that country, there is no threat of general violence in situations of international or internal armed conflict, torture or cruel, inhuman or degrading treatment or punishment is not used, and the country provides an effective system of legal remedies against violations of these rights and freedoms.</p> <p>3. If an applicant for international protection comes from a designated safe country of origin, which procedure do you apply for assessing their case (e.g. normal procedure, accelerated, border procedure; deadline for lodging an appeal)? Please explain.</p> <p>If the country of origin of the person seeking recognition is included in the European Union's list of safe countries of origin or among the countries specified in the national list, the applicant may prove in the asylum procedure that, in his or her individual case, his or her country of origin does not meet the conditions specified for safe countries of origin. If the country of origin of a person seeking recognition as a refugee is included in the European Union's or national list of safe countries of origin, the person seeking recognition</p>
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			<p>must prove that, in his or her case, the country of origin does not meet the conditions specified for safe countries of origin."</p> <p>Pursuant to Section 51(2) (a) of Act LXXX of 2007 on Asylum, an application shall be inadmissible if the applicant is a citizen of a Member State of the European Union.</p> <p>Pursuant to Section 53 of Act LXXX of 2007 on Asylum, a decision rejecting an application on the grounds of inadmissibility or in an accelerated procedure may be challenged in administrative proceedings.</p> <p>Therefore an application from a safe third country might be rejected on inadmissibility ground, without in merit assessment of the application.</p> <p>4. Does your EMN Member or Observer Country use a national list of safe third countries? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>The Government has adopted Government Decree 191/2015 (VII. 21.) on the determination of countries of origin and safe third countries declared safe at the national level.</p> <p>According to this the following are considered safe third countries: Member States and candidate countries of the European Union, the member states of the European Economic Area, and the member states of the United States of America that do not apply the death penalty, as well as:</p> <ol style="list-style-type: none">1. Switzerland,2. Bosnia and Herzegovina,3. Kosovo,4. Canada,
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			<p>5. Australia, 6. New Zealand.</p> <p>5. Does your country consider that certain regions within a "safe third country " or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>Pursuant to Section 2(i) of Act LXXX of 2007 on Asylum, a safe third country is a country in respect of which the asylum authority is satisfied that the applicant will be treated in accordance with the following principles:</p> <ul style="list-style-type: none">ia) his or her life and freedom are not threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion, and he or she is not exposed to serious harm;ib) the principle of non-refoulement is respected in accordance with the Geneva Convention;ic) the rule of international law according to which the applicant may not be expelled to a country where he or she would be subjected to the treatment specified in Article XIV(3) of the Fundamental Law is recognized and applied; andid) the possibility of applying for refugee status is guaranteed, and protection in accordance with the Geneva Convention is guaranteed in the event of recognition as a refugee. <p>It should be emphasized that a third country can be considered safe if it's conditions are met in a certain region of that country.</p>
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			<p>6. [Only for EMN Member Countries and Norway] Does your EMN Member Country apply the safe third country concept on a case-by-case assessment as stated in Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If YES, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list. If you are an Observer Country (except Norway), please answer question 13.</p> <p>See answers to Q4 and Q5.</p> <p>7. If your answer to Q4 and/or Q6 is YES, has your EMN Member State encountered difficulties in the practical application of the safe third country concept in the examination of international protection applications (e.g., issues related to the inadmissibility of international protection applications)? YES/NO. If YES, please describe them and indicate solutions adopted (if applicable).</p> <p>No</p> <p>8. If the answer to Q4 and/or Q6 is YES, does your EMN Member State have any assurances/guarantees from the safe third country regarding the treatment of transferred individuals upon arrival (e.g. living conditions, non-refoulement principle)? YES/NO. If YES, please specify.</p> <p>Before making a decision, the asylum authority examines the existence of guarantees in the case based on current country-information, including also the circumstances that await the applicant in the future if they return to their country of origin.</p>
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			<p>9. What sources of information do you use in your EMN Member or Observer Country to assess the safety of the country of origin and safe third countries? (e.g., UNHCR, EUAA, etc.)?</p> <p>The asylum authority considers a wide range of sources (including the United Nations High Commissioner for Refugees, EUAA, etc.), and evaluates them in detail in relation to the individual situation of the applicant.</p> <p>10. In your EMN Member State, have there been any relevant judicial decisions from 2020 until today regarding the application of the concepts of safe country of origin and safe third country? If YES, please provide a summary of the decisions and the link.</p> <p>N/A</p> <p>11. Has your EMN Member or Observer Country identified any good practices in the application of safe country of origin and/or safe third country concepts? If your answer is YES, please explain (e.g. how to deal with cases of vulnerabilities).</p> <p>See answers to Q8 and Q9.</p> <p>12. In your EMN Member or Observer Country, are there any ongoing or planned strategies to adapt the current framework to align with the new Asylum Procedure Regulation? YES/NO. If your answer is YES, please specify which strategies are being implemented or considered (including their scope and timeline if available).</p>
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			<p>No</p> <p>13. [Only for EMN Observer Countries except Norway] Does your country apply the safe third country concept on a case-by-case assessment in alignment with Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If yes, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list.</p> <p>Not applicable</p>
	<p>EMN NCP Ireland</p>	<p align="center">Yes</p>	<p>1. Does your EMN Member or Observer Country use a national list of safe countries of origin? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>YES. Section 72 of the International Protection Act 2015 enables the Minister for Justice, Home Affairs and Migration to designate a country as a safe country of origin under secondary legislation. Under this Act, the Minister can make this order if they are satisfied that, 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. In making the assessment, the Minister must take into account the extent to which protection against persecution or mistreatment is provided by</p> <ul style="list-style-type: none"> - the relevant laws and regulations of the country and the manner in which they are applied

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			<ul style="list-style-type: none">- 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- respect for the non-refoulement principle in accordance with the Geneva Convention, and- provision for a system of effective remedies against violations of those rights and freedoms. <p>The Minister must review the situation in countries designated as safe on a regular basis. The Minister must notify the European Commission of the making, amendment or revocation of an order that a country is to be considered safe.[1]</p> <p>The list of countries is adopted as an Order, which is a type of secondary legislation.</p> <p>[1] Section 72, International Protection Act 2015.</p> <p>2. Does your country consider that certain regions within a "safe country of origin" or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>YES – case-by-case assessment, rather than specified in the safe country of origin orders. Under the International Protection Act 2015, the safe country of origin designation applies for the purposes of assessing an application. An applicant shall only be considered as being from a safe country of origin where that country is the applicant’s country of origin and where the applicant has not submitted any serious grounds for considering the country not to be a safe country of origin in his or her particular circumstances and in terms of his or her eligibility for international protection.[1]</p>
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			<p>For example, while Georgia is designated as a safe country of origin, in PP and VS vs the International Protection Appeals Tribunal and the Minister for Justice [2025] IEHC 134, the High Court held that the applicants had submitted evidence that there were serious grounds for considering Georgia to not be a safe country of origin in their particular circumstances. It held that that the Tribunal did not provide a sufficient reason for not considering the applicants' accounts and evidence submitted on police in Georgia collusion with gangs of money-lending extortionists.</p> <p>[1] Section 33, International Protection Act 2015.</p> <p>3. If an applicant for international protection comes from a designated safe country of origin, which procedure do you apply for assessing their case (e.g. normal procedure, accelerated, border procedure; deadline for lodging an appeal)? Please explain.</p> <p>Applicants from safe countries of origin are currently processed through the accelerated procedure.</p> <p>The International Protection Act 2015 was amended in 2022 to add whether an applicant is from a safe country of origin to the list of matters to which the Minister for Justice may have regard when deciding whether to prioritise the processing of an application for international protection or requesting the International Protection Appeals Tribunal to prioritise an appeal.[1] Accelerated applications receive their date of interview on the day they apply, and the median processing time for a first-instance decision is 21 weeks as opposed to 71 weeks for standard cases (as of June 2025).[2]</p> <p>[1] European Communities (International Protection Procedures) Regulations 2022 [S.I. No. 541/2022].</p>
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			<p>[2] https://assets.gov.ie/static/documents/International_Protection_Summary_Report_June_2025.pdf</p> <p>4. Does your EMN Member or Observer Country use a national list of safe third countries? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>YES. Under Section 72A of the International Protection Act 2015, the Minister of Justice, Home Affairs and Migration can by order designate a country as a safe third country by secondary legislation.</p> <p>The Minister can only make this order if they are satisfied that a person seeking to be recognised as a refugee in that country will be treated in accordance with the following principles:</p> <p>life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion, there is no risk that a person would be subjected to the death penalty, torture or inhuman or degrading treatment or punishment, or a serious and individual threat to his or her life or person by reason of indiscriminate violence in situations of international or internal armed conflict, the principle of non-refoulement in accordance with the Geneva Convention is respected, the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment, as required by international law, is respected, and the possibility exists to request refugee status and, if found to be a refugee, to receive protection in accordance with the Geneva Convention.</p> <p>The Minister must review the situation in that country on a regular basis. The Minister must notify the European Commission of any changes to the list.</p>
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			<p>5. Does your country consider that certain regions within a "safe third country " or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>No – not for specific groups/regions, but individual assessment (see question 6).</p> <p>6. [Only for EMN Member Countries and Norway] Does your EMN Member Country apply the safe third country concept on a case-by-case assessment as stated in Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If YES, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list. If you are an Observer Country (except Norway), please answer question 13.</p> <p>Note for service provider: Ireland is not a part of Directive 2013/32/EU. However, we have answered with information on our case-by-case assessment. In addition, the Irish High Court found that although Ireland doesn't implement the 2013 APD, it does implement Dublin III, which was adopted in the EU at the same time as the 2013 APD and makes reference to the 2013 APD. The High Court held that if Ireland wanted to implement the STC concept, it had to align its legislation with Article 38 of the 2013 APD.[1] However, this case is currently under appeal so this may change depending on the outcome of the case.</p> <p>YES. A safe third country is only deemed a safe country for a person if they: have a sufficient connection with the country concerned on the basis of which it is reasonable for them to return therewill not be subjected in the country concerned to the death penalty, torture or other inhuman or degrading treatment or punishment or a serious and individual threat to his or her life or person by reason of indiscriminate violence in situations of</p>
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			<p>international or internal armed conflict, will be re-admitted to the country concerned have the possibility in the country concerned to request refugee status and, if found to be a refugee, to receive protection in accordance with the Geneva Convention.[2] Connection with the country is assessed by looking at:</p> <p>the period they have spent, whether lawfully or unlawfully, in the country concerned; any relationship between the person concerned and persons in the country concerned, including nationals and residents of that country and family members seeking to be recognised in that country as refugees; the presence in the country concerned of any family members, relatives or other family relations of the person concerned; the nature and extent of any cultural connections between the person concerned and the country concerned.[3]</p> <p>[1] A v Minister for Justice & Ors, B v International Protection Appeals Tribunal & Ors [2024] IEHC 183. Available at https://www.courts.ie/acc/alfresco/8f8d74f5-2195-459e-af49-2269c01f071f/2024_IEHC_183.pdf/pdf#view=fitH</p> <p>[2] Section 21(17), International Protection Act 2015.</p> <p>[3] Section 21(18), International Protection Act 2015.</p> <p>7. If your answer to Q4 and/or Q6 is YES, has your EMN Member State encountered difficulties in the practical application of the safe third country concept in the examination of international protection applications (e.g., issues related to the inadmissibility of international protection applications)? YES/NO. If YES, please describe them and indicate solutions adopted (if applicable).</p> <p>YES. The application of the 'safe third country' concept in relation to the UK was challenged in courts, leading to a change of the legislation relating to designation of a safe third country (see question 10 for details of the case).</p>
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8. If the answer to Q4 and/or Q6 is YES, does your EMN Member State have any assurances/guarantees from the safe third country regarding the treatment of transferred individuals upon arrival (e.g. living conditions, non-refoulement principle)? YES/NO. If YES, please specify.

NO. The situation in the safe third country is assessed for compliance with the non-refoulement principle before designation by the Minister, but to date this is an assessment of the general situation and system in the country; no assurances or guarantees have been sought from safe third countries.

9. What sources of information do you use in your EMN Member or Observer Country to assess the safety of the country of origin and safe third countries? (e.g., UNHCR, EUAA, etc.)?

The International Protection Act 2015 specifies that the Minister must base their assessment on a range of sources of information, in particular information from: other Member States the European Asylum Support Office (now EUAA) the United Nations High Commissioner for Refugees the Council of Europe other international organisations as the Minister considers appropriate.[1] The Department of Foreign Affairs also provide an assessment, and key NGOs including UNHCR and Irish Refugee Council (IRC) are also consulted as part of the process.[2]

[1] International Protection Act 2015, Section 72(4)

[2] Department of Justice, Home Affairs and Migration (2024) 'Minister McEntee announces new additions to Safe Countries of Origin list' (Press Release, 2 July)

[https://www.gov.ie/en/department-of-justice-home-affairs-and-migration/press-releases/minister-mcentee-announces-new-additions-to-safe-countries-of-origin-list/;](https://www.gov.ie/en/department-of-justice-home-affairs-and-migration/press-releases/minister-mcentee-announces-new-additions-to-safe-countries-of-origin-list/)

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			<p>correspondence with the Department of Justice, August 2025.</p> <p>10. In your EMN Member State, have there been any relevant judicial decisions from 2020 until today regarding the application of the concepts of safe country of origin and safe third country? If YES, please provide a summary of the decisions and the link.</p> <p>YES. Some of the main decisions are summarised below.</p> <p>S.A. (Zimbabwe and South Africa) v the Chief International Protection Officer & ors [2024] IEHC 477</p> <p>Facts: The applicant came to Ireland from South Africa and submitted an application for international protection. This application was refused on the basis that she was from South Africa and she could return there safely. The IPO made a preliminary decision on her nationality being South African based on her answers to the questionnaire, which she completed three days after arrival. Only later did she obtain legal advice and following which her legal representative wrote to the IPO to clarify her nationality as Zimbabwean and submitted a birth certificate and passport in this regard.</p> <p>In her section 35 interview, the applicant repeated that she was born in Zimbabwe and that the questionnaire details were incorrect. She explained that she had used false identity documents to travel to Ireland and when she first applied for international protection, but that they were not her real identity documents. The IPO recommended a refusal of international protection. The IPO's decision was appealed to the High Court.</p> <p>Reasoning: In the High Court, it was found that the IPO failed to correctly assess all documentation it had to hand. It held that the IPO incorrectly assumed the passport and birth</p>
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			<p>certificate belonged to a different person due to a different name. When combined with the marriage certificate, which was also submitted, it was held to be clear that they all referred to the same person.</p> <p>Considering the errors which formed the basis for finding the applicant was South African, along with the timing of the questionnaire, and that the applicant had only received legal advice after she had offered misleading information, the High Court held that the decision that she was not Zimbabwean was reached on an incorrect basis.</p> <p>Due to the fundamental nature of the decision and its effect of accelerating the processing of her application, it was held that this is a material error and the IPO's decision needed to be reviewed. Any appeal hearing before the IPAT was considered to become a first instance hearing given the fundamental nature of nationality.</p> <p>Decision: The case was remitted for reconsideration.</p> <p>Link: https://www.courts.ie/acc/alfresco/13442135-40a9-4b2f-8fd9-5282947d2db3/2024_IEHC_477.pdf/pdf#view=fitH</p> <p>A v Minister for Justice & Ors, B v International Protection Appeals Tribunal & Ors [2024] IEHC 183</p> <p>Facts: This case concerned the lawfulness of the designation of the United Kingdom as a safe third country under section 72A of the International Protection Act 2015.</p> <p>The two applicants, A and B, were Iraqi and Nigerian and separately applied for international protection in Ireland. Irish authorities sent a biometric data request to the UK under the 2014 UK/Ireland Memorandum of Understanding (MoU), which confirmed the applicants' connection to the UK. The applicants' claims were found to be inadmissible under section 21 of the International Protection Act 2015 and they were issued with Return Orders under section 51A of the 2015 Act. In the High Court, the applicants sought a judicial review of, among other</p>
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			<p>things, the inadmissibility decision and the return decision. They also challenged the legality of data sharing arrangements with the UK.</p> <p>Reasoning: First, on the legal framework to designate a safe third country, Phelan J. considered the Asylum Procedures Directive 2005/85/EC, to which Ireland has opted-in. Article 27 permits Member States to assign safe third countries but does not require them to do so. Where Member States do assign them, this process is subject to specific conditions. Ireland implements the safe third country provision in section 72A of the International Protection Act 2015, as amended.</p> <p>At EU level, Article 27 was replaced by Article 38 with the recast to the Asylum Procedures Directive 2013/32/EU. Ireland, however, did not opt into this recast. Phelan J. recognised that Article 38 is identical to Article 27 but added an extra condition that there can be no risk of serious harm in the third country. Ireland does not have this additional condition in domestic legislation on safe third countries.</p> <p>Phelan J. then turned to the Dublin III Regulation, which Ireland has opted into. Article 3(1) contains a right to make an asylum application in a territory of a Member State and Article 3(3) provides that any Member State shall retain the right to send an applicant to a safe third country, subject to the rules and safeguards of the recast Asylum Procedures Directive 2013/32/EU. It was held that because the Dublin III Regulation refers to the Directive 2013/32/EU, which contains an additional condition of assessing serious risk when designating safe third countries, Ireland must also apply this additional condition (cf. MS C-616/19). As a result of this missing condition, Phelan J. held that the designation of the UK as a safe third country was considered unlawful and ultra vires the powers of the Minister.</p> <p>Second, regarding the requirement to regularly review the designation of a country as a safe</p>
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third country, Phelan J. refrained from declaring how frequently this review should occur. Nonetheless, she highlighted how under the Asylum Procedures Directive, Member States must be 'satisfied' that the requirements for designation as a safe third country are met. Phelan J. held that 'satisfied' is a continuing obligation and that this is not present in the current Irish legislation and the methodology for review used by the Minister was therefore insufficient.

A third issue concerned the review of applicant's rights. Where a recommendation of inadmissibility is made by the IPO and this has been affirmed by the IPAT, the Minister must then issue a Return Order under section 51A. Phelan J. held that, while there may be some consideration of rights under Article 3 ECHR/Article 4 of the Charter of Fundamental Rights in this process, there is no provision for a broader rights analysis at any stage of it. She found that lack of clarity as to who conducts the rights analysis and when it should be conducted was unsatisfactory and that the narrow scope of rights analysed was not consistent with fundamental rights protections afforded under Irish and EU law.

Decision: Phelan J. issued a declaration that the designation of the United Kingdom and Great Britain as a safe third country pursuant to the 2020 Designation Order is contrary to Ireland's obligations under EU law. Thus, the decisions in these cases were quashed.


This case was appealed by the Minister to the Court of Appeal in FOM v Minister for Justice & anor; KE & International Protection Appeals Tribunal & ors [2025] IECA 43. The Court of Appeal found that the case was moot. It is being further appealed to the Supreme Court ([2025] IESCDET 76] so the final outcome is pending.

Link: https://www.courts.ie/acc/alfresco/8f8d74f5-2195-459e-af49-2269c01f071f/2024_IEHC_183.pdf/pdf#view=fitH

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			<p>11. Has your EMN Member or Observer Country identified any good practices in the application of safe country of origin and/or safe third country concepts? If your answer is YES, please explain (e.g. how to deal with cases of vulnerabilities).</p> <p>No</p> <p>12. In your EMN Member or Observer Country, are there any ongoing or planned strategies to adapt the current framework to align with the new Asylum Procedure Regulation? YES/NO. If your answer is YES, please specify which strategies are being implemented or considered (including their scope and timeline if available).</p> <p>YES. The General Scheme of the International Protection Bill was approved by the Irish Government in April 2025.[1] This will implement and transpose all Pact-related legislation.</p> <p>[1] https://www.gov.ie/en/department-of-justice-home-affairs-and-migration/press-releases/minister-jim-ocallaghan-secures-cabinet-approval-for-publication-of-the-general-scheme-of-the-international-protection-bill-2025</p> <p>13. [Only for EMN Observer Countries except Norway] Does your country apply the safe third country concept on a case-by-case assessment in alignment with Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If yes, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list.</p>
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	 EMN NCP Italy	<p align="center">Yes</p>	<p>1. Does your EMN Member or Observer Country use a national list of safe countries of origin? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>Yes. In Italy, the list of safe countries of origin is included into the national legislation, adopting the Directive 2013/32/UE on asylum procedures. The national legislation (art. 2 bis of Legislative Decree n. 25 of 2008) establishes that: "in application of the qualification criteria defined under EU law and on the basis of information provided by the competent international organizations, the following are considered safe countries of origin: Albania, Algeria, Bangladesh, Bosnia and Herzegovina, Cape Verde, Côte d'Ivoire, Egypt, Gambia, Georgia, Ghana, Kosovo, North Macedonia, Morocco, Montenegro, Peru, Senegal, Serbia, Sri Lanka and Tunisia". The same provision regulates the procedure for adopting the list. The list of safe countries of origin must be revised regularly by a legislative act and notified to the European Commission. For this purpose, the Italian Council of Ministers adopts an annual report (by the 15th of January each year) assessing the situation in all the countries already on the list and those proposed for inclusion, considering security requirements, international relations and the available information. The Government then forwards the report to the competent parliamentary committees.</p> <p>This procedure was introduced into Italian law with a reform adopted in December 2024. Before that, the list of safe countries of origin was established through a ministerial decree, which was periodically updated.</p> <p>2. Does your country consider that certain regions within a "safe country of origin" or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of</p>
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			<p>persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>The current legislation on the list of safe third countries of origin does not provide for any exceptions.</p> <p>3. If an applicant for international protection comes from a designated safe country of origin, which procedure do you apply for assessing their case (e.g. normal procedure, accelerated, border procedure; deadline for lodging an appeal)? Please explain.</p> <p>The Italian asylum procedure decree establishes that, if an applicant comes from a country deemed as “safe”, their asylum application may be examined under the accelerated examination procedure. Once the application is formally lodged with the public security authorities, the President of the Territorial Commission for the Recognition of International Protection—the authority responsible for examining asylum applications—assesses whether the conditions for applying the accelerated examination procedure, based on the applicant’s country of origin, are met. If no exemptions are to be found (for example the accelerated procedure does not apply to unaccompanied minors or to applicants with special needs), the President of the Territorial Commission issues a written order applying the accelerated examination procedure. The decision is then notified to the applicant, together with the date of their personal interview before the Commission and the applicant is informed about the type of procedure being applied. In such cases, the Territorial Commission must hold the personal interview of the applicant within 7 days of receiving the application and must adopt its decision within the following 2 days.</p>
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			<p>In the event of negative decision, the Commission may declare the application manifestly unfounded. The lodging of the appeal does not automatically suspend the decision, but the applicant may request the suspension to the Court. The judge may grant the suspension through a reasoned order, if there are serious and well-documented grounds.</p> <p>Coming from a country deemed as "safe" also constitutes grounds for the application of an accelerated border procedure. Where the application is submitted directly by the applicant in a border or transit area designated as such by the Minister of Interior, the procedure may be conducted in that border or transit areas. In such cases, the Territorial Commission must complete the procedure within 7 days from the receipt of the application.</p> <p>4. Does your EMN Member or Observer Country use a national list of safe third countries? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>No. Currently, the Italian legislation does not apply the concept of safe third country.</p> <p>5. Does your country consider that certain regions within a "safe third country " or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>N/A.</p>
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			<p>6. [Only for EMN Member Countries and Norway] Does your EMN Member Country apply the safe third country concept on a case-by-case assessment as stated in Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If YES, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list. If you are an Observer Country (except Norway), please answer question 13.</p> <p>No, see question n. 4</p> <p>7. If your answer to Q4 and/or Q6 is YES, has your EMN Member State encountered difficulties in the practical application of the safe third country concept in the examination of international protection applications (e.g., issues related to the inadmissibility of international protection applications)? YES/NO. If YES, please describe them and indicate solutions adopted (if applicable).</p> <p>N/A</p> <p>8. If the answer to Q4 and/or Q6 is YES, does your EMN Member State have any assurances/guarantees from the safe third country regarding the treatment of transferred individuals upon arrival (e.g. living conditions, non-refoulement principle)? YES/NO. If YES, please specify.</p> <p>N/A</p>
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			<p>9. What sources of information do you use in your EMN Member or Observer Country to assess the safety of the country of origin and safe third countries? (e.g., UNHCR, EUAA, etc.)?</p> <p>According to the national legislation (art. 2 bis Law decree n. 25/2008), the assessment of whether a non-EU state qualifies as a safe country of origin is based on information supplied by the National Commission for the Right of Asylum, which also relies on reports produced by its own Country of Origin Information (CoI) Documentation Centre. The assessment further draws on other sources, particularly those provided by other EU Member States, the EU Asylum Agency (EUAA), UNHCR, the Council of Europe and other competent international organizations.</p> <p>10. In your EMN Member State, have there been any relevant judicial decisions from 2020 until today regarding the application of the concepts of safe country of origin and safe third country? If YES, please provide a summary of the decisions and the link.</p> <p>Over the past year, the Supreme Court of Cassation has issued several important rulings on the application of the safe country of origin concept. Judgment of 29 April 2024, No. 11399, United Sections of the Court of Cassation. Under the ordinary procedure, lodging an appeal automatically suspends the effect of the rejection of the international protection application. The Court ruled that the automatic suspensive effect of an appeal is excluded only where the Territorial Commission has duly applied the accelerated examination procedure in full compliance with procedural rules and deadlines. Otherwise, if the procedural steps of accelerated examination procedure have not been properly observed, the ordinary procedure applies, and the general principle of automatic suspension remains in force.</p>
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			<p>Judgment of 19 December 2024, No. 33398. The Court of Cassation held that the ordinary judge, when hearing an appeal in international protection cases involving an applicant from a country designated as “safe”, may assess—on the basis of institutional and qualified sources referred to in Article 37 of Directive 2013/32/EU—the legitimacy of such designation. The judge may also incidentally disapply the ministerial decree listing the safe countries of origin where the government’s designation is manifestly inconsistent with the qualification criteria set out in European or national law.</p> <p>Interlocutory order of 30 December 2024, Court of Cassation: The Court held that the judgment of the CJEU of 4 October 2024 (C-406/22) cannot be read as implicitly excluding the compatibility of personal exceptions with the notion of a safe country. It emphasized that personal exceptions entail a different level of objectivity compared to territorial exceptions and found that the wording 'generally and consistently' in Annex I of Directive 2013/32/EU does not require conditions of safety to be met equally and absolutely for all individuals. At the same time, while personal exceptions may in principle be compatible with the safe country of origin concept, they are not admissible in cases of constant, endemic, or widespread persecution, as this would undermine the requirement of 'generally.'</p> <p>The Court further reaffirmed that judges cannot replace the Government in its discretionary assessments. Nonetheless, they must verify, in extreme cases, whether the ministerial evaluation is unreasonable or manifestly arbitrary, or whether the designation has clearly ceased to reflect the actual situation, as evidenced, for instance, by clear and consistent reliable and up-to-date information sources on the applicant’s country of origin.</p> <p>11. Has your EMN Member or Observer Country identified any good practices in the application of safe country of origin and/or safe third country concepts? If your answer is YES, please</p>
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			<p>explain (e.g. how to deal with cases of vulnerabilities).</p> <p>In border procedures, Italy has prioritized the identification of international protection applicants in situations of vulnerability. While this practice is not directly linked to the concept of a safe country of origin, it may have important procedural implications: applicants considered as vulnerable are excluded from the accelerated procedure, whether they come from a safe country of origin or not. In this context, for instance, there are two projects, one promoted by IOM Italy to support vulnerable groups and minors at major disembarkation points, and one funded by AMIF in cooperation with UNHCR. https://italy.iom.int/it/assistenza-gruppi-vulnerabili-e-minori https://www.interno.gov.it/sites/default/files/2025-04/fami_21-27_-_invito_ad_hoc_unhcr_pubblicazione.pdf .</p> <p>12. In your EMN Member or Observer Country, are there any ongoing or planned strategies to adapt the current framework to align with the new Asylum Procedure Regulation? YES/NO. If your answer is YES, please specify which strategies are being implemented or considered (including their scope and timeline if available).</p> <p>In Italy, studies and analyses on these issues are currently being carried out, in order to assess possible measures to update the national legal framework. In this context, Italy is closely following the ongoing initiatives in the field, with particular regard to the adoption of a European list of safe countries of origin and to the proposal of reviewing the safe country concept, in full awareness of the nature of these matters.</p>
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			<p>13. [Only for EMN Observer Countries except Norway] Does your country apply the safe third country concept on a case-by-case assessment in alignment with Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If yes, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list.</p> <p>N/A.</p>
	<p>EMN NCP Latvia</p>	<p align="center">Yes</p>	<p>1. Does your EMN Member or Observer Country use a national list of safe countries of origin? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>No. We do not have a national list of safe countries of origin in Latvia.</p> <p>2. Does your country consider that certain regions within a "safe country of origin" or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>N/a</p> <p>3. If an applicant for international protection comes from a designated safe country of origin, which procedure do you apply for assessing their case (e.g. normal procedure, accelerated, border procedure; deadline for lodging an appeal)? Please explain.</p>

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			<p>N/a</p> <p>4. Does your EMN Member or Observer Country use a national list of safe third countries? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>No. We do not have a national list of safe third countries.</p> <p>5. Does your country consider that certain regions within a "safe third country " or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>N/a</p> <p>6. [Only for EMN Member Countries and Norway] Does your EMN Member Country apply the safe third country concept on a case-by-case assessment as stated in Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If YES, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list. If you are an Observer Country (except Norway), please answer question 13.</p> <p>Although we have the opportunity to apply the concept of safe third country on a case-by-case basis in accordance with the provisions of the Asylum Law, taking into consideration Latvia's geographical location and the neighbouring countries from which asylum seekers come to</p>
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			<p>Latvia (Russia, Belorussia) - we do not have such a practice.</p> <p>7. If your answer to Q4 and/or Q6 is YES, has your EMN Member State encountered difficulties in the practical application of the safe third country concept in the examination of international protection applications (e.g., issues related to the inadmissibility of international protection applications)? YES/NO. If YES, please describe them and indicate solutions adopted (if applicable).</p> <p>In practise during the previous decades the concept of safe third country had been applied only in few cases. Taking into consideration Latvia's geographical location and the neighbouring countries from which asylum seekers come to Latvia, the application of the concept has not been successful, as it has not been possible to meet the conditions set out in Article 38.par 2 letter a) of Directive 2013/32/EU.</p> <p>8. If the answer to Q4 and/or Q6 is YES, does your EMN Member State have any assurances/guarantees from the safe third country regarding the treatment of transferred individuals upon arrival (e.g. living conditions, non-refoulement principle)? YES/NO. If YES, please specify.</p> <p>No, taking into consideration Latvia's geographical location and the neighbouring countries from which asylum seekers come to Latvia, there were no real communication options.</p> <p>9. What sources of information do you use in your EMN Member or Observer Country to assess the safety of the country of origin and safe third countries? (e.g., UNHCR, EUAA, etc.)?</p>
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			<p>In order to assess the situation in third countries information of UNHCR, EUAA etc. was used.</p> <p>10. In your EMN Member State, have there been any relevant judicial decisions from 2020 until today regarding the application of the concepts of safe country of origin and safe third country? If YES, please provide a summary of the decisions and the link.</p> <p>Bangladesh, India, Pakistan may be considered as a safe countries of origin according to decisions of the Administrative District Court.</p> <p>11. Has your EMN Member or Observer Country identified any good practices in the application of safe country of origin and/or safe third country concepts? If your answer is YES, please explain (e.g. how to deal with cases of vulnerabilities).</p> <p>No.</p> <p>12. In your EMN Member or Observer Country, are there any ongoing or planned strategies to adapt the current framework to align with the new Asylum Procedure Regulation? YES/NO. If your answer is YES, please specify which strategies are being implemented or considered (including their scope and timeline if available).</p> <p>No, as far we have no national list of safe country of origin we hope that common list of safe country of origin will become a useful tool for streamlining the processing of asylum applications.</p>
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			<p>13. [Only for EMN Observer Countries except Norway] Does your country apply the safe third country concept on a case-by-case assessment in alignment with Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If yes, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list.</p> <p>N/a</p>
	<p>EMN NCP Lithuania</p>	<p align="center">Yes</p>	<p>1. Does your EMN Member or Observer Country use a national list of safe countries of origin? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>No</p> <p>2. Does your country consider that certain regions within a "safe country of origin" or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>N/A</p> <p>3. If an applicant for international protection comes from a designated safe country of origin, which procedure do you apply for assessing their case (e.g. normal procedure, accelerated, border procedure; deadline for lodging an appeal)? Please explain.</p>

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			<p>N/A</p> <p>4. Does your EMN Member or Observer Country use a national list of safe third countries? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>No</p> <p>5. Does your country consider that certain regions within a "safe third country " or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>N/A</p> <p>6. [Only for EMN Member Countries and Norway] Does your EMN Member Country apply the safe third country concept on a case-by-case assessment as stated in Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If YES, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list. If you are an Observer Country (except Norway), please answer question 13.</p> <p>Yes. The legislation provides for the possibility of applying the safe third country concept on a case-by-case basis. However, in practice no such cases have occurred.</p>
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			<p>7. If your answer to Q4 and/or Q6 is YES, has your EMN Member State encountered difficulties in the practical application of the safe third country concept in the examination of international protection applications (e.g., issues related to the inadmissibility of international protection applications)? YES/NO. If YES, please describe them and indicate solutions adopted (if applicable).</p> <p>N/A (no such cases in practice)</p> <p>8. If the answer to Q4 and/or Q6 is YES, does your EMN Member State have any assurances/guarantees from the safe third country regarding the treatment of transferred individuals upon arrival (e.g. living conditions, non-refoulement principle)? YES/NO. If YES, please specify.</p> <p>N/A (no such cases in practice)</p> <p>9. What sources of information do you use in your EMN Member or Observer Country to assess the safety of the country of origin and safe third countries? (e.g., UNHCR, EUAA, etc.)?</p> <p>In Lithuania, according to paragraph 7 of the Procedure for Granting and Withdrawing Asylum (Order of the Minister of the Interior No. 1V-131 of 24 February 2016), the Migration Department relies on accurate and up-to-date country of origin information obtained from multiple sources. These include Lithuanian diplomatic and consular representations, other EU Member States, the European Union Agency for Asylum (EUAA), the Office of the United Nations High Commissioner for Refugees (UNHCR), the Council of Europe, other international organizations, non-governmental organizations, media outlets, and other available sources.</p>
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			<p>10. In your EMN Member State, have there been any relevant judicial decisions from 2020 until today regarding the application of the concepts of safe country of origin and safe third country? If YES, please provide a summary of the decisions and the link.</p> <p>No</p> <p>11. Has your EMN Member or Observer Country identified any good practices in the application of safe country of origin and/or safe third country concepts? If your answer is YES, please explain (e.g. how to deal with cases of vulnerabilities).</p> <p>No</p> <p>12. In your EMN Member or Observer Country, are there any ongoing or planned strategies to adapt the current framework to align with the new Asylum Procedure Regulation? YES/NO. If your answer is YES, please specify which strategies are being implemented or considered (including their scope and timeline if available).</p> <p>No</p> <p>13. [Only for EMN Observer Countries except Norway] Does your country apply the safe third country concept on a case-by-case assessment in alignment with Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If yes, please explain how the case-by-case assessment is</p>
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			<p>conducted, especially which specific criteria are applied when there is a national safe third country list.</p>
	<p>EMN NCP Luxembourg</p>	<p align="center">Yes</p>	<p>1. Does your EMN Member or Observer Country use a national list of safe countries of origin? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>Yes. The national list of safe countries of origin is established and regularly updated by Grand-Ducal Regulation, based on Article 30(2) of the amended Law of 18 December 2015 on international protection and temporary protection. The decision to adopt or amend the list is taken by the Government in Council upon the proposal of the Minister in charge of Migration and Asylum (currently the Minister of Home Affairs). The list is published in the Official Journal of Luxembourg (http://legilux.public.lu/), ensuring legal transparency and accessibility.</p> <p>The list of the safe country of origin is established by Grand Ducal regulation (amended Grand Ducal regulation of 21 December 2007 establishing a list of safe countries of origin within the meaning of the amended Law of 18 December 2015 on international protection and temporary protection- Asylum Law).</p> <p>In accordance with article 30 (2) of the Asylum Law the Grand ducal regulation designates a country as a safe country of origin if it is established that there is generally and consistently no persecution within the meaning of the Geneva Convention, based on a range of information sources, including in particular information from other Member States, the EUAA, UNHCR, the Council of Europe, and other relevant international organisations.</p> <p>The following criteria shall be taken into consideration for designating a country as a safe</p>

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			<p>country of origin:</p> <ul style="list-style-type: none">a) the observance of the rights and freedoms provided for by the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, or the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;b) compliance with the principle of non-refoulement as provided for by the Geneva Convention;c) the existence of an effective remedy system against violations of these rights and freedoms. <p>A country is considered to be a safe country of origin when, on the basis of the legal situation, the application of the law in a democratic regime and the general political circumstances, it can be shown that generally and consistently, it has not resorted to persecution, torture, inhumane or degrading treatment or punishment, and there is no threat by reason of violence that may spread to people regardless of their personal situation in situations of international or internal armed conflict.</p> <p>The situation in third countries designated as safe countries of origin are regularly reviewed by the Minister, meaning that countries that no longer meet the criteria are removed from the list.</p> <p>2. Does your country consider that certain regions within a "safe country of origin" or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p>
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			<p>Yes, Luxembourg acknowledges that certain categories of individuals may still face risks of persecution or serious harm, even if they originate from a country designated as safe. For example, the national list of safe countries of origin considers Benin and Ghana to be safe only for male applicants.</p> <p>3. If an applicant for international protection comes from a designated safe country of origin, which procedure do you apply for assessing their case (e.g. normal procedure, accelerated, border procedure; deadline for lodging an appeal)? Please explain.</p> <p>In accordance with Article 27 (1) b) (as well as articles 21(1) a) and 30) of the Asylum Law, the applicant may be submitted to the accelerated procedure. According to article 27 (1) b) of the modified Law of 2015, the Minister may decide on the merits of the application for international under an accelerated procedure if the applicant is from a safe country of origin. If the accelerated procedure applies: the deadline of the accelerated decision is two months from the moment all necessary elements are available to conclude that the accelerated procedure is applicable in the specific case. However, the national legislation also provides for the possibility to extend the deadline where it is deemed "necessary to ensure an adequate and complete examination of the application of international protection". It must be emphasized that the mere fact that the applicant originates from a designated safe country of origin does not relieve the Minister of the obligation to conduct a comprehensive assessment of the substantive grounds of the claim ;against refusals of applications within an accelerated procedure, a remedy may be introduced before the Administrative Tribunal within 15 days. The Tribunal must rule within a month of the introduction of the appeal. The appeal procedures have suspensive effect. The Minister shall authorize the applicant to remain on the territory until the expiry of the time limits set for the appeal procedure, if he finds that this right has been exercised within the</p>
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			<p>prescribed period. If the President of the Chamber deems the remedy manifestly unfounded, the procedure concludes, and no further appeals are permitted. However, if the remedy is not considered manifestly unfounded, the case is referred to a three-judge panel of the Administrative Tribunal. Pleadings are conducted before this panel, which then issues a judgment. An appeal against this judgment is allowed. Furthermore, in cases where applicants originate from countries designated as safe, the burden of proof is slightly shifted toward the applicant; however, it remains a shared responsibility. This implies that while a case-by-case individual assessment is always conducted, the applicant is expected to present a more detailed and substantiated account of their claim.</p> <p>If the concept of a safe country of origin is deemed applicable to the case, the applicant is informed of this in the decision. The applicant retains the right to challenge the decision before the competent court, should they believe that the safe country designation should not apply in their particular circumstances.</p> <p>If the grounds submitted by the applicant are found to be sufficiently serious, the accelerated procedure will not be applied, and the application will instead be examined on its merits under the regular procedure.</p> <p>4. Does your EMN Member or Observer Country use a national list of safe third countries? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>In Luxembourg there is no fixed list of safe third countries in place; the concept is applied on a case-by-case basis.</p>
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			<p>However, Article 31 of the amended Law of 2015 replicates Article 38 of the EU Asylum procedure Directive and stipulates that the Minister may apply the safe third country concept only when he is satisfied that in the third country concerned the applicant will be treated in accordance with the following principles:</p> <p>the applicant has no reason to fear for his/her life or freedom on account of his/her race, religion, nationality, membership of a particular social group or political opinion; there is no risk of serious harm within the meaning of this Law; the principle of non-refoulement is respected in accordance with the Geneva Convention; the prohibition under international law of removal contrary to the prohibition of torture and cruel, inhuman or degrading treatment is respected; the possibility exists to apply for refugee status and, if granted, to benefit from protection in accordance with the Convention;</p> <p>(2) The application of the safe third country concept is subject to the following rules:</p> <p>connecting link must exist between the applicant and the third country concerned, on the basis of which it would be reasonable for the applicant to travel to that country; the Minister must be satisfied that the safe third country concept can be applied to a specific country or to a specific applicant. To this end, the Minister shall carry out a case-by-case examination of the safety of the country for an applicant; the applicant shall have the right to challenge the application of the safe third country concept on the grounds that the third country is not safe in his/her particular case. The applicant is furthermore entitled to contest the existence of a link between himself and the third country in accordance with point (a);</p> <p>(3) Where the Minister executes a decision based solely on the safe third country concept, he shall inform the applicant and provide them with a document informing the authorities of the third country, in the language of that country, that the application has not been examined on its merits.</p> <p>Where the above mentioned paragraph 3 of article 31 implies, and according to article 28 (2)</p>
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			<p>c) of the amended Asylum Law the Minister may take a decision of inadmissibility, without checking whether the conditions for granting international protection are met if a country which is not a Member State of the European Union is considered a safe third country for the applicant, meaning that the admissibility procedure applies.</p> <p>In that case, statements of the applicant (written observation) and documents provided by the applicant are taken into account, and the applicant undergoes an interview on admissibility, where they are informed about the possibility of the application being inadmissible. They are asked their point of view and are given the opportunity to explain for what reasons they applied for international protection in Luxembourg.</p> <p>A decision on inadmissibility counts as return decision. The decision on admissibility may be the subject of an appeal seeking annulment ("recours en annulation") before the Administrative Tribunal. The appeal must be introduced within 15 suspensive days from the date of notification. The Administrative Tribunal shall deliver its ruling within two months from the lodging of the appeal. No appeal can be lodged against the decision of the Administrative Tribunal.</p> <p>5. Does your country consider that certain regions within a "safe third country " or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>N/A (as there is no designated list of safe third countries).</p>
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			<p>6. [Only for EMN Member Countries and Norway] Does your EMN Member Country apply the safe third country concept on a case-by-case assessment as stated in Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If YES, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list. If you are an Observer Country (except Norway), please answer question 13.</p> <p>N/A à see answer to question 4 (there is no national safe third country list).</p> <p>7. If your answer to Q4 and/or Q6 is YES, has your EMN Member State encountered difficulties in the practical application of the safe third country concept in the examination of international protection applications (e.g., issues related to the inadmissibility of international protection applications)? YES/NO. If YES, please describe them and indicate solutions adopted (if applicable).</p> <p>The answers to both questions 4 and 6 are “no” or “not applicable,” as Luxembourg does not maintain a fixed national list of designated safe third countries. However, as noted above, Luxembourg may apply the safe third country concept on a case-by-case basis. In doing so, Luxembourg has occasionally encountered challenges in the practical implementation of this concept, particularly concerning the establishment of a sufficient connecting link between the applicant and the third country in question, which would justify the reasonableness of the applicant traveling to that country.</p> <p>8. If the answer to Q4 and/or Q6 is YES, does your EMN Member State have any assurances/guarantees from the safe third country regarding the treatment of transferred</p>
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			<p>individuals upon arrival (e.g. living conditions, non-refoulement principle)? YES/NO. If YES, please specify.</p> <p>The answers to both questions 4 and 6 are “no” or “not applicable,” as Luxembourg does not maintain a fixed national list of designated safe third countries. However, as noted above, Luxembourg may apply the safe third country concept on a case-by-case basis.</p> <p>According to Article 31 of the amended Asylum Law, the Minister may invoke the safe third country concept only if satisfied that the applicant will be treated in the third country in accordance with the principles outlined in that Article (see response to question 4). These principles include, among others, the principle of non-refoulement. The law does not explicitly require Luxembourg to obtain assurances or guarantees from the third country regarding the treatment of transferred individuals upon arrival. Nevertheless, the wording of Article 31—specifically, that “the Minister may apply the safe third country concept only when he is satisfied that in the third country concerned the applicant will be treated” appropriately—implies that the Minister must have a sufficient level of confidence regarding the treatment of the individual before making such a determination. However, the law does not specify the means by which the Minister should reach this conclusion.</p> <p>9. What sources of information do you use in your EMN Member or Observer Country to assess the safety of the country of origin and safe third countries? (e.g., UNHCR, EUAA, etc.)?</p> <p>See answer to Q.1.</p> <p>10. In your EMN Member State, have there been any relevant judicial decisions from 2020 until today regarding the application of the concepts of safe country of origin and safe third</p>
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			<p>country? If YES, please provide a summary of the decisions and the link.</p> <p>Yes. Firstly, concerning the safe country of origin concept, there is a judgment n° 46230C of 19 October 2021 of the Administrative Court (https://ja.public.lu/45001-50000/46230C.pdf) that states:</p> <p>“Furthermore, it should be noted that under Article 30 of the Law of 18 December 2015 on international protection and temporary protection, and the amended Grand-Ducal Regulation of 21 December 2007 establishing a list of safe countries of origin within the meaning of the aforementioned law, Senegal is considered a safe country of origin where there is generally and consistently no persecution within the meaning of the Geneva Convention. It should be noted that a country may be designated as a safe country of origin only when it is formally established that the State is democratic and governed by the rule of law, and that it respects human rights.”</p> <p>Furthermore, the administrative Tribunal stated in particular in a judgement n°52728 of 14 May 2025 (https://ja.public.lu/50001-55000/52728.pdf) that:</p> <p>“In view of the wording of Article 30, paragraph (1) of the Law of 18 December 2015, the fact that a Grand-Ducal regulation designates a country as safe is not, however, sufficient on its own to justify the use of an accelerated procedure. This is because the provision requires the Minister, notwithstanding that a country has been designated as a safe country of origin by Grand-Ducal regulation, to carry out an individual examination of each application for international protection before concluding that the applicants come from a safe country of origin. Furthermore, it is the Minister's responsibility to assess whether the applicants have submitted serious reasons to believe that, in their specific case, the country in question is not a safe country of origin, due to their personal circumstances and in light of the conditions required to qualify for international protection.”</p>
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			<p>Secondly, concerning the safe third country concept, the administrative Tribunal concluded in the judgment n°46189 of 28 July 2021 (https://ja.public.lu/45001-50000/46189.pdf) concerning a Syrian national born in Moldova, that :</p> <p>“ the fact that the applicant visited his grandparents in Moldova on two occasions for the birth of his two brothers, and that the applicant's mother holds Moldovan nationality, are not sufficient in themselves to establish a connection between the applicant and Moldova such that it would be reasonable for him to be sent to that country under Article 31(2)(a) of the Law of 18 December 2015. Consequently, the Minister was not in a position to validly conclude that such a connection exists. Therefore, the application for annulment brought against the ministerial decision declaring Mr. ...’s application for international protection inadmissible is to be considered well-founded, without the need to examine the other grounds raised by the applicant, as such examination would be superfluous”.</p> <p>Finally, the administrative Tribunal concluded in its judgment n°45865 of 7 April 2021 (https://ja.public.lu/45001-50000/45865.pdf) concerning a Syrian national married to a Moroccan national, that:</p> <p>“the documents in the administrative file do not support the conclusion that the child ... officially holds Moroccan nationality. It should further be noted in this regard that the determination of the nationality of a minor born to parents of different and foreign nationalities does not fall within the jurisdiction of the Administrative Tribunal. Thus, and thirdly, it must be observed that the applicant’s only link to Morocco lies in the nationality of his spouse, which is insufficient to establish the existence of a connection between Mr. ... and Morocco, such that it would be reasonable for him to be sent to that country pursuant to Article 31(2)(a) of the Law of 18 December 2015. Consequently, the Minister was not in a position to validly conclude that such a connection exists. Therefore, the application for annulment brought against the ministerial decision declaring Mr. ...’s application for international protection inadmissible is to be considered well-founded, without it being</p>
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			<p>necessary to rule on the other grounds raised by the applicant, as such examination would be superfluous”.</p> <p>11. Has your EMN Member or Observer Country identified any good practices in the application of safe country of origin and/or safe third country concepts? If your answer is YES, please explain (e.g. how to deal with cases of vulnerabilities).</p> <p>Identifying specific good practices in the application of the safe country of origin or safe third country concepts is difficult, as each application for international protection in Luxembourg is examined on an individual basis. The decision to apply these concepts depends on the specific circumstances of the applicant. Nevertheless, Luxembourg consistently tries to ensure procedural safeguards and the protection of vulnerable persons throughout the asylum process.</p> <p>While the designation of a country as safe creates a presumption of non-persecution, Luxembourg still conducts a thorough individual assessment. Applicants are given the opportunity to rebut this presumption by presenting personal circumstances or evidence that demonstrates a risk in their case of persecution or serious harm. This approach is particularly important for applicants belonging to vulnerable groups, such as victims of trafficking, unaccompanied minors, individuals with medical or psychological conditions, or those at risk due to their gender identity or sexual orientation.</p> <p>When a vulnerability is identified, procedural safeguards may be applied. These include the use of adapted interview techniques and more flexible timelines to accommodate the needs of the applicant, ensuring that their specific situation is adequately taken into account.</p>
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			<p>Furthermore, access to legal assistance is guaranteed in all procedures in Luxembourg, including those carried out under the accelerated procedure.</p> <p>12. In your EMN Member or Observer Country, are there any ongoing or planned strategies to adapt the current framework to align with the new Asylum Procedure Regulation? YES/NO. If your answer is YES, please specify which strategies are being implemented or considered (including their scope and timeline if available).</p> <p>The implementation of the New Pact on Migration and Asylum is currently in full progress. The authorities are still in the process of determining the most effective approach/practice. As such, this question cannot be answered at this time. However, the authorities are closely following the current negotiations at EU level.</p> <p>13. [Only for EMN Observer Countries except Norway] Does your country apply the safe third country concept on a case-by-case assessment in alignment with Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If yes, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list.</p> <p>N/A.</p>
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	<p>EMN NCP Netherlands</p>	<p align="center">Yes</p>	<p>1. Does your EMN Member or Observer Country use a national list of safe countries of origin? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>YES. The Netherlands uses a national list of safe countries of origin[1]. The Dutch government is however reconsidering the use of this list as a result of the recent CJEU Judgements (C 406/22 and joint cases C-758/24 C-759/24) and the list has not yet been adapted to the new situation.</p> <p>Procedure:</p> <p>The ministry of Asylum and Migration assesses whether a country is to be considered a safe country of origin. The selection of the countries of origin to be assessed depends on the situation and the number of applications for asylum. In the past, countries have been suggested by the Dutch parliament[2] as well as the Justice and Home Affairs Council[3]. The Office for Country Information and Language Analysis (OCILA, in Dutch: Team Onderzoek en Expertise Land en Taal, TOELT) reports on the situation in a country. OCILA is a unit of the Immigration and Naturalisation Service (Immigratie- en Naturalisatiedienst, IND). The reports of OCILA are peer reviewed by the Dutch Ministry of Foreign Affairs. Based on this report an assessment is made by the Directorate for Migration Policy and a proposed decision is made. The minister of Asylum and Migration then has to approve the proposed decision.[4] After the decision has been approved by the minister, the minister will inform the parliament on the decision. The decision will also be made public.</p> <p>The decision taken by the minister is considered a ministerial decree (ministriële regeling in Dutch). This type of legislation is classified as secondary legislation. By law[5], the minister has a delegated authority to take these kind of decisions. The parliament is informed, but does not have a formal role in the process. However, the parliament has the legal possibility to submit parliamentary questions to the minister, as they have on any act of the government.</p>
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			<p>Legislation:</p> <p>As earlier mentioned, the minister of Asylum and Migration is the responsible authority for determining whether a country is considered a safe country of origin.</p> <p>In order to consider a country of origin as 'safe', it needs to be considered whether based on the legal situation, the application of legal provisions in a democratic system and the general political circumstances, there is generally and in a sustainable matter no persecution nor torture or inhuman or degrading treatment or punishment, nor threats due to indiscriminate violence in the context of an international or internal armed conflict.[6]</p> <p>In assessing whether a country can be considered a safe country of origin, consideration is given, among other things, to the extent to which protection is provided against persecution or mistreatment through:</p> <p>The relevant laws and other regulations of the country concerned, and the manner in which they are applied; Compliance with the rights and freedoms enshrined in the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights (ICCPR) and the United Nations Convention Against Torture; Compliance with the principle of non-refoulement, in accordance with the 1951 Refugee Convention; The availability of a system of effective and legal remedies against violations of the aforementioned rights and freedoms.[7] The above mentioned criteria are derived from Annex 1 of the Directive and have been transposed into Dutch national law. Besides the use of the sources listed above, the official country specific reports of the Ministry of Foreign Affairs are also part of the assessment.</p> <p>The decision whether a country of origin can be considered safe will be reviewed every 2 years.[8]</p> <p>[1] Rijksoverheid, Welke landen staan op de lijst van veilige landen van herkomst? Rijksoverheid.nl, last accessed on 13-8-2025.</p> <p>[2] Rijksoverheid, Kamerstuk 19637, nr. 2113 Overheid.nl > Officiële bekendmakingen, last</p>
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			<p>accessed on 7-7-2025.</p> <p>[3] Rijksoverheid, https://zoek.officielebekendmakingen.nl/kst-19637-2027.html, last accessed on 7-7-2025.</p> <p>[4] Microsoft Word - AH edits Eindrapport_final_clean.docx, last accessed on 7-7-2025.</p> <p>[5] Article 3.105ba of the Aliens Decree [Vreemdelingenbesluit] 2000.</p> <p>[6] Article 3.37f, paragraph 1 of the Aliens Regulation 2000 [Voorschrift Vreemdelingen 2000]</p> <p>[7] Article 3.37f, paragraph 2 of the Aliens Regulation 2000 [Voorschrift Vreemdelingen 2000].</p> <p>[8] Judiciary Netherlands, ECLI:NL:RVS:2021:738, Raad van State, 202002809/1/V2, last accessed on 4-7-2025.</p> <p>2. Does your country consider that certain regions within a "safe country of origin" or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>NO. The exemption of specific regions or categories of people was considered a possibility before and was used as an instrument by the Dutch government. However, based on the recent cases C406/22, C-758/24 and C-759/24 of the European Court of Justice (ECJ), the Immigration and Naturalisation Service (IND) has altered its operational guidelines for situations in which the assessment of a safe country of origin contains regional difference or the exemption of specific groups of people.[1]</p> <p>In these situations, the IND cannot apply the accelerated procedure for applicants from safe countries of origin (see also Q3). Applicants originating from safe countries of origin with regional differences or where specific groups are exempted, will follow the normal asylum procedure.</p> <p>[1] IND, IB 2024/61 Arrest Hof van Justitie veilige landen van herkomst India en</p>
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			<p>Georgië, https://ind.pucoverheid.nl/doc/PUC_1346722_1/1/, last accessed 4-7-2025. IB 2025/35 Arrest Hof van Justitie veilige landen van herkomst uitzonderen van groepen, IB 2025/35 Arrest Hof van Justitie veilige landen van herkomst uitzonderen van groepen - Immigratie- en Naturalisatiedienst, last accessed on 5-8-2025.</p> <p>3. If an applicant for international protection comes from a designated safe country of origin, which procedure do you apply for assessing their case (e.g. normal procedure, accelerated, border procedure; deadline for lodging an appeal)? Please explain.</p> <p>When an asylum applicant comes from a designated safe country of origin, the accelerated asylum procedure applies.</p> <p>The examination and assessment of an application within the accelerated procedure takes place in an IND Application Centre, immediately following the registration/lodging procedures. Contrary to the normal asylum procedure, applicants channelled into the accelerated procedure are not entitled to the rest and preparation period (rust- en voorbereidingstijd, RVT), nor (generally) to the medical and psychological examination by the Forensic Medical Organisation Utrecht (Forensisch Medische Maatschappij Utrecht, FMMU).</p> <p>The accelerated procedure at the National Application Centre can be divided in the following steps:</p> <p>Day 0: the applicant applies for international or subsidiary protection at the National Application Centre. Day 1: the Screening Service for Asylum Seekers (Dienst Identificatie en Screening Asielzoekers, DISA) registers the applicant and verifies identification documents, if available. Day 2: Tuberculosis and a quick medical check Day 3: the Dutch Council for Refugees (Vluchtelingenwerk Nederland) will meet with the applicant and a lawyer will be appointed to the applicant. Day 4: the interview with the IND will take place on the identity, nationality, travel route and the reasons for applying asylum. Day 5: the IND will send a written intention</p>
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			<p>to reject the application. The applicant has the opportunity to submit in writing any further comments and clarifications. Day 6: The applicant sends their comments and clarifications to the IND as well as a written response to the intention to reject the application by the IND (zienswijze). Day 7: The IND shares the final decision with the applicant. NB: The day-to-day schedule of accelerated procedure at the border (including airports) slightly differs from the schedule at the National Application Centre due to reasons related to operational constraints. In case the IND concludes that the applicant can be eligible for international protection, the application will be channelled to the regular asylum procedure.</p> <p>Time-limits to take a decision: The Aliens Decree 2000 sets an 8 day time limit for the IND to make a decision, starting from the beginning of the asylum interview. When the time limit in the accelerated procedure is exceeded beyond these 8 days, the application is channelled for assessment in the regular procedure.</p> <p>Impact on appeals procedure: In case of a negative decision, the applicant can appeal to the court within one week. The court has four weeks to make a final decision.</p> <p>The accelerated procedure is not applicable to unaccompanied minors.[1] [1] IND, 'Werkinstructie WI 2024/8 Spoor 2', WI 2024/8 Spoor 2 - Immigratie- en Naturalisatiedienst, last accessed on 7-7-2025.</p> <p>4. Does your EMN Member or Observer Country use a national list of safe third countries? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>No, the Netherlands does not use a national list of safe third countries. In December 2017, the Council of State (Raad van State, RvS) issued several rulings in which it ruled that there is no need to establish a list of safe third countries, as exists for safe countries of origin.[1] [2] [3] Whether a country can be considered a safe third country for a</p>
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			<p>specific person can be assessed on a case-by-case basis.</p> <p>Although there is no list, for many countries a general assessment is made by the IND whether or not a country can be regarded as a safe third country in general. See the answer to question six for further information.</p> <p>[1] Raad van State, ECLI:NL:RVS:2017:3378, 13 december 2017, https://www.raadvanstate.nl/uitspraken/@109681/201606126-1-v2/</p> <p>[2] Raad van State, ECLI:NL:RVS:2017:3380, 13 december 2017, https://www.raadvanstate.nl/uitspraken/@109666/201703605-1-v1/</p> <p>[3] Raad van State, ECLI:NL:RVS:2017:3381, 13 december 2017, https://www.raadvanstate.nl/uitspraken/@109668/201704433-1-v1/</p> <p>5. Does your country consider that certain regions within a "safe third country " or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>In the Netherlands, the assessment of whether a country can be regarded as a safe third country is made on an individual basis, whenever relevant in an asylum case.[1] This assessment also takes into consideration if certain regions within a "safe third country" or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm.</p> <p>Some countries are regarded as safe third countries in general, this is laid down in a guideline. See the answer to question six for further information. Sometimes, in these guidelines extra attention is drawn to specific groups or regions, but the assessment whether the third country is safe for the person in question remains an individual one.</p>
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			<p>[1] IND, IB 2021/8 Beoordeling veilige derde landen in de asielprocedure – bewijslast en landeninformatie, https://ind.pucoverheid.nl/doc/PUC_1266335_1/</p> <p>6. [Only for EMN Member Countries and Norway] Does your EMN Member Country apply the safe third country concept on a case-by-case assessment as stated in Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If YES, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list. If you are an Observer Country (except Norway), please answer question 13.</p> <p>Yes, the Netherlands applies the safe country concept on a case-by-case assessment as stated in Article 38 par. 2 letter b) of Directive 2013/32/EU.</p> <p>The information needed to assess whether a third country can be considered safe is collected and provided by the Office for Country Information and Language Analysis (Team Onderzoek en Expertise Land en Taal, TOELT) of the IND. TOELT compiles a factsheet about relevant aspects of the safe third country assessment (such as the safety situation and access to asylum in the relevant country), based on a wide range of sources similar to those used for the assessment of a safe country of origin. See, for example, the most recent factsheets about Mexico[1], North Macedonia[2] and Jamaica[3] or an overview of the different factsheets.[4] Based on this factsheet, the IND and the Ministry of Asylum and Migration draw up a guideline for caseworkers.</p> <p>The assessment of whether a country can be considered a safe third country in general focuses on the following points: the possibility to apply for asylum in the third country concerned and, if refugee status is recognised, to receive protection in accordance with the 1951 Refugee Convention whether</p>
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			<p>forced returns to the country of origin of asylum seekers and recognised refugees happen in violation of the principle of non-refoulementthe treatment of asylum seekers and recognised refugees in the third country concernedIn a guideline about a specific third country, various conclusions are possible. Sometimes a country cannot be considered a safe third country at all, in other cases it is conceivable that a third country can be considered safe for certain groups of third country nationals (such as a specific nationality) because they receive preferential treatment in the national asylum procedure. In exceptional cases, if a third country has generally been considered not safe, there may still be reason to consider the country in question as a safe third country for the person concerned. In such a case, the caseworker can confer with policy advisors and legal experts of the IND. In that case, there must be concrete starting points that the third country national, despite general negative reporting about the third country in question, can receive a proper asylum procedure there, is protected against refoulement and that the third country can otherwise be considered a safe third country in his/her case.[5]</p> <p>See, for example, the most recent guidelines about Mexico[6], North Macedonia[7] and Jamaica[8] or an overview of the different guidelines.[9]</p> <p>[1] IND, Mexico: Informatie ter beoordeling van 'veilig derde land', https://puc.overheid.nl/ind/doc/PUC_1354040_1/1/</p> <p>[2] IND, Noord-Macedonië: Informatie ter beoordeling van 'veilig derde land', https://puc.overheid.nl/ind/doc/PUC_1349074_1/1/</p> <p>[3] IND, Jamaica: Informatie ter beoordeling van 'veilig derde land', https://puc.overheid.nl/ind/doc/PUC_1348392_1/1/</p> <p>[4] IND, Open data portal van de IND, https://puc.overheid.nl/ind/rapport/srt/landenrapport/p/1/s/datumdocument-wt_desc/</p> <p>[5] IND, IB 2021/8 Beoordeling veilige derde landen in de asielpcedure – bewijslast en landeninformatie, https://ind.pucoverheid.nl/doc/PUC_1266335_1/</p>
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			<p>[6] IND, IB 2024/84 Beoordeling veilig derde land Mexico, https://puc.overheid.nl/ind/doc/PUC_1354102_1/1/</p> <p>[7] IND, IB 2024/73 Beoordeling veilig derde land – Noord-Macedonië, https://puc.overheid.nl/ind/doc/PUC_1349100_1/1/</p> <p>[8] IND, IB 2024/70 Beoordeling veilig derde land – Jamaica, https://puc.overheid.nl/ind/doc/PUC_1348450_1/1/</p> <p>[9] IND, Open data portal van de IND, https://puc.overheid.nl/ind/zoeken/resultaat/PUC_1348450_1/1/q/veilig-wt_derde-wt_land/s/relevantie-wt_desc/inf/informatie_voor_uitvoering/p/1/</p> <p>7. If your answer to Q4 and/or Q6 is YES, has your EMN Member State encountered difficulties in the practical application of the safe third country concept in the examination of international protection applications (e.g., issues related to the inadmissibility of international protection applications)? YES/NO. If YES, please describe them and indicate solutions adopted (if applicable).</p> <p>Yes, in practice (legal) admission to the third country that is deemed safe, is an obstacle to the application of the concept of safe third country.</p> <p>8. If the answer to Q4 and/or Q6 is YES, does your EMN Member State have any assurances/guarantees from the safe third country regarding the treatment of transferred individuals upon arrival (e.g. living conditions, non-refoulement principle)? YES/NO. If YES, please specify.</p> <p>No, as a general rule, no individual assurances are requested in cases in which the safe third</p>
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			<p>country concept can be applied.</p> <p>9. What sources of information do you use in your EMN Member or Observer Country to assess the safety of the country of origin and safe third countries? (e.g., UNHCR, EUAA, etc.)?</p> <p>In the Netherlands, a wide range of sources is used to assess the safety of a countries of origin and safe third countries. See below, for a non-exhaustive list of sources.</p> <p>Indices:</p> <p>Freedom House: Freedom in the World index Reporters without borders (RSF): World Press freedom index World Justice Project: Rule of Law Index ILGA-Europe: Rainbow Europe-index Other sources that publish their own reports (European sources ahead of USA sources): European Commission European Union Agency for Asylum (EUAA) The Council of Europe US State department, country report on human rights practices US State department, international religious freedom report Amnesty International Human Rights Watch Organisation for Security and Co-operation in Europe (OSCE) Inter-American Commission on Human Rights (IACHR) United Nations High Commissioner for Refugees (UNHCR) Office of the High Commissioner for Human Rights (OHCHR) International Lesbian, Gay, Bisexual, Trans, and Intersex Association (ILGA World) Portals with sources from third parties: EUAA country of origin portal Refworld.org Ecoi.net</p> <p>10. In your EMN Member State, have there been any relevant judicial decisions from 2020 until today regarding the application of the concepts of safe country of origin and safe third country? If YES, please provide a summary of the decisions and the link.</p> <p>On January 20 2021, the Council of State (Raad van State, RvS) issued a ruling concerning</p>
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			<p>the reasonableness test when asserting a safe third country.[1]</p> <p>In the case of a third country national (TCN) whose family members resided in the Netherlands, the RvS ruled that, while it is not relevant in proceedings in which a safe third country is asserted whether the TCN claims a right of residence based on family life, this does not mean that every circumstance relating to family life may be disregarded. The scope of the reasonableness test includes a duty to properly substantiate that it is reasonable to expect a TCN to travel to a safe third country and apply for asylum there, taking into account all individual circumstances relevant to assessing the ties a TCN has with the alleged safe third country. In this case, this also includes the circumstance that the TCN's family is no longer present in the third country but in the Netherlands. The fact that this circumstance is also related to the importance of practising family life in the Netherlands is insufficient to disregard it entirely under the reasonableness test.</p> <p>[1] Raad van State, ECLI:NL:RVS:2021:122, https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:RVS:2021:122</p> <p>11. Has your EMN Member or Observer Country identified any good practices in the application of safe country of origin and/or safe third country concepts? If your answer is YES, please explain (e.g. how to deal with cases of vulnerabilities).</p> <p>NO. No good practices have been identified in the application of safe country of origin and safe third country concepts.</p> <p>12. In your EMN Member or Observer Country, are there any ongoing or planned strategies to adapt the current framework to align with the new Asylum Procedure Regulation? YES/NO. If</p>
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			<p>your answer is YES, please specify which strategies are being implemented or considered (including their scope and timeline if available).</p> <p>NO. As of this moment, there are no ongoing or planned strategies to adapt the current framework to align with the new Asylum Procedure Regulation.</p> <p>13. [Only for EMN Observer Countries except Norway] Does your country apply the safe third country concept on a case-by-case assessment in alignment with Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If yes, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list.</p>
	<p>EMN NCP Poland</p>	<p>Yes</p>	<p>1. Does your EMN Member or Observer Country use a national list of safe countries of origin? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>NO</p> <p>2. Does your country consider that certain regions within a "safe country of origin" or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>NO</p>

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			<p>3. If an applicant for international protection comes from a designated safe country of origin, which procedure do you apply for assessing their case (e.g. normal procedure, accelerated, border procedure; deadline for lodging an appeal)? Please explain.</p> <p>N/A</p> <p>4. Does your EMN Member or Observer Country use a national list of safe third countries? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>NO</p> <p>5. Does your country consider that certain regions within a "safe third country " or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>NO</p> <p>6. [Only for EMN Member Countries and Norway] Does your EMN Member Country apply the safe third country concept on a case-by-case assessment as stated in Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If YES, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list. If you are an Observer Country (except Norway), please answer question 13.</p>
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			NO
			7. If your answer to Q4 and/or Q6 is YES, has your EMN Member State encountered difficulties in the practical application of the safe third country concept in the examination of international protection applications (e.g., issues related to the inadmissibility of international protection applications)? YES/NO. If YES, please describe them and indicate solutions adopted (if applicable).
			N/A
			8. If the answer to Q4 and/or Q6 is YES, does your EMN Member State have any assurances/guarantees from the safe third country regarding the treatment of transferred individuals upon arrival (e.g. living conditions, non-refoulement principle)? YES/NO. If YES, please specify.
			N/A
			9. What sources of information do you use in your EMN Member or Observer Country to assess the safety of the country of origin and safe third countries? (e.g., UNHCR, EUAA, etc.)?
			N/A

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			<p>10. In your EMN Member State, have there been any relevant judicial decisions from 2020 until today regarding the application of the concepts of safe country of origin and safe third country? If YES, please provide a summary of the decisions and the link.</p> <p>NO</p> <p>11. Has your EMN Member or Observer Country identified any good practices in the application of safe country of origin and/or safe third country concepts? If your answer is YES, please explain (e.g. how to deal with cases of vulnerabilities).</p> <p>NO</p> <p>12. In your EMN Member or Observer Country, are there any ongoing or planned strategies to adapt the current framework to align with the new Asylum Procedure Regulation? YES/NO. If your answer is YES, please specify which strategies are being implemented or considered (including their scope and timeline if available).</p> <p>It is the subject of analysis, however the results of the negotiations on the EU list of safe countries of origin and the revision of the concept of safe third countries are important for us with regard to the application of these concepts based on APR.</p> <p>13. [Only for EMN Observer Countries except Norway] Does your country apply the safe third country concept on a case-by-case assessment in alignment with Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If yes, please explain how the case-by-case assessment is</p>
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			<p>conducted, especially which specific criteria are applied when there is a national safe third country list.</p> <p>NO</p>
	<p>EMN NCP Portugal</p>	<p align="center">Yes</p>	<p>1. Does your EMN Member or Observer Country use a national list of safe countries of origin? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>No. Portuguese asylum law contains a definition of "safe country of origin" in accordance with Article 36 of Directive 2013/32/EU, but the law does not regulate its application in more detail. The concept of safe country of origin is only one of the grounds for applying the accelerated procedure.</p> <p>Authorities have never passed legislation allowing for the designation of safe</p> <p>2. Does your country consider that certain regions within a "safe country of origin" or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>YES, Portugal does consider that certain individuals or groups may still face risks of persecution or serious harm, even if they originate from a country generally considered safe. In Portugal, the use of the "safe country of origin" concept is preceded by a concrete and individualized assessment of the applicant's situation. This means that even if a country is</p>

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			<p>broadly considered safe for the general population, the designation will not be applied if, in the specific case of the applicant, it is clear that such a classification would not be appropriate. For example, ethnic minorities, LGBTQ+ individuals.</p> <p>Portugal has not adopted a national list of safe countries of origin, and the concept is not systematically used to reject asylum applications or channel them into accelerated procedures. This reflects Portugal's commitment to individual rights and procedural fairness, ensuring that each case is assessed on its own merits.</p> <p>3. If an applicant for international protection comes from a designated safe country of origin, which procedure do you apply for assessing their case (e.g. normal procedure, accelerated, border procedure; deadline for lodging an appeal)? Please explain.</p> <p>The Portuguese Asylum Act allows for the use of the "safe country of origin" concept as one of the grounds for applying an accelerated procedure. However, in practice, this designation is not applied automatically. The concept of a "safe country of origin" is only considered after a careful and individualized assessment of the applicant's personal circumstances. Therefore, even if the applicant comes from a country generally regarded as safe, the asylum application proceeds under the normal procedure unless the specific situation of the applicant justifies otherwise.</p> <p>4. Does your EMN Member or Observer Country use a national list of safe third countries? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p>
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			<p>No. Portuguese legislation only defines the concept of a "safe third country," but it does not establish a list of designated countries, so each case is assessed individually.</p> <p>5. Does your country consider that certain regions within a "safe third country " or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>In Portugal, there is no national list of safe third countries; and when the concept is applied, the assessment is made on a case-by-case basis. Therefore, the presumption of safety is always contestable. So, in principle, yes: Portugal acknowledges that certain people may be at risk even in a country considered "safe," and the assessment must carefully consider whether minority groups, LGBTQI+ people, women, or other vulnerable categories face persecution or serious harm.</p> <p>However, no formal exceptions have been introduced since 2020. Case law shows that when the concept is challenged, courts analyse the individual situation. For example, in 2018 the Southern Central Administrative Court concluded that a mere 28-day transit did not establish a sufficient connection to consider a third country safe, and in 2021 it examined the case of a transgender woman from Honduras and ultimately upheld the presumption of safety in the United States, although the decision was criticised. These decisions illustrate that vulnerability or lack of connection can lead to the concept not being applied. Nevertheless, as of August 2025, there have been no legislative changes or specific exclusion lists.</p>
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			<p>6. [Only for EMN Member Countries and Norway] Does your EMN Member Country apply the safe third country concept on a case-by-case assessment as stated in Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If YES, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list. If you are an Observer Country (except Norway), please answer question 13.</p> <p>YES, Portugal applies the safe third country concept based on a case-by-case assessment, in line with Article 38(2)(b) of Directive 2013/32/EU. Portugal's Asylum Act incorporates the definition of a "safe third country" as outlined in Article 2(1)(r) and applies it as a ground for inadmissibility under Article 19(1)(f). As stated previously, Portugal doesn't have a national safe third country list, the concept is not applied automatically and must be preceded by an individualized evaluation of the applicant's situation.</p> <p>When assessing a case, Portugal has key elements that need to be met to apply the safe third country concept:</p> <p>It must be a country in which the asylum seeker has stayed or transited before arriving in Portugal;</p> <p>It must be a country in which the asylum seeker is not subject to threats to his or her life and freedom, where the principle of non-refoulement and the right not to be subjected to torture or cruel, inhuman, or degrading treatment are respected, and where he or she may apply for refugee status and, if granted, receive protection under the Geneva Convention;</p> <p>Connection requirement: there must be a meaningful connection between the applicant and the third country that justifies the assumption that they could reasonably seek protection there;</p> <p>Individual assessment, in accordance with international law, of the safety of the third country in question for a given applicant, which, at a minimum, authorizes the applicant to challenge the application of the safe third country concept on the grounds that he or she would be subjected to torture or cruel, inhuman, or degrading treatment or punishment;</p>
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			<p>If the third country does not authorize entry, the applicant must be granted access to the Portuguese asylum procedure.</p> <p>7. If your answer to Q4 and/or Q6 is YES, has your EMN Member State encountered difficulties in the practical application of the safe third country concept in the examination of international protection applications (e.g., issues related to the inadmissibility of international protection applications)? YES/NO. If YES, please describe them and indicate solutions adopted (if applicable).</p> <p>NO.</p> <p>8. If the answer to Q4 and/or Q6 is YES, does your EMN Member State have any assurances/guarantees from the safe third country regarding the treatment of transferred individuals upon arrival (e.g. living conditions, non-refoulement principle)? YES/NO. If YES, please specify.</p> <p>YES, Portugal does seek assurances regarding the treatment of transferred individuals when applying the safe third country concept. When AIMA considers applying this concept, it conducts a case-by-case verification to ensure that the third country:</p> <ul style="list-style-type: none">Allows the applicant to request asylum and receive protection in accordance with the 1951 Geneva Convention;Respects the principle of non-refoulement;Guarantees protection against torture or cruel, inhuman, or degrading treatment or punishment;
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			<p>Portugal does not rely on formal bilateral agreements for these assurances but instead ensures that the third country meets the required standards through evidence-based analysis before deeming it safe.</p> <p>9. What sources of information do you use in your EMN Member or Observer Country to assess the safety of the country of origin and safe third countries? (e.g., UNHCR, EUAA, etc.)?</p> <p>The verification Portugal conducts is based on Country of Origin Information, using reliable sources such as the United Nations High Commissioner for Refugees (UNHCR), the European Union Agency for Asylum (EUAA) and international human rights organizations – such as Amnesty International and Human Rights Watch.</p> <p>10. In your EMN Member State, have there been any relevant judicial decisions from 2020 until today regarding the application of the concepts of safe country of origin and safe third country? If YES, please provide a summary of the decisions and the link.</p> <p>YES, Portugal has had relevant judicial decisions since 2020 concerning the application of the safe country of origin and safe third country concepts in asylum procedures. Summary of the Judgment – Case No. 2238/20.5BELSB[1] [1]https://www.dgsi.pt/jtca.nsf/170589492546a7fb802575c3004c6d7d/b427de385a4015a28025876e0041546c?openDocument&Highlight=0,asilo</p> <p>The applicant, a transgender woman from Honduras, challenged the decision of SEF (Foreigners and Borders Service) declaring her asylum application inadmissible, based on the application of the safe third country concept, with the United States of America identified as such.</p>
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			<p>She had left Honduras at the age of 16 due to persecution based on gender identity and lived irregularly in the United States for several years. She eventually left the USA because she was unable to apply for asylum or regularise her status, faced extreme poverty and feared discrimination and violence, particularly due to the risk of migration detention.</p> <p>The court upheld that the USA qualifies as a safe third country under Article 19(1)(d) and Article 2(1)(r) of the Asylum Law (Law No. 27/2008). It invoked the principle of mutual trust, similar to that applied among EU Member States, assuming that the USA respects fundamental rights.</p> <p>The court found that the applicant had a genuine connection to the USA, having lived, studied and worked there, and possessing personal, cultural, and linguistic ties. The fact that the applicant had lived irregularly in the USA was deemed irrelevant. The risk of deportation to Honduras was dismissed, with the court relying on the USA's obligations under the 1951 Geneva Convention, particularly the principle of non-refoulement.</p> <p>The court clarified that an inadmissibility decision does not require an assessment of the merits of the asylum claim, but only verification of the legal conditions for applying the safe third country concept.</p> <p>The court upheld the inadmissibility decision, confirming the application of the safe third country concept to the USA. It emphasized that Portuguese authorities are not required to anticipate the actions of USA authorities, relying instead on the presumption that the USA will respect fundamental rights.</p>
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			<p>11. Has your EMN Member or Observer Country identified any good practices in the application of safe country of origin and/or safe third country concepts? If your answer is YES, please explain (e.g. how to deal with cases of vulnerabilities).</p> <p>YES, Portugal has identified some good practices in the application of the safe country of origin and safe third country concepts, particularly in ensuring procedural safeguards and protecting vulnerable applicants. Portugal doesn't apply the safe third country concept automatically. Instead, we conduct a case-by-case assessment.</p> <p>The assessment is based on Country of Origin Information (COI) from trusted sources such as UNHCR, EUAA, International human rights organizations. This ensures that decisions are grounded in up-to-date and objective information. In practice, Portugal gives special attention to vulnerable applicants, particularly in cases involving unaccompanied minors, LGBTQ+ individuals, victims of trafficking and survivors of gender-based violence These factors are considered when determining whether a country is truly "safe" for a specific applicant.</p> <p>12. In your EMN Member or Observer Country, are there any ongoing or planned strategies to adapt the current framework to align with the new Asylum Procedure Regulation? YES/NO. If your answer is YES, please specify which strategies are being implemented or considered (including their scope and timeline if available).</p> <p>YES, Portugal is actively implementing strategies to adapt its national asylum framework to align with the new Asylum Procedure Regulation (APR), as part of its broader commitment to</p>
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			<p>the EU Pact on Migration and Asylum. Work is underway in what concerns legislative changes and institutional and procedural adjustments – and because of this work in progress, we are, at this moment, unable to offer more specific information regarding the scope or timeline of future reforms.</p> <p>13. [Only for EMN Observer Countries except Norway] Does your country apply the safe third country concept on a case-by-case assessment in alignment with Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If yes, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list.</p> <p>N/A.</p>
	<p>EMN NCP Serbia</p>	<p align="center">Yes</p>	<p>1. Does your EMN Member or Observer Country use a national list of safe countries of origin? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>NO</p> <p>Although the provisions of the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Serbia", No. 24/18) stipulate that the Government of the Republic of Serbia, upon the proposal of the ministry responsible for foreign affairs, taking into account the opinion of other competent authorities in the asylum system, shall adopt a Decision establishing the List of Safe Countries of Origin, the aforementioned decision has not been adopted so far.</p>

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			<p>2. Does your country consider that certain regions within a "safe country of origin" or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>YES</p> <p>In accordance with the provisions of the Law on Asylum and Temporary Protection, the competent authority of the Republic of Serbia in the asylum procedure assesses the fulfilment of the conditions for the application of the concept of a safe country of origin separately for each application individually, and a country listed on the List of Safe Countries of Origin can be considered a safe country of origin only if the asylum seeker is a citizen of that country or if he/she had habitual residence in that country, if the asylum seeker is a stateless applicant, and if the applicant has not credibly explained why that country cannot be considered a safe country of origin for him/her.</p> <p>In addition, the asylum seeker shall be timely informed of the application of the concept of safe country of origin, in order to enable him to challenge that application, taking into account his personal circumstances.</p> <p>Bearing in mind those provisions, the exception could be made in the cases of specific region in the country of origin or for specific categories.</p> <p>3. If an applicant for international protection comes from a designated safe country of origin, which procedure do you apply for assessing their case (e.g. normal procedure, accelerated, border procedure; deadline for lodging an appeal)? Please explain.</p>
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			<p>Law on Asylum and Temporary Protection stipulates that the competent authority in the Republic of Serbia shall decide on an asylum application in an accelerated procedure if it is determined that the concept of a safe country of origin can be applied, except when deciding on an asylum application submitted by an unaccompanied minor. However, as stated in the answer to question number 1, the Republic of Serbia has not established a List of Safe Countries of Origin, and accordingly, it applies the regular procedure in all cases in question.</p> <p>4. Does your EMN Member or Observer Country use a national list of safe third countries? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>No, the national legislation of the Republic of Serbia does not provide a List of Safe Third countries.</p> <p>5. Does your country consider that certain regions within a "safe third country " or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>According to the provisions of the Law on Asylum and Temporary Protection, a safe third country is defined as a country in which an asylum seeker is safe from persecution or the risk of suffering serious harm, where he enjoys the guarantees prescribed by the non-refoulement principle, and where he has access to an effective procedure for granting and enjoying protection in accordance with the 1951 Convention relating to the Status of Refugees. When determining the conditions for the fulfilment of the safe third country concept, the competent</p>
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			<p>authority of the Republic of Serbia shall consider each application individually, examining whether a country meets the prescribed conditions for a safe third country, as well as whether there is a connection between that country and the asylum seeker on the basis of which it could be reasonably expected that he could seek asylum in that country. On that occasion, the applicant shall be informed about the application of the safe third country concept, in order to allow him to challenge the facts relating to the safe third country, taking into account his personal circumstances.</p> <p>6. [Only for EMN Member Countries and Norway] Does your EMN Member Country apply the safe third country concept on a case-by-case assessment as stated in Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If YES, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list. If you are an Observer Country (except Norway), please answer question 13.</p> <p>/</p> <p>7. If your answer to Q4 and/or Q6 is YES, has your EMN Member State encountered difficulties in the practical application of the safe third country concept in the examination of international protection applications (e.g., issues related to the inadmissibility of international protection applications)? YES/NO. If YES, please describe them and indicate solutions adopted (if applicable).</p> <p>/</p>
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			<p>8. If the answer to Q4 and/or Q6 is YES, does your EMN Member State have any assurances/guarantees from the safe third country regarding the treatment of transferred individuals upon arrival (e.g. living conditions, non-refoulement principle)? YES/NO. If YES, please specify.</p> <p>/</p> <p>9. What sources of information do you use in your EMN Member or Observer Country to assess the safety of the country of origin and safe third countries? (e.g., UNHCR, EUAA, etc.)?</p> <p>When assessing whether a country can be considered a safe country of origin and a safe third country, the competent authority collects data from various authoritative sources, in particular from the EUAA, UNHCR, Council of Europe, as well as other relevant international organizations.</p> <p>10. In your EMN Member State, have there been any relevant judicial decisions from 2020 until today regarding the application of the concepts of safe country of origin and safe third country? If YES, please provide a summary of the decisions and the link.</p> <p>During the aforementioned period, the Republic of Serbia did not apply the concept of a safe country of origin, but rather decided on the merits of each specific case, given that it did not establish a List of Safe Countries of Origin, while it did not apply the concept of a safe third country due to the circumstances of the cases in question (no connection was established between that country and the applicant on the basis of which he could reasonably be expected to seek asylum there).</p>
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			<p>11. Has your EMN Member or Observer Country identified any good practices in the application of safe country of origin and/or safe third country concepts? If your answer is YES, please explain (e.g. how to deal with cases of vulnerabilities).</p> <p>No, for the reasons stated in the answer to question number 10.</p> <p>12. In your EMN Member or Observer Country, are there any ongoing or planned strategies to adapt the current framework to align with the new Asylum Procedure Regulation? YES/NO. If your answer is YES, please specify which strategies are being implemented or considered (including their scope and timeline if available).</p> <p>National Programme for the Adoption of the European Union Acquis (NPAA) 2025-2027 plans to adopt the new Law on Asylum and Temporary Protection in the second quarter of 2026. Given that the Republic of Serbia is a candidate country for membership in the European Union, it is not able to directly implement European Union regulations, but the text of the new law will be largely aligned with European Union regulations governing the aforementioned area, including, among others, the Regulation on the Asylum Procedure, which is one of the keys for implementing the procedure.</p> <p>13. [Only for EMN Observer Countries except Norway] Does your country apply the safe third country concept on a case-by-case assessment in alignment with Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If yes, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list.</p>
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			<p>When determining the conditions for the application of the concept of a safe third country, the competent authority of the Republic of Serbia acts in accordance with Article 38, paragraph 2, point b) of Directive 2013/32/EU, i.e. considers each application individually, assessing whether a country meets the prescribed conditions for a safe third country, as well as whether there is a connection between that country and the asylum seeker on the basis of which it can be reasonably expected that he or she will seek asylum there, given that the national legislation of the Republic of Serbia does not provide for the establishment of a List of Safe Third Countries. When assessing each application individually, the competent authority of the Republic of Serbia considers all relevant facts, evidence and circumstances, current reports and the applicant's statement.</p>
	<p>EMN NCP Slovakia</p>	<p align="center">Yes</p>	<p>1. Does your EMN Member or Observer Country use a national list of safe countries of origin? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>Yes. The list of safe countries of origin was issued by the Government of the Slovak Republic by its regulation (Government Regulation No. 288/2004). In the first stage of the drafting of the regulation, the opinion and information provided by the Ministry of Foreign Affairs of the Slovak Republic were also used.</p> <p>2. Does your country consider that certain regions within a "safe country of origin" or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p>

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			<p>Yes. It is not regulated directly in the aforementioned government regulation, but such a procedure is based on Act No. 480/2002 Coll. on Asylum and following the individual assessment of the asylum application. The application is rejected as manifestly unfounded if the applicant comes from a safe country of origin; This is not the case if, in his case, that country cannot be considered a safe country of origin (Article 12, par.1, letter b) of the Act on Asylum).</p> <p>3. If an applicant for international protection comes from a designated safe country of origin, which procedure do you apply for assessing their case (e.g. normal procedure, accelerated, border procedure; deadline for lodging an appeal)? Please explain.</p> <p>This is an accelerated asylum procedure in which a decision is made to reject an application as manifestly unfounded within 60 days of the asylum application being submitted. The time limit for lodging an appeal in such a case is also shorter, i.e. 20 days (instead of the standard 30 days).</p> <p>4. Does your EMN Member or Observer Country use a national list of safe third countries? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>No.</p> <p>5. Does your country consider that certain regions within a "safe third country " or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of</p>
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			<p>persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>NA</p> <p>6. [Only for EMN Member Countries and Norway] Does your EMN Member Country apply the safe third country concept on a case-by-case assessment as stated in Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If YES, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list. If you are an Observer Country (except Norway), please answer question 13.</p> <p>No.</p> <p>7. If your answer to Q4 and/or Q6 is YES, has your EMN Member State encountered difficulties in the practical application of the safe third country concept in the examination of international protection applications (e.g., issues related to the inadmissibility of international protection applications)? YES/NO. If YES, please describe them and indicate solutions adopted (if applicable).</p> <p>NA</p> <p>8. If the answer to Q4 and/or Q6 is YES, does your EMN Member State have any assurances/guarantees from the safe third country regarding the treatment of transferred individuals upon arrival (e.g. living conditions, non-refoulement principle)? YES/NO. If YES,</p>
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			<p>please specify.</p> <p>NA</p> <p>9. What sources of information do you use in your EMN Member or Observer Country to assess the safety of the country of origin and safe third countries? (e.g., UNHCR, EUAA, etc.)?</p> <p>The Slovak Republic does not change the list of safe countries of origin on a regular basis – the last change was made in 2004. Given the capacity of individual institutions, the Slovak Republic would welcome a common EU list of safe countries of origin.</p> <p>The asylum cases of asylum applicants in the Slovak Republic are assessed at an individual level on a case by case basis.</p> <p>10. In your EMN Member State, have there been any relevant judicial decisions from 2020 until today regarding the application of the concepts of safe country of origin and safe third country? If YES, please provide a summary of the decisions and the link.</p> <p>No.</p> <p>11. Has your EMN Member or Observer Country identified any good practices in the application of safe country of origin and/or safe third country concepts? If your answer is YES, please explain (e.g. how to deal with cases of vulnerabilities).</p> <p>Following the low number of relevant cases, the Slovak Republic is not able to provide</p>
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			<p>examples of good practice.</p> <p>12. In your EMN Member or Observer Country, are there any ongoing or planned strategies to adapt the current framework to align with the new Asylum Procedure Regulation? YES/NO. If your answer is YES, please specify which strategies are being implemented or considered (including their scope and timeline if available).</p> <p>The Slovak Republic has no plans in this area at the moment. However, the Slovak Republic would welcome a common list of safe countries of origin at EU level.</p> <p>13. [Only for EMN Observer Countries except Norway] Does your country apply the safe third country concept on a case-by-case assessment in alignment with Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If yes, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list.</p> <p>NA</p>
	<p>EMN NCP Slovenia</p>	<p>Yes</p>	<p>1. Does your EMN Member or Observer Country use a national list of safe countries of origin? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>Yes. The list is adopted in the form of a decree. The Ministry of the Interior prepares the draft and coordinates it with the relevant ministries. The decree is then adopted by the government</p>

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			<p>and published in the Official Gazette.</p> <p>2. Does your country consider that certain regions within a "safe country of origin" or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>No.</p> <p>3. If an applicant for international protection comes from a designated safe country of origin, which procedure do you apply for assessing their case (e.g. normal procedure, accelerated, border procedure; deadline for lodging an appeal)? Please explain.</p> <p>Generally, their application is rejected as manifestly unfounded in an accelerated procedure, however in some cases even applicants from safe countries of origin are assessed as part of the regular procedure, depending on a case-by-case basis.</p> <p>4. Does your EMN Member or Observer Country use a national list of safe third countries? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>No.</p>
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			<p>5. Does your country consider that certain regions within a "safe third country " or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>No. However, such exceptions may arise in practice. It is therefore not impossible for a person from such a country to be granted status, but this is, of course, extremely rare.</p> <p>6. [Only for EMN Member Countries and Norway] Does your EMN Member Country apply the safe third country concept on a case-by-case assessment as stated in Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If YES, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list. If you are an Observer Country (except Norway), please answer question 13.</p> <p>Yes. According to Article 55 of the national asylum law, the applicant can present facts and evidence demonstrating that the designated safe third country is not safe for them personally and that they could not seek international protection there for justified reasons. The competent authority then assesses these individual circumstances before deciding whether the safe third country concept applies. If it is established that the country is safe for the applicant, the application is declared inadmissible.</p> <p>7. If your answer to Q4 and/or Q6 is YES, has your EMN Member State encountered difficulties in the practical application of the safe third country concept in the examination of international protection applications (e.g., issues related to the inadmissibility of international protection applications)? YES/NO. If YES, please describe them and indicate solutions adopted (if</p>
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			<p>applicable).</p> <p>N/A</p> <p>8. If the answer to Q4 and/or Q6 is YES, does your EMN Member State have any assurances/guarantees from the safe third country regarding the treatment of transferred individuals upon arrival (e.g. living conditions, non-refoulement principle)? YES/NO. If YES, please specify.</p> <p>No.</p> <p>9. What sources of information do you use in your EMN Member or Observer Country to assess the safety of the country of origin and safe third countries? (e.g., UNHCR, EUAA, etc.)?</p> <p>Bertelsmann Stiftung, CIA (Central Intelligence Agency), COE (Council of Europe, Parliamentary Assembly), EC (European Commission),EUAA, USDOS, AI (Amnesty International), HRW (Human Rights Watch),OHCHR (Office of the United Nations High Commissioner for Human Rights), RSF (Reporters without Borders), UN Human Rights Council, UNHCR, Australia DFAT (Department of Foreign Affairs and Trade), Civicus, Cornell Law School, ICG (International Crisis Group), ECHR (European Court of Human Rights), MRG (Minority Rights Group), Freedom House, EEAS (European External Action Service), ILGA (The International Lesbian and Gay Association), n, ICNL (International Center for Not-for-Profit Law),CRS (US Congressional Research Service), BAMF (Bundesamt für Migration und Flüchtlinge), IWPR (The Institute for War & Peace Reporting),Netherlands Ministry of Foreign Affairs, as well as multiple other reliable foreign and domestic media providers (BBC, Deutsche</p>
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			<p>Welle, Rtv slo, Delo, STA (Slovenian Press Agency), Al Jazeera, RFE/RL (Radio Free Europe/Radio Liberty).</p> <p>10. In your EMN Member State, have there been any relevant judicial decisions from 2020 until today regarding the application of the concepts of safe country of origin and safe third country? If YES, please provide a summary of the decisions and the link.</p> <p>Even if that country is considered "safe," authorities must assess and prevent removal if there is a real risk of inhuman or degrading treatment, in line with EU fundamental rights and return directive standards (Administrative Court ruling I U 1490/2019-92 https://pisrs.si/sodnaPraksa?idECLI=ECLI:SI:UPRS:2020:I.U.1490.2019.92 link in slovenian).</p> <p>The answer to the question raised is therefore that, in the process of deciding on an application for international protection (prior to the decision), the administrative authority is obliged to inform applicants that the country from which they come is a safe country of origin. Only in this way will the applicant be guaranteed the procedural status of a party to the proceedings. Such notification prior to the issuance of a decision ensures compliance with the principle of hearing the parties, thereby giving the applicant the opportunity to challenge the presumption of a safe country of origin. On the other hand, the administrative authority is not obliged to confront the applicant with the information on the basis of which the Government of the Republic of Slovenia has declared a particular country to be a safe country of origin by means of a Decree establishing a list of safe countries of origin.</p> <p>Supreme Court ruling X Ips 9/2020 (https://www.sodnapraksa.si/?q=id:2015081111443626&database[SOVS]=SOVS&_submit=i%C5%A1%C4%8Di&rowsPerPage=20&page=0&id=2015081111443626 link in Slovenian).</p>
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			<p>11. Has your EMN Member or Observer Country identified any good practices in the application of safe country of origin and/or safe third country concepts? If your answer is YES, please explain (e.g. how to deal with cases of vulnerabilities).</p> <p>Yes. Procedures in cases where the concept of a safe country of origin is applied are very quick, both administratively and judicially.</p> <p>12. In your EMN Member or Observer Country, are there any ongoing or planned strategies to adapt the current framework to align with the new Asylum Procedure Regulation? YES/NO. If your answer is YES, please specify which strategies are being implemented or considered (including their scope and timeline if available).</p> <p>No.</p> <p>13. [Only for EMN Observer Countries except Norway] Does your country apply the safe third country concept on a case-by-case assessment in alignment with Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If yes, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list.</p> <p>N/A</p>
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	<p>EMN NCP Spain</p>	<p align="center">Yes</p>	<p>1. Does your EMN Member or Observer Country use a national list of safe countries of origin? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>NO.</p> <p>2. Does your country consider that certain regions within a "safe country of origin" or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>3. If an applicant for international protection comes from a designated safe country of origin, which procedure do you apply for assessing their case (e.g. normal procedure, accelerated, border procedure; deadline for lodging an appeal)? Please explain.</p> <p>4. Does your EMN Member or Observer Country use a national list of safe third countries? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>NO.</p>
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			<p>5. Does your country consider that certain regions within a "safe third country " or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>6. [Only for EMN Member Countries and Norway] Does your EMN Member Country apply the safe third country concept on a case-by-case assessment as stated in Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If YES, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list. If you are an Observer Country (except Norway), please answer question 13.</p> <p>NO.</p> <p>7. If your answer to Q4 and/or Q6 is YES, has your EMN Member State encountered difficulties in the practical application of the safe third country concept in the examination of international protection applications (e.g., issues related to the inadmissibility of international protection applications)? YES/NO. If YES, please describe them and indicate solutions adopted (if applicable).</p> <p>8. If the answer to Q4 and/or Q6 is YES, does your EMN Member State have any assurances/guarantees from the safe third country regarding the treatment of transferred individuals upon arrival (e.g. living conditions, non-refoulement principle)? YES/NO. If YES, please specify.</p>
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			<p>9. What sources of information do you use in your EMN Member or Observer Country to assess the safety of the country of origin and safe third countries? (e.g., UNHCR, EUAA, etc.)?</p> <p>10. In your EMN Member State, have there been any relevant judicial decisions from 2020 until today regarding the application of the concepts of safe country of origin and safe third country? If YES, please provide a summary of the decisions and the link.</p> <p>11. Has your EMN Member or Observer Country identified any good practices in the application of safe country of origin and/or safe third country concepts? If your answer is YES, please explain (e.g. how to deal with cases of vulnerabilities).</p> <p>12. In your EMN Member or Observer Country, are there any ongoing or planned strategies to adapt the current framework to align with the new Asylum Procedure Regulation? YES/NO. If your answer is YES, please specify which strategies are being implemented or considered (including their scope and timeline if available).</p> <p>YES. We are in the process of drafting a new asylum law and its implementing regulation, to be adopted by the Spanish Parliament before June 2026, when the Pact enters into force.</p> <p>13. [Only for EMN Observer Countries except Norway] Does your country apply the safe third country concept on a case-by-case assessment in alignment with Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If yes, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third</p>
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			country list.
	EMN NCP Sweden	Yes	<p>1. Does your EMN Member or Observer Country use a national list of safe countries of origin? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>Yes. Chapter 1, section 6 a of the Swedish Aliens Act (Utlänningslagen) provides for a short definition of the criteria for determining a country as a safe country of origin. This provision also gives the Swedish government, or an administrative authority appointed by the government, authority to adopt a list of safe countries of origin that fulfil these criteria. The Aliens Act Ordinance gives the Swedish Migration Agency the mandate to adopt, and continuously review, a list of safe countries of origin in accordance with the Aliens Act. It follows from the ordinance act that a country that no longer fulfils the criteria for a safe country of origin should be taken off that list immediately.</p> <p>The list of safe countries of origin is adopted by the Migration Agency, updated on a yearly basis and subject to continuous review in accordance with the Aliens Act Ordinance.</p> <p>2. Does your country consider that certain regions within a "safe country of origin" or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>Chapter 1, section 6 a of the Aliens Act provides that a country can only fulfil the criteria for being regarded as a safe country of origin if persecution or serious harm generally and</p>

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			<p>consistently does not occur in the said country. This means that countries where such risks are present in certain regions of the country or among specific categories of the population, generally do not fulfil the criteria for being regarded as a safe country of origin.</p> <p>3. If an applicant for international protection comes from a designated safe country of origin, which procedure do you apply for assessing their case (e.g. normal procedure, accelerated, border procedure; deadline for lodging an appeal)? Please explain.</p> <p>If an applicant comes from a designated safe country of origin, is a citizen of that country or is a stateless person that has had his habitual residence in such a country, his application may be processed in an accelerated procedure in accordance with chapter 8, section 19 of the Aliens Act. This means that a decision to reject the application and a subsequent return decision has immediate effect. An appeal to such a decision has suspensive effect, and the applicant has a right to remain until the court has made a decision on whether to suspend the return decision.</p> <p>4. Does your EMN Member or Observer Country use a national list of safe third countries? YES/NO. If yes, please explain the adoption procedure (e.g., authority that takes the decision, type of legislation etc.).</p> <p>No.</p> <p>5. Does your country consider that certain regions within a "safe third country " or specific categories of people (e.g. ethnic minorities, LGBTQ+ individuals, etc.) may still face risks of</p>
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		<p>persecution or serious harm? YES/NO. If you answer YES, please indicate the exceptions that have been implemented since 2020 (e.g. regarding the jurisprudence of the ECJ).</p> <p>N/A</p> <p>6. [Only for EMN Member Countries and Norway] Does your EMN Member Country apply the safe third country concept on a case-by-case assessment as stated in Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If YES, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list. If you are an Observer Country (except Norway), please answer question 13.</p> <p>Yes. Chapter 5, section 1 b of the Aliens Act provides for the possibility to dismiss an application after an individual assessment based on the safe third country concept. This provision specifies that the application may be dismissed based on the safe third country concept provided that:</p> <ol style="list-style-type: none"> 1. the applicant has been granted refugee status or subsidiary protection in another member state, 2. the applicant has been granted refugee status or subsidiary protection in a non-member state, if the applicant will be allowed to enter that country and is protected against refoulement in that country, or 3. the applicant can be sent to another country where he/she does not risk persecution, torture or other serious harm, is protected against refoulement, has the possibility to apply for refugee status and the applicant has a connection to the third country concerned on the basis of which it would be reasonable for that person to go to that country <p>Unlike a decision to reject an application based on the safe country of origin concept, a</p>
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			<p>decision to dismiss an application based on the safe third country concept and a subsequent return decision, cannot be enforced until it has become final.</p> <p>7. If your answer to Q4 and/or Q6 is YES, has your EMN Member State encountered difficulties in the practical application of the safe third country concept in the examination of international protection applications (e.g., issues related to the inadmissibility of international protection applications)? YES/NO. If YES, please describe them and indicate solutions adopted (if applicable).</p> <p>No.</p> <p>8. If the answer to Q4 and/or Q6 is YES, does your EMN Member State have any assurances/guarantees from the safe third country regarding the treatment of transferred individuals upon arrival (e.g. living conditions, non-refoulement principle)? YES/NO. If YES, please specify.</p> <p>No.</p> <p>9. What sources of information do you use in your EMN Member or Observer Country to assess the safety of the country of origin and safe third countries? (e.g., UNHCR, EUAA, etc.)?</p> <p>The Aliens Act Ordinance states that the assessment of whether a particular country should be added to the list of safe countries of origin specifically needs to take into account information from other member states, the EUAA, UNHCR, Council of Europe and other relevant</p>
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			<p>international organisations.</p> <p>10. In your EMN Member State, have there been any relevant judicial decisions from 2020 until today regarding the application of the concepts of safe country of origin and safe third country? If YES, please provide a summary of the decisions and the link.</p> <p>No.</p> <p>11. Has your EMN Member or Observer Country identified any good practices in the application of safe country of origin and/or safe third country concepts? If your answer is YES, please explain (e.g. how to deal with cases of vulnerabilities).</p> <p>-</p> <p>12. In your EMN Member or Observer Country, are there any ongoing or planned strategies to adapt the current framework to align with the new Asylum Procedure Regulation? YES/NO. If your answer is YES, please specify which strategies are being implemented or considered (including their scope and timeline if available).</p> <p>There is an ongoing governmental enquiry looking at the necessary legislative measures for implementing the EU Pact on Migration and Asylum in Sweden. Any needs for adjustments of the provisions relating to safe countries will be dealt with within that process.</p>
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			<p>13. [Only for EMN Observer Countries except Norway] Does your country apply the safe third country concept on a case-by-case assessment in alignment with Article 38 par.2 letter b) of Directive 2013/32/EU? YES/NO. If yes, please explain how the case-by-case assessment is conducted, especially which specific criteria are applied when there is a national safe third country list.</p> <p>-</p>
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