



EMN Ad-Hoc Query on NL, PL and EE joint follow-up AHQ on process of developing the list of safe countries of origin (to AT, BE, BG, DE, ES, HR, CZ, FI, FR, HU, IE, LU, MT, NL, RO, SK, SI, UK, NO)

Requested by Barbara ORLOFF on 13th October 2017

Protection

Responses from Austria, Belgium, Bulgaria, Croatia, Czech Republic, Finland, France, Germany, Hungary, Ireland, Luxembourg, Netherlands, Slovak Republic, Slovenia, United Kingdom, Norway (16 in total)

Disclaimer:

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

Background information:

On 28 November 2016 the ad-hoc query number 2016.1118 on safe countries of origin was launched. From the responses to the query it followed that your MS has a list of safe countries of origin. As a follow up to the query we would like receive some additional information on the process of developing the list. The replies to this ad-hoc query and other AHQs will be used as input for the EMN Inform on Safe Countries of Origin.

Questions

1. What is the legal status of the list of safe countries of origin in your MS (e.g. is it enacted in a law, in a form of other legislative act, in policy documents, in internal documents, etc.)?
2. Which authorities are in charge of establishing and reviewing the list?
3. Are the criteria under which the assessment is made, stipulated in national legislation? If yes, please specify.
4. Which kind of information (sources) does your MS use for assessing whether a third country is safe?
5. Have national courts in the Member States renounced any decisions to place a certain country on the list? (Yes/No) Please elaborate.
6. When assessing whether to designate a country as safe country of origin, do you take into account whether other Member States have designated this country as safe? (Yes/No)

Responses

	Country	Wider Dissemination	Response
	Austria	Yes	<ol style="list-style-type: none">1. Some countries are designated as safe countries of origin in a statutory provision (Art. 19 Federal Office for Immigration and Asylum Procedures Act). Further countries are designated as safe countries of origin by regulation of the Federal Government (Regulation on Safe Countries of Origin, FLG II No. 177/2009 as amended through FLG II No. 405/2013). Source: AT EMN NCP2. The Country of Origin Information Unit, which is part of the Federal Office for Immigration and Asylum, is in charge of the preparation of the list and collects facts which are inter alia relevant for deciding whether a particular state is safe as defined by §§ 4 or 4a Asylum Act 2005 or by §§ 19 Federal Office for Immigration and Asylum Procedures Act. The Federal Government is authorized

			<p>in accordance with § 19 Abs 5 Z 2 Federal Office for Immigration and Asylum Procedures Act to determine further safe countries of origin by regulation. Source: Federal Ministry of the Interior</p> <p>3. Yes. The assessment depends on the existence of persecution by the state, protection by the state from private persecution and legal protection against human rights violations (Art. 19 para 4 Federal Office for Immigration and Asylum Procedures Act). Source: AT EMN NCP</p> <p>4. The following sources can be mentioned as examples: - International organizations (e.g. UN agencies, IOM) - Human rights organizations (e.g. Amnesty International, Human Rights Watch, Freedom House, Swiss Refugee Council, ECRE) - Ministries of Foreign Affairs and development agencies (e.g. US Department of State, Federal Foreign Office, Federal Ministry for Europe, Integration and Foreign Affairs, Austrian embassies, Austrian Development Agency, GIZ) - Partner authorities (e.g. EASO, UK Home Office, Landinfo, Migrationsverket, Federal Office for Migration and Refugees, State Secretariat for Migration) - Police Liaison Officers of the Federal Ministry of the Interior - Own products of the Country of Origin Information Unit - Locally relevant sources (e.g. news portals, local human rights NGOs) Source: Federal Ministry of the Interior</p> <p>5. No Source: AT EMN NCP</p> <p>6. In principle no; however, the assessment of other member states can be taken into account. Source: Federal Ministry of the Interior</p>
	Belgium	Yes	<p>1. On 24 November 2011, Belgium introduced the possibility to designate safe countries of origin, and the Royal Decree implementing this concept came into force on 1 June 2012. The list of safe countries of origin was last updated in the Royal Decree of 3 August 2016. The Royal Decree was published in the Belgian Official Gazette and came into force on 29 August 2016. The list of safe countries of origin currently includes the following eight countries: 1. Albania 2. Bosnia and Herzegovina 3. FYROM 4. Kosovo 5. Serbia 6. Montenegro 7. India 8. Georgia</p> <p>2. The list is in principle reviewed at least once a year. The State Secretary asked the advice of the Office of the Commissioner General for Refugees and Stateless Persons (CGRS). The CGRS is asked by the government to give advice on every country that potentially could be put on the list of</p>

			<p>safe countries. The advice of the CGRS for safe countries is required by law, but it is the government who decides.</p> <p>3. The COI unit of the CGRS writes reports on the situation for the countries concerned. The situation is assessed in line of the requirements of article 37 of the Asylum Procedures Directive and the according Belgian law. In making this assessment, the extent to which protection is provided against persecution or mistreatment is taken into account by: (a) the relevant laws and regulations of the country and the manner in which they are applied; (b) observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention; (c) respect of the non-refoulement principle according to the Geneva Convention; (d) provision for a system of effective remedies against violations of these rights and freedoms.</p> <p>4. See reply to previous question.</p> <p>5. yes, several times the Belgian Council of State have contested the fact that Albania is on the list of safe countries of origin. In its judgment of June 23th 2016 for example, the Council of State (partially) rejected the inclusion of Albania on the list of safe countries of origin established by the Royal Decree of 2015.</p> <p>6. It is an element but not a decisive one.</p>
	Bulgaria	Yes	<p>1. A list of safe countries of origin was adopted by a Decision of the Council of Ministers in May 2005, i.e. before the accession to the EU. Since our accession to the Union in 2007, the adopted national list has neither been officially repealed, nor updated, whereas at the same time it has not been applied in practice. The reason for that situation is the fact that prior to the latest amendments of the Bulgarian Law on Asylum and Refugees (in force since the end of December 2015), the latter provided for that the Republic of Bulgaria shall deem as safe countries of origin the countries, included in the minimum common list, adopted by the Council of the European Union. However, such a minimum common list has not been adopted yet on a EU level. For that reason and with a</p>

view to achieving further harmonization of the national legislation in accordance with the actual requirements of the EU law, at the end of December 2015 the abovementioned provision of the Law on Asylum and Refugees was repealed. In accordance with the provisions of Directive 2013/32/EU, the Bulgarian law's requirement regarding the obligatory adoption of a national list of safe countries of origin was also repealed. Having regard to the aforesaid circumstances, currently each application for granting international protection is examined individually, fairly and objectively (Article 73 of the Law on Asylum and Refugees). At the same time a foreigner having filed an application for international protection, can disprove the safety presumption of the state included in the national list (Article 99 of the Law on Asylum and Refugees).

2. See reply to the previous question.

3. The criteria for inclusion of a certain country in the national list of safe countries of origin are laid down in the definition of a safe country of origin in accordance with paragraph 1(8) of the Additional Provisions of the Bulgarian Law on Asylum and Refugees (in force since 1 December 2002). According to the abovementioned provision a 'safe country of origin' is a country where the established legal system and its observance within a democratic social system do not allow the implementation of persecution or prosecution actions and there is no threat of torture in situations of international or internal armed conflict.

4. According to the Law on Asylum and Refugees when adopting the lists, the Council of Ministers, referring to sources of information from other European Union Member States, the European Asylum Support Office, the United Nations High Commissioner for Refugees, the Council of Europe and other international organizations, takes into account the extent to which the State offers protection against persecution and inhuman or degrading treatment, through: 1. the relevant laws and regulations in this area and the way they are applied; 2. observance of the rights and freedoms guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, done at Rome on 4 November 1950 (ratified by law, SG 66/1992) (promulgated in State Gazette No. (Amended, SG No. 137/1998 and No. 38 of 2010), or in the International Covenant on Civil and Political Rights, done at New York on 19 December 1966 (ratified by Decree No. 60/1970) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted by the General Assembly of the Organization the United Nations on 10 December 1984

			<p>(ratified by Decree - SG, No 80 of 1986) (promulgated, SG No. 42/1988, amended, No 19 of 1995);</p> <p>3. respect of the principle of non-refoulement in accordance with the 1951 Convention Relating to the Status of Refugees; 4. the existence of a system of effective remedies against violations of these rights and freedoms.</p> <p>5. According to the Law on Asylum and Refugees when adopting the lists, the Council of Ministers, referring to sources of information from other European Union Member States, the European Asylum Support Office, the United Nations High Commissioner for Refugees, the Council of Europe and other international organizations, takes into account the extent to which the State offers protection against persecution and inhuman or degrading treatment, through: 1. the relevant laws and regulations in this area and the way they are applied; 2. observance of the rights and freedoms guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, done at Rome on 4 November 1950 (ratified by law, SG 66/1992) (promulgated in State Gazette No. (Amended, SG No. 137/1998 and No. 38 of 2010), or in the International Covenant on Civil and Political Rights, done at New York on 19 December 1966 (ratified by Decree No. 60/1970) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted by the General Assembly of the Organization the United Nations on 10 December 1984 (ratified by Decree - SG, No 80 of 1986) (promulgated, SG No. 42/1988, amended, No 19 of 1995); 3. respect of the principle of non-refoulement in accordance with the 1951 Convention Relating to the Status of Refugees; 4. the existence of a system of effective remedies against violations of these rights and freedoms.</p> <p>6. See the reply to question 4.</p>
	Croatia	Yes	<p>1. Pursuant to Article 93, paragraph 2 of the Law on International and Temporary Protection (Official Gazette 70/15), the Minister of the Interior, with the prior consent of the Minister of Foreign and European Affairs deliver a Decision (Official Gazette 45/2016) about lists of safe countries subject to the procedure of international protection agreement and this Decision establishes a list of safe countries of origin.</p> <p>2. Ministry of the Interior in conjunction with the Ministry of Foreign and European Affairs.</p>

			<p>3. Yes, in the provisions of Article 44 of the Law on International and Temporary Protection.</p> <p>4. The decision on the safe country of origin is established on the basis of data collected from different sources, in particular those collected from other EEA countries, the European Asylum Support Office, the United Nations High Commissioner for Refugees, the Council of Europe and other relevant international organizations.</p> <p>5. No</p> <p>6. Yes. See answer to Q 4.</p>
	<p>Czech Republic</p>	<p>Yes</p>	<p>1. Decree No. 328/2015 Coll. dated December 3, 2015 (implementing the Act on Asylum and Act on the Temporary Protection of Foreign Nationals).</p> <p>2. The Ministry of the Interior is in charge of establishing and reviewing a list of safe countries of origin.</p> <p>3. The criteria are set in the law on asylum (Act No. 325/1999 Coll., on Asylum, as amended, namely Section 2 (1) letter k): „k) a safe country of origin means the country of which the foreign national is a citizen or, if the foreign national is a stateless person, the country of his/her last permanent residence 1. where widespread and systematic prosecution, torture, inhuman or degrading treatment or punishment does not occur and where there is no threat of indiscriminate violence due to international or internal armed conflict, 2. whose citizens or stateless persons have not left for reasons specified in Section 12 or 14a, 3. that has ratified and observes international conventions on human rights and fundamental freedoms, including laws relating to effective remedial measures, and 4. that permits the operation of legal entities that monitor the degree to which human rights are respected.</p> <p>4. The information are obtained from a wide range of information sources, both governmental, primarily from the Ministry of Foreign Affairs of the Czech Republic, and non-governmental.</p>

			<p>5. No</p> <p>6. Yes</p>
	Finland	Yes	<p>1. In Finland there is no fixed list of safe countries of origin. Instead, in asylum decision-making in individual cases a certain country may be considered as safe for a given asylum seeker.</p> <p>2. N/A, there is no fixed list of safe countries of origin. The decision to consider a certain country as a safe country of origin for a certain asylum seeker is made individually in asylum decision-making, and hence the decision is made by the Asylum Unit of the Finnish Immigration Service.</p> <p>3. N/A, there is no fixed list of safe countries of origin, please see answer to Q1.</p> <p>4. According to the Aliens Act Section 100 Subsection 2, when assessing whether a third country is a safe country of origin for the applicant, account is taken of: 1) whether the State has a stable and democratic political system; 2) whether the State has an independent and impartial judicial system, and whether the administration of justice meets the requirements for a fair trial; and 3) whether the State has signed and adheres to the main international conventions on human rights, and whether serious violations of human rights have taken place in the State. Information is gathered from different sources which are up-to-date and reliable, such as reports by the United Nations organisations and other international organisations.</p> <p>5. In Finland there is no national jurisprudence relating to this.</p> <p>6. This can be one factor taken into account in the assessment, but it alone cannot be the decisive factor. The assessment is made according to the practice described in Q4.</p>
	France	Yes	<p>1. According to Article L. 722-1 of Code of Entry and Residence of Foreigners and the Right for Asylum (CESEDA), “The management board [of the French determining authority] establishes the list of the countries considered to be safe countries of origin, in the conditions set in Article 37 and Annex I of Directive 2013/32/UE (APD)[...]” The list is published in the Journal officiel.</p>

			<p>2. The list is regularly re-evaluated by the administrative board of the French Office for the Protection of Refugees and Stateless Persons (OFPRA). The list has been reevaluated on 9th October 2015. According to Article L.722-1 of the Code of Entry and Residence of Foreigners and the Right for Asylum (CESEDA), it regularly reviews the situation in the countries considered as safe countries of origin. It ensures that the list is updated and relevant. It deletes from the list the countries which do not meet the requested criteria and, in case of rapid and uncertain evolution of the situation, it can suspend the entry of the country from the list.</p> <p>3. Yes. According to Article L.741-4 of the Code of Entry and Residence of Foreigners and the Right for Asylum (CESEDA), a country is considered as a safe country of origin where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution, no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict.</p> <p>4. All relevant public sources are used for assessing whether the country of origin is safe: information from governmental sources, non-governmental sources, academic sources, etc.</p> <p>5. Yes, the decision establishing the list may be appealed before the French Council of State. The French Council of State rejected the decision to place the following countries of origin on the list: - In 2008, Albania et Niger (CE, 13 February 2008, n°295443) ; - In 2010, Armenia, Turkey, Madagascar, Mali (introduction of a gender criteria - country considered as safe only for men) (CE, 23 July 2010, n°336034); - In 2012, Albania and Kosovo (CE, 26 March 2012, n°349174); - In 2013, Bangladesh (CE, 4 March 2013, n°356490); - In 2014, Kosovo (CE, 10 October 2014, n°375474).</p> <p>6. No.</p>
	Germany	Yes	<p>1. The list of safe countries of origin has the legal status of a law. The list constitutes an annex to the Asylum Act.</p> <p>2. The Federal Government is responsible for establishing and reviewing the list.</p>

			<p>3. The criteria under which the assessment is made are laid down in art.16a of the German constitution. A country may be considered a safe country of origin in case it can be assumed, due to the present legislation, the application of the law and the general political situation, that neither political persecution nor inhuman or degrading treatment or punishment occurs in the country.</p> <p>4. Upon request by the Federal Government, the COI unit of the Federal Office draws up a report assessing whether a third country can be considered safe. In the process, various sources are evaluated, among others information given by the UNHCR, other Member States, EASO and NGOs.</p> <p>5. No.</p> <p>6. Germany is aware of the designation of a country as safe country of origin by other Member States.</p>
	Hungary	Yes	<p>1. It is enacted by Government Decree 191/2015. (VII. 21.) on the the Definition of safe countries of origin and safe third countries on the national level.</p> <p>2. The Hungarian Government.</p> <p>3. No, it follows the guidelines in the 1951 Geneva Convention and 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.</p> <p>4. The assessment of safe countries of origin is based on a variety of different sources, including sources and country of origin information from EASO, UNHCR and other international organizations such as Amnesty International or Human Rights Watch and government agencies of other (Member) States. Information from think tanks like the Global Security Insitute or from Risk Analysis Firms like Global Intake are also used.</p> <p>5. No.</p>

			6. No.
	Ireland	Yes	<p>1. Section 72 of the International Protection Act 2015, which came into effect on 31 December 2016, provides that the Minister for Justice and Equality may designate safe countries of origin. To date no countries have been designated as safe countries of origin under the 2015 Act. South Africa is designated as a safe country of origin under the Refugee Act 1996 (Safe Countries of Origin) Order 2004 (S.I. No. 74 of 2004) which remains in force.</p> <p>2. Section 72 of the International Protection Act 2015, which came into effect on 31 December 2016, provides that the Minister for Justice and Equality may designate safe countries of origin. To date no countries have been designated as safe countries of origin under the 2015 Act. South Africa is designated as a safe country of origin under the Refugee Act 1996 (Safe Countries of Origin) Order 2004 (S.I. No. 74 of 2004) which remains in force.</p> <p>3. The Minister for Justice and Equality, as provided for in legislation.</p> <p>4. The Minister for Justice and Equality, as provided for in legislation.</p> <p>5. Yes. Sections 72(2) - (4) of the International Protection Act 2015 sets out criteria that should be followed when designating a country as a safe country of origin as follows: (2) The Minister may make an order under subsection (1) only if he or she is satisfied that, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution, no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict. (3) In making the assessment referred to in subsection (2), the Minister shall take account of, among other things, the extent to which protection is provided against persecution or mistreatment by— (a) the relevant laws and regulations of the country and the manner in which they are applied, (b) observance of the rights and freedoms laid down in the European Convention on Human Rights, the International Covenant on Civil and Political Rights and the United Nations Convention against Torture, in particular the rights from which derogation cannot be made under Article 15 (2) of the European Convention on Human Rights, (c) respect for the non-refoulement principle in accordance with the Geneva Convention, and</p>

(d) provision for a system of effective remedies against violations of those rights and freedoms. (4) The Minister shall base his or her assessment referred to in subsection (2) on a range of sources of information, including in particular information from— (a) other Member States, (b) the European Asylum Support Office, (c) the High Commissioner, (d) the Council of Europe, and (e) such other international organisations as the Minister considers appropriate.

6. Yes. Sections 72(2) - (4) of the International Protection Act 2015 sets out criteria that should be followed when designating a country as a safe country of origin as follows: (2) The Minister may make an order under subsection (1) only if he or she is satisfied that, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution, no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict. (3) In making the assessment referred to in subsection (2), the Minister shall take account of, among other things, the extent to which protection is provided against persecution or mistreatment by— (a) the relevant laws and regulations of the country and the manner in which they are applied, (b) observance of the rights and freedoms laid down in the European Convention on Human Rights, the International Covenant on Civil and Political Rights and the United Nations Convention against Torture, in particular the rights from which derogation cannot be made under Article 15 (2) of the European Convention on Human Rights, (c) respect for the non-refoulement principle in accordance with the Geneva Convention, and (d) provision for a system of effective remedies against violations of those rights and freedoms. (4) The Minister shall base his or her assessment referred to in subsection (2) on a range of sources of information, including in particular information from— (a) other Member States, (b) the European Asylum Support Office, (c) the High Commissioner, (d) the Council of Europe, and (e) such other international organisations as the Minister considers appropriate.

7. See above. Information sources set out in legislation.

8. See above. Information sources set out in legislation.

9. No.

			<p>10. No.</p> <p>11. Yes. See answer to question 3 – set out in legislation.</p> <p>12. Yes. See answer to question 3 – set out in legislation.</p>
	Luxembourg	Yes	<p>1. The list of safe countries of origin is established by the amended grand ducal regulation of 21 December 2007 establishing a list of safe countries of origin. This grand ducal regulation is enacted in accordance with article 30 (2) of the Law of 18 December 2015 on international protection and temporary protection.</p> <p>2. The list is established by the Minister in charge of Immigration and Asylum.</p> <p>3. Yes. According to Article 30 (2) paragraph 1 the designation as a safe country of origin is based on the assessment that there is generally and consistently no persecution in the sense of the Geneva Convention. Article 30 (2) paragraph 2 establishes the criteria that have to be taken into account for the determination of safe country of origin: A) the observation of rights and obligations foreseen by the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; B) the respect of the principle of non-refoulement foreseen in the Geneva Convention; C) having standards relating to effective remedies against any violation of the rights and liberties. The situation in the countries designated as safe country of origin is regularly assessed by the Minister in charge of Immigration and Asylum.</p> <p>4. According to Article 30 (2) paragraph 1, the assessment shall be based on a range of sources of information, including in particular information from other Member States, EASO, UNHCR, the Council of Europe and other relevant international organisations.</p> <p>5. No.</p> <p>6. Yes. See answer to Q.4.</p>

	Netherlands	Yes	<p>1. In article 37 of the guidance document of the European Union, it is stated that member states have the possibility to establish safe countries of origin in their national legislation. When examining whether a country can be designated as ‘safe’, the laws and regulations, the compliance with human rights treaties and with the principle of non-refoulement and the accessibility of an active legal framework against violations of these rights of the country in question must be examined in accordance with Annex 1 of the guidance document. In The Netherlands, the list is laid down in an annex to article 3.37f of the Aliens regulation (ministerial decree).</p> <p>2. The state secretary of justice is in charge of the assessment of the list, the ministry of Justice and Security and the administrative department execute this policy.</p> <p>3. In the assessment, the following criteria are used, as laid down in article 3.37f of the Aliens Regulation (ministerial decree): - The laws and regulations concerned of the country in question and how these are applied - Compliance with rights and freedoms in the Convention for the Protection of Human Rights and Fundamental Freedoms (EVRM) and/or the IVBPR and/or the anti-torture treaty, especially in relation to the right to life (article 2, EVRM), the prohibition on torture (article 3, EVRM), the prohibition on slavery and forced labor (article 4, subsection one, EVRM) and the prohibition on punishment without law (article 7, EVRM) - Compliance with freedom of speech, freedom of religion, protection against discrimination and persecution by third parties. - Compliance with the principle of non-refoulement in accordance with the Geneva treaty - The availability of a system of actual legal measures against violations of previously mentioned rights and freedoms - The degree of democratic governance</p> <p>4. The assessment of safe countries of origin is based on a range of information sources, including in particular information from other EU member states, EASO, the UNHCR, the Council of Europe and other relevant international organizations such as the U.S. Department of State, Amnesty International and Human Rights Watch. Which sources are used can differ per country, as not all sources report on all countries.</p> <p>5. The first tier courts have renounced the decision in (non exhaustive) the case of Albania, Serbia, Mongolia, Morocco, Macedonia, India, Algeria, Georgia and Tunisia. In some cases the courts considered the decision to place the country on the list not adequately motivated, in other cases the</p>
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			<p>courts ruled that it is not possible to declare a country of origin safe with the exception of part of the territory or with exception of a particular group (i.e. LGBTI's). However, in appeal the Administrative Jurisdiction Division of the Council of State (the highest administrative court in the Netherlands) has - so far - overturned all these first instance judgments and has ruled that these countries of origin have been deemed safe on good grounds.</p> <p>6. Upon request of the house of representatives, an inventory has been made of lists of safe countries by other member states. Having said that, when assessing a certain country, the actual situation in the country is decisive.</p>
	Slovak Republic	Yes	<p>1. Governmental Decree on List of Countries considered safe third country and safe countries of origin issued in line with the Article 53 of the Act No. 480/2002 on Asylum.</p> <p>2. Ministry of Interior of the Slovak Republic, in cooperation with the Ministry of Foreign and European Affairs</p> <p>3. Yes, Article 2 letter I) of the Act No. 480/2002 on Asylum Safe country of origin means a stable State governed by law with a democratic system, of the alien's citizenship or, in the case of a stateless person, of the alien's former residence, 1. in which the State power protects human rights and fundamental freedoms and ensures their observance, 2. which is, in general, not left by its citizens or stateless persons residing in it for the reasons under Section 8 (granting asylum by reasons of persecution) or Section 13a (granting subsidiary protection by reasons of serious harm), 3. which ratified and complies with international treaties on human rights and fundamental freedoms and 4. which allows performance of activities by legal entities overseeing observance of human rights in the country,</p> <p>4. Different international COI reports (e.g. UNHCR, EASO), national reports (governmental and NGOs) on a country in question</p> <p>5. No</p>

			6. Yes
	Slovenia	Yes	<p>1. The Government of the Republic of Slovenia adopted an ordinance determining the list of safe countries of origin.</p> <p>2. International Protection Act (IPA) defines that on the basis of the criteria defined in IPA, a safe country of origin is declared by the Government of the Republic of Slovenia at the proposal of the Ministry of Interior , which regularly monitors the situation in the country on the basis of information from other European Union Member States and other institutions of the European Union and relevant international organisations. If the Ministry establishes that the situation regarding human rights in the country that has been declared as safe has significantly deteriorated, or if there are doubts about the fulfilment of the conditions, the Ministry shall re-examine whether the country can still be defined as a safe country of origin, and propose the annulment of the decision declaring the country a safe country of origin if it determines that the requirements for it to be declared a safe country of origin are no longer fulfilled.</p> <p>3. Yes. A third country is regarded as a safe country of origin if it may be concluded on the basis of the legal situation, application of law within a democratic system and general political situation that, generally and regularly, there is no persecution as defined in IPA, no torture or inhuman or humiliating treatment or punishment, nor any danger from indiscriminate violence in a situation of international or internal armed conflict. In assessing whether a third country is a safe country of origin, it is necessary to consider inter alia the scope of protection from persecution and abuse by means of: - national regulations and the manner in which they are applied; - Respect for the rights and freedoms defined in the European Convention of the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights and the United Nations Convention against Torture, especially the rights which in accordance with Article 15 of the European Convention of the Protection of Human Rights and Fundamental Freedoms cannot be derogated from; - Respect for the non-refoulement principle under the Geneva Convention; - the existence of a system of effective legal remedies against violations of the rights and freedoms determined in the European Convention of the Protection of Human Rights and Fundamental Freedoms.</p>

			<p>4. Assessment is made on the basis of information from other European Union Member States and other institutions of the European Union and relevant international organisations</p> <p>5. No.</p> <p>6. Yes.</p>
	<p>United Kingdom</p>	<p>Yes</p>	<p>1. Enacted in a law. Section 94 of the Nationality, Immigration and Asylum Act 2002 allows for the concept of a safe country of origin, and gives the list of such countries.</p> <p>2. The Home Office establishes and reviews this list, and the Secretary of State (the Home Secretary) may add or remove countries from this list, subject to approval by Parliament.</p> <p>3. Yes. The criteria for adding and removing countries from this list are that the Home Secretary must be satisfied (and Parliament must approve) that: • There is/is not in general in that State or part of that State a serious risk of persecution of persons entitled to reside in that State or part of State; • That removal to that State or part of State of persons entitled to reside there will/will not in general contravene the United Kingdom’s obligations under the Human Rights Convention If the Home Secretary is satisfied that either of these points applies in a State or part of State only in relation to a particular description of person, the description of person (for example, men, women) may also be added to or removed from the list against in individual State or part of State, subject to approval by Parliament.</p> <p>4. The Country Policy Information Team within the Home Office assesses whether or not a third country is safe. The information sources used are varied and may include reputable media outlets; local, national and international organisations, including human rights organisations; the UN and its agencies, and information from the Foreign and Commonwealth Office.</p> <p>5. Yes, the decision to place a certain country on the list may be challenged in the national courts. The national courts may uphold or reject these challenges. In March 2015, the Supreme Court in the case of <i>Brown (Jamaica), R (on the applications of) v Secretary of State for the Home Department</i> [2015] UKSC 8 (4 March 2015) found that the designation of Jamaica was unlawful. This was</p>

			<p>because, although Jamaica could be considered ‘generally safe’ for the most part, this could not be said about the LGBT community there. Jamaica currently still appears on the safe list in the legislation but in practice this can no longer be relied upon (so it is excluded from the list above). In light of that judgement the UK has been reviewing all designated countries to determine whether other changes to the list are necessary in order to comply with the rationale of the Supreme Court judgement. That review process is nearing completion. Any proposals for changes to the designation of countries must be made by order and so will be put to Parliament.</p> <p>6. This is considered in line with other factors.</p>
	Norway	Yes	<p>1. Please note: Norway has previously reported that we do not have a list of safe countries of origin as such. However, in addition to the Dublin procedure we have an accelerated procedure (dealing with an application within 48 hours) for citizens of some countries. These are countries for which the Norwegian Directorate of Immigration (UDI) has sufficient information on the general security and human rights situation, and from which the majority of applications have been found to be manifestly unfounded. An asylum-seeker from one of these countries will initially have his/her application processed on its individual merits within 48-hours. Following an examination of the claim, those applications that are found to be manifestly unfounded will be rejected, and the rest are transferred to the normal procedure. The list of countries to which the 48-hour procedure applies is reviewed and updated on a regular basis. 1. What is the legal status of the list of safe countries of origin in your MS (e.g. is it enacted in a law, in a form of other legislative act, in policy documents, in internal documents, etc.)? The list that Norway uses in relation to the 48-hour accelerated procedure is an attachment to official guidelines (RS 2011-030). Please note response to question nr. 2.</p> <p>2. The Ministry of Justice and Public Security can make changes by issuing special directives/regulations. The Norwegian Directorate of Immigration (UDI) constantly evaluates whether there are new countries that should be added to the list of countries that can be processed under the 48-hour accelerated procedure. It is the Asylum Division in UDI that decides whether a country should be included, or taken off, the 48-hour accelerated procedure list. The relevant unit that specializes in case work for a given country or region provides advice about this matter to the head of the division.</p>

			<p>3. Yes, the Ministry of Justice and Public Security’s guidelines (GI-06/2016) stipulate the criteria. Criteria: • Are the asylum seekers citizens of countries where asylum applications are manifestly unfounded? • Does justice reign and does the security and human rights situation in the relevant country function satisfactorily? • Is there sufficient access to relevant country information in which to evaluate the application?</p> <p>4. The Norwegian Country of Origin Information Centre (Landinfo), is an independent body within the Norwegian Immigration Authorities. This means that research and analysis generated by the Centre cannot be instructed by the Norwegian Directorate of Immigration (UDI) or by the Immigration Appeals Board. Administratively, however, Landinfo is organized under the Directorate of Immigration. The Centre was established on January 1st 2005. Landinfo is responsible for collecting, analysing and presenting objective and updated country of origin information to various actors within the Immigration Authorities. It also provides information to the Norwegian Ministry of Justice and Public Security. The core users, the decision makers within the Directorate and the Appeals Board, use the information when making decisions about residency and asylum cases. Landinfo does not participate in the actual decision-making process, and it does not express any opinion on whether it is safe for an individual person to return to a specific country or area. Nor does it give advice on what should be the outcome of a case, or interfere in how the information provided is interpreted in relation to applicable legislation. Landinfo collects information from and consults a wide range of sources in it’s work. Amongst these are UN organizations, multilateral organizations like the OSCE and the EU, other countries’ immigration authorities, research institutions, nongovernmental organizations, news services, and Norwegian embassies. A significant part of the material presented by Landinfo is accessed through publicly available sources. The country of origin information which Landinfo collects through fact-finding missions constitutes an equally important tier in it’s work. Through fact-finding missions, country analysts establish direct contact with primary and secondary sources in the relevant countries of origin. (see “Collecting information” https://landinfo.no/)</p> <p>5. NO</p> <p>6. Yes, other countries’ practices can be included in the total evaluation which is made, but do not</p>
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			necessarily determine the outcome of Norway's decision on this matter.
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