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In 2023, legislative changes took place in Iceland in 2023. An NGO in Greece continued to raise concerns about the application of the admissibility procedure based on the safe third country concept. In addition, national courts examined the conditions for considering that international protection was obtained and is effective in another Member State, with the Dutch Council of State referring questions to the CJEU for a preliminary ruling on secondary movements and the risk of being exposed to inhuman treatment in the Member State that provided international protection.381

In Iceland, amendments to the Aliens Act prescribe what constitutes delays in case processing attributable to applicants.382Previous legislation stated that both the admissibility decision and the transfer to another country needed to be completed within 12 months. The decision to reject an application as inadmissible (in cases when another country is responsible for the application based on the Dublin III Regulation; another Schengen country had already granted international protection; or the applicant has a connection to a safe third country where it can be considered reasonable that they stay there) is now automatically appealed to the Immigration Appeals Board, unless the applicant specifically expresses the intention not to appeal the decision. The amendments also aimed to enhance clarity on the processing of cases related to safe third countries.383

Equal Legal Aid noted that people who are rejected through the admissibility procedure in Greece based on the safe third country concept are in a situation of a legal limbo, lacking documentation, access to adequate reception conditions and in particular healthcare. The organisation also noted that their situation is exacerbated by difficulties in accessing legal aid at the appeal stage before the Appeals Committees and the administrative courts.384In this context, an Afghan family, whose application was considered to be inadmissible as Türkiye was deemed a safe third country for them, was granted interim measures by the ECtHR in August 2023 and the Greek authorities were ordered to immediately transfer them from Lesvos to Athens for adequate medical care.

- 381Council of State | Raad van State. (2023, August 30). *Afdeling bestuursrechtspraak stelt prejudiciële vragen over Griekse statushouders [Administrative Jurisdiction Department asks preliminary questions about Greek status holders]*.

- 382Lög um breytingu á lögum um útlendinga, nr. 80/2016 (alþjóðleg vernd) [Act amending the Act on Aliens, No 80/2016 (international protection)]. 27 March 2023.

- 383Lög um breytingu á lögum um útlendinga, nr. 80/2016 (alþjóðleg vernd) [Act amending the Act on Aliens, No 80/2016 (international protection)]. 27 March 2023.

- 384Equal Legal Aid. (2024). Input to the Asylum Report 2024. https://euaa.europa.eu/sites/default/files/2024-02/equal_legal_aid.pdf

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