



List of Safe Countries of Origin under asylum laws in EU Member States

Last April, through the ECPRD network, the German Bundestag tabled a request (request 2804 of 2 April 2015) concerning safe countries of origin under asylum laws in the EU countries. The request contained two explicit questions, namely which were the countries that each EU Member State considered safe countries of origin under relevant national asylum laws, and what was the legal framework and how long had it been in place. The Parliaments of 23 Member States replied to the request of the Bundestag. The replies offered a picture of the current situation in most of the EU countries. What follows is a summary of the replies given by the National Parliaments.

The definitions of safe countries of origin vary slightly in the different legislations and the differences refer mainly to the international legal instruments defining the protection of fundamental rights and the risk of violations that are mentioned in the laws. A safe country of origin is defined as a) a State with stable and democratic political system, b) a State based on the Rule of Law and where no one risks being persecuted and c) a State adhering to the main international instruments defining the fundamental human rights. The International Instruments to which most of the laws refer are the 1951 UN Convention and Protocol Relating to the Status of Refugees, the European Convention on Human Rights, the International Covenant on Civil and Political Rights, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The replies highlighted a diverse situation where 8 of 24 responding Member States indeed have an official list of safe countries of origin. This is the case for Austria, Belgium, Denmark, France, Luxembourg, Slovakia and UK. The UK, which has a wider list of safe countries of origin, applies a differentiated approach towards nationals of some countries according to their sex.

The remaining Member States apply a case-by-case approach to assess the applications for asylum. Most of the replies mention a definition of safe country of origin in the law. Although they have no official list of safe countries, it appears that some either have internal administrative documents containing list of safe countries (Greece) or their statistics show that some countries (mainly those of the Western Balkans) are de facto considered as safe countries.

Although not mentioned in most of the replies, implicitly all EU Member States are considered in principle safe countries of origin by force of Protocol 24 to the Treaty on the Functioning of the European Union on Asylum for Nationals of Member States of the European Union which strictly limits the eligibility of citizens of EU Member States to ask for asylum in other Member States.

The following table is a summary of the replies by the National Parliaments as published on the ECPRD website.

Country	List of safe countries	Legal framework
Austria	Australia, Canada, Iceland, Liechtenstein, New Zealand, Norway, Switzerland	Asylgesetz 2005 (BFA-Verfahrensgesetz 01-01-2004 Herkunftstaaten-Verordnung 01/07/2009
Belgium	Albania, Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia, Kosovo ¹ , Montenegro, Serbia, India. (The list is currently under revision. There is a proposal to add Armenia, Georgia, Moldova, Cameroon, Tunisia and Senegal).	Act of 15 December 1980, Art. 57/6/1
Croatia	Case by case assessment	Asylum Act 01-01-2008
Cyprus	Case by case assessment	The refugees Law of 2000
Czech Rep.	Case by case assessment	Act 325/1999
Denmark	EU, Norway, Switzerland, Canada, USA	Aliens Act
Estonia	Case by case assessment	Act on granting international protection to aliens
Finland	Case by case assessment	Aliens Act 301/2004
France	Albania, Benin, Bosnia-Herzegovina, Cabo Verde, Georgia, Ghana, India, the Former Yugoslav Republic of Macedonia, Mauritius, Moldova, Mongolia, Montenegro, Senegal, Serbia, Tanzania	Law 2003-1176 and Code de l'entrée et du séjour des étrangers et du droit d'asile
Germany	EU, Bosnia-Herzegovina, Ghana, the Former Yugoslav Republic of Macedonia, Senegal, Serbia	Asylum Procedure Act
Greece	Case by case assessment	Presidential Decree 113/2013
Hungary	Case by case assessment	Act LXXX of 2007 on Asylum
Italy	Case by case assessment	
Latvia	Case by case assessment	Asylum Law of 15 June 2009
Lithuania	Case by case assessment	Law on the legal status of aliens
Luxembourg	Albania, Benin, Bosnia and Herzegovina, Cabo Verde, Ghana, the Former Yugoslav Republic of Macedonia, Montenegro, Senegal, Ukraine, Serbia, Kosovo	Law of 5 May 2006 on asylum and Regulation of 21 December 2007
Poland	Case by case assessment	Act on granting protection to foreigners on Polish territory of 13 June 2003
Portugal	Case by case assessment	Act 27 of 30 June 2008
Romania	Case by case assessment	Law 122/4 May 2006 on Asylum in Romania
Slovakia	Australia, Canada, Montenegro, Ghana, Iceland, Japan, South Africa, Kenya, Liechtenstein, Mauritius, Norway, New Zealand, Seychelles, Switzerland, USA	Act 480/2002 Coll. on Asylum and Government Regulation 716/2002 Coll. on Safe Countries
Slovenia	Case by case assessment	Asylum Act and International Protection Act
Sweden	Case by case assessment	Aliens Act
UK	Albania, Bolivia, Bosnia and Herzegovina, Brazil, Ecuador, Gambia (m) ² , Ghana (m), India, Jamaica, Kenya (m), Kosovo, Liberia (m), the Former Yugoslav Republic of Macedonia, Malawi (m), Mali (m), Mauritius, Moldova, Mongolia, Montenegro, Nigeria (m), Peru, Serbia, Sierra Leone (m), South Africa, South Korea, Ukraine	Nationality, Immigration and Asylum Act 2002

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¹ Several Members States mention Kosovo amongst the safe countries of origin. This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

² In respect of men.