

OPEN Summary of EMN Ad-Hoc Query No. 2016.1118

Safe Countries of Origin,

10-03-2017, prepared by EE and NL NCP

## 1. KEY POINTS TO NOTE

- ★ 14 out of 24 countries that responded to the Ad-Hoc Query have a list of safe countries of origin.
- ★ The countries which are most often found on lists of safe countries of origin are the Western Balkan countries.
- ★ There is often no fixed timespan for the re-evaluation of these lists.
- ★ Most Member States do not have plans to change their list of safe countries of origin in the near future.
- ★ Criteria that are most often mentioned for deciding whether a country is safe or not are:
  - ★ Non-existence of persecution by the state
  - ★ Adherence to the European Convention for the Protection of Human Rights, the International Covenant of Civil and Political Rights, and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
  - ★ Adherence to the non-refoulement principle according to the Geneva Refugee Convention
- ★ Most countries that have a list of safe countries of origin in place process applications from these countries in an accelerated procedure.
- ★ Almost every country has the same reception conditions (aside from DE and NL) or return provision (aside from FI and NL) for applicants from a safe country of origin as for applicants from other countries.
- ★ Most countries transfer asylum seekers from a safe country of origin with a Dublin III<sup>1</sup> indication to the responsible Member State. The exceptions are Finland and the Netherlands.

## 2. BACKGROUND AND CONTEXT

With recent amendments to the Estonian legislation, the possibility to draft a list of safe countries of origin was introduced. In relation to this, the Estonian Police and Border Guard Board wanted to

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<sup>1</sup> The Dublin III Regulation provides a mechanism for determining which country is responsible for examining an application for international protection that has been lodged in one of the member states by a third country national or a stateless person.

know about other Member States' practices in determining the countries as safe countries of origin and about the differences in the procedure in case the applicant is from a safe third country. The information obtained through this Ad-Hoc Query will also be used to develop an EMN Inform on the topic of safe countries of origin.

### 3. MAIN FINDINGS

#### **Q1. Does your Member State have a national list of safe countries of origin?**

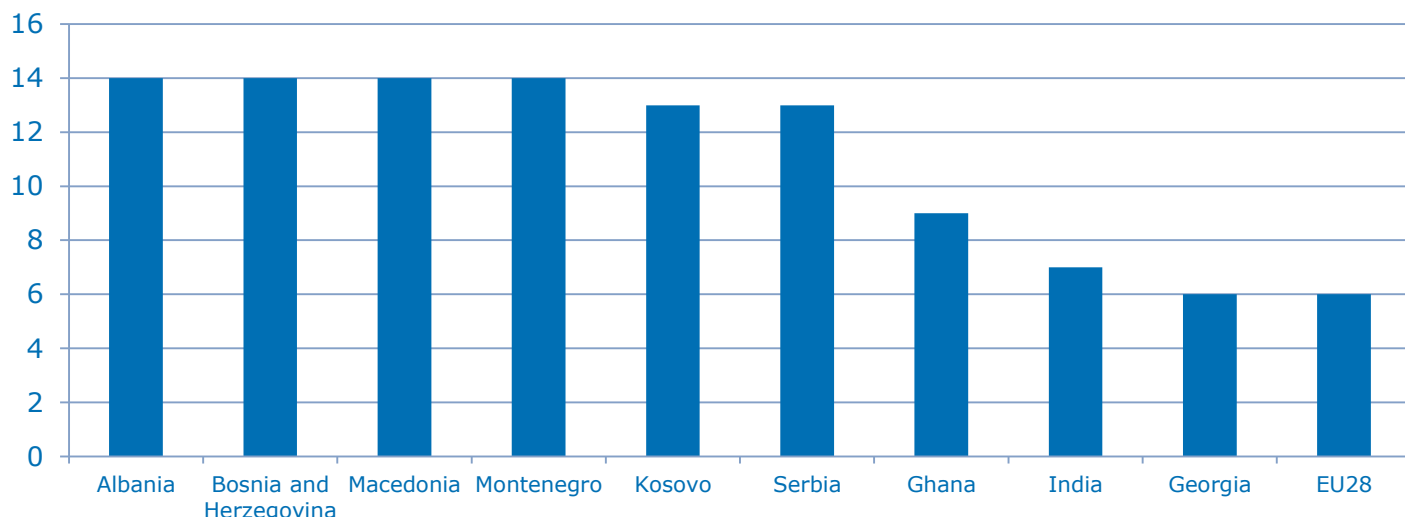
Out of 24 countries that replied to the query, 14 countries have stated that they have a list of safe countries of origin. Out of the 10 countries that do not have a list of safe countries of origin, Norway and Finland do have an unofficial list of countries whose nationals are subject to an accelerated asylum procedure.

Country	List of safe countries of origin?
Austria	Yes
Belgium	Yes
Bulgaria	Yes
Croatia	Yes
Cyprus	No
Czech Republic	Yes
Estonia	No
Finland	No
France	Yes
Germany	Yes
Hungary	Yes
Ireland	Yes
Italy	No
Latvia	No
Lithuania	No
Luxembourg	Yes
Netherlands	Yes
Poland	No
Portugal	No
Slovakia	Yes
Slovenia	Yes
Sweden	No
United Kingdom	Yes
Norway	No

#### **Q2. If yes, which countries are included in this list?**

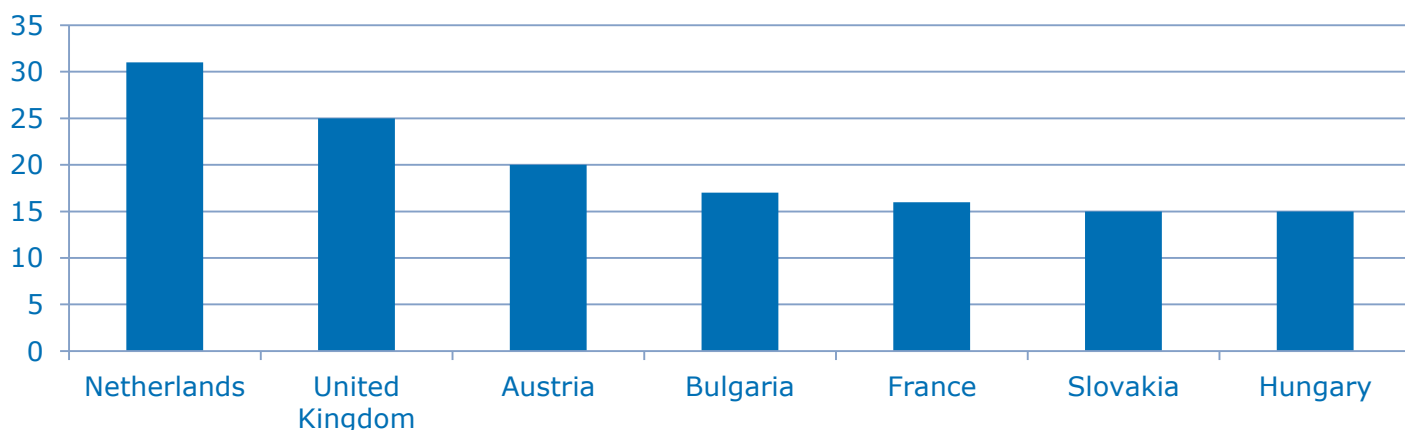
When analyzing the results, several conclusions can be drawn. The top 6 of countries which are designated as safe countries of origin are all Western Balkan countries.

## Number of countries which recognize this state as a safe country of origin



The Netherlands has designated the most countries as safe countries of origin (31 safe countries of origin). This is followed by the United Kingdom (25 countries) and Austria (20 countries). Norway, does not officially have a list of safe countries of origin, but only a list of countries whose habitants are subject to an accelerated procedure.

## Countries that have most safe countries of origin



Luxembourg, the United Kingdom and Norway have designated safe countries of origin for specific groups of people. For example Ghana (LU, UK), Benin (LU), Kenya, Nigeria, Gambia, Liberia, Malawi, Mali and Sierra Leone (UK) are designated as safe for men, Kosovo as not safe for minorities (NO), Botswana and Namibia as not safe for LGBT (NO), Ghana and Tanzania as not safe for girls under 18 claiming fear of Female Genital Mutilation, or sexual minorities, or albinos specifically in Tanzania (NO).

### Q3. If yes, how often is the list re-evaluated? Are any changes planned in the near future?

The majority of the states with a list of safe countries of origin "regularly" checks this list to see if it is still up to date. This is closely followed by "no real check or update". Other answers provided are

“as often as needed”, “continuously” and “at least once a year”. Aside from the last answer, there are no clear fixed timespans on how often the list is updated. Most Member States also stated that there are no future plans for expansion.

**Q4. Which criteria are followed in designating a country as a safe country of origin?**

For this question, several commonalities are visible in most responses. “The existence or lack of persecution by the state” is one of the most frequent answers. It also becomes clear that human rights and liberties are most important to many Member States. These rights and liberties should be respected by the state in accordance with the European Convention for the Protection of Human Rights, the International Covenant of Civil and Political Rights, and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Aside from this, the adherence to the non-refoulement principle according to the Geneva Convention is present in almost every response to this question. Other criteria such as democracy, value of life and an effective non-discriminatory judicial system are often a criteria for a country to be put on the list of safe countries of origin.

**Q5. Does the asylum procedure for applicants from safe countries of origin differ from the normal asylum procedure? Does your Member State use an accelerated procedure? Please explain the procedure.**

Eleven countries that have a list of safe countries of origin (AT, BE, HR, CZ, FI, NL, NO, HU, LU, SK, SI) utilize accelerated procedures for applicants from a safe country of origin. Four countries (BG, DE, FR) do not differentiate between applicants from safe countries of origin and other applicants.

**Q6. Do different reception conditions apply for applicants from safe countries of origin?**

In all Member State with a list of safe countries of origin, except for Germany and the Netherlands, asylum seekers from safe countries enjoy the same reception conditions as applicants from other countries. In Germany, these applicants are obliged to live in the reception facility until a decision is taken and in the Netherlands, these applicants start the procedure in the central reception facility and will not be relocated to another reception facility elsewhere in the Netherlands.

**Q7. Do you have specific return provisions for applicants from safe countries of origin?**

Every Member State with a list of safe countries of origin, aside from Finland and the Netherlands, has the same return provisions for applicants from safe countries of origin than for other applicants. Finland can enforce return quicker for an applicant from a safe country of origin and in the Netherlands nationals of several safe countries of origin are excluded from monetary support for voluntary return.

**Q8. How do you deal with applications from safe countries of origin where there are also Dublin III indications?**

Most countries (AT, BE, CZ, FR, HU, LU, SK, SI, UK) transfer asylum seekers from a safe country of origin with a Dublin III indication to the responsible Member State. The exceptions are Finland and the Netherlands. Finland does not have a fixed practice, but generally, applicants from a safe country of origin are not returned to other Member States under the Dublin III regulation. In the Netherlands the Dublin III regulation is not applied to nationals of safe countries of origin from the West Balkan, meaning that their application will be dealt with in the national procedure.

**EMN NCPs participating:** AT, BE, BG, HR, CY, CZ, EE, ES, FI, FR, DE, HU, IE, LV, LT, LU, NL, PL, PT, SK, SI, SE, UK, NO

#### 4. APPENDIX – SAFE COUNTRIES OF ORIGIN

	AT	BE	BG	HR	CZ	FI	IE	FR	DE	HU	LU	NL	SK	SI	UK	NO	
Albania	x	x	x	x	x	x		x	x	x	x	x		x	x	x	14
Algeria	x		x	x								x		x			5
Andorra												x					1
Argentina																x	1
Armenia			x					x								x	3
Australia	x									x		x	x			x	5
Bangladesh			x											x			2
Barbados																x	1
Benin								x			x						2
Bolivia															x		1
Bosnia and Herzegovina	x	x	x	x	x	x		x	x	x	x	x		x	x	x	14
Botswana																x	1
Brazil															x		1
Canada	x									x		x	x			x	5
Cape Verde								x			x						2
Chile																x	1
China			x														1
Costa Rica																x	1
Cyprus (Greek Part)																x	1
Ecuador															x		1
Egypt														x			1
Ethiopia			x														1
EU28	x					x			x	x		x				x	6
Faroe Islands																x	1
Gambia															x		1
Georgia	x	x	x					x				x				x	6
Ghana	x		x					x	x		x	x	x		x	x	9
Iceland	x				x					x		x	x			x	6
India		x	x			x		x				x			x	x	7
Israel						x										x	2
Jamaica												x					1
Japan												x	x			x	3
Kenya													x		x		2
Kosovo	x	x		x	x	x		x	x	x	x	x		x	x	x	13
Liberia															x		1
Liechtenstein	x				x							x	x			x	5
Macedonia (FYROM)	x	x	x	x	x	x		x	x	x	x	x		x	x	x	14
Malawi															x		1
Mali															x		1
Mauritius								x					x		x		3
Moldova					x			x							x	x	4
Monaco												x				x	2
Mongolia	x			x				x				x			x	x	5
Montenegro	x	x	x	x	x			x	x	x	x	x	x	x	x	x	14
Morocco	x			x								x		x			4
Namibia																x	1
New-Zealand	x									x		x	x			x	5
Nigeria			x												x		2
Norway	x				x					x		x	x				4

	AT	BE	BG	HR	CZ	FI	IE	FR	DE	HU	LU	NL	SK	SI	UK	NO	
Peru															x		1
San Marino												x					1
Senegal								x	x		x	x					4
Serbia	x	x	x	x	x	x		x	x	x	x	x		x	x	x	13
Seychelles													x				1
Sierra Leone															x		1
South Africa							x						x		x	x	4
South Korea															x		1
Switzerland	x				x					x		x	x			x	5
Tanzania			x													x	2
Togo												x					1
Tunisia	x			x								x		x			4
Turkey			x	x						x				x			4
Ukraine			x								x	x			x		4
United States of America					x	x						x	x			x	4
United States of America (States without the Death Pentalty)										x							1
Vatican City												x				x	2
Total	20	8	17	10	12	9	1	16	9	15	11	31	15	12	25	34	

Men only

Not official (no official list)

Not LGBT

Not for girls under 18, claiming fear of FMG or sexual minorities and albino's specifically in Tanzania

Not minorities

Specific regions