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4.3.2 Safe country concepts

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icon for safe country concept

In the context of asylum, the term 'safe country' refers to countries which do not generally generate protection needs for their people or countries in which asylum seekers are protected and are not in danger. EU law provides four safe country concepts which can be applied:

- Safe country of origin: Under specific circumstances, certain countries can be designated as generally safe for their nationals or former residents. As a result, asylum applications from such countries are likely to be unfounded, and Member States may accelerate or prioritise their examination. The concept is described in the recast APD, Article 36.
- Safe third country: A safe country with which the applicant has a genuine connection and where he/she should have applied for international protection. Unlike the safe country of origin concept, this concept is not related to the substance of the application and the application may be declared inadmissible.
- First country of asylum: Asylum seekers and refugees may be returned to a country where they have, or could have, sought international protection and where their safety would not be jeopardised, whether in that country or through a return from the first country to the country of origin. The concept of first country of asylum is defined in the recast APD, Article 35.
- European safe third country: Certain European third countries observe particularly high human rights and refugee protection standards.

These concepts are regulated in the recast APD, which states that Member States should conduct regular reviews of the situation in safe countries based on a range of sources of information. When a significant change related to the human rights situation occurs in a country which has been designated as safe, Member States must evaluate the situation as soon as possible and, where necessary, assess the designation of that country as safe.

The national courts of EU+ countries remain the primary guardians of CEAS within the national framework. When necessary, they review the practical implementation of safe country concepts in line with their relevant competences. In addition, CJEU interprets the relevant rules in the context of preliminary rulings or assesses their implementation in cases of infringement

procedures. The ECtHR indirectly reviews safe country concepts when examining human rights violations.

icon displaying a computer with the homepage of who is who in international protection platform

Additional resources on safe country concepts

The application of the safe country concept in EU+ countries is presented in the EUAA report, Applying the Concept of Safe Countries in the Asylum Procedure.

The Who is Who in International Protection interactive platform supplements this report by presenting the EU+ countries which apply the concept, the competent authorities responsible and national lists of safe countries.

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