

4.3. Examining the admissibility of an application and applying special procedures and safe country concepts

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icon for admissibility procedures

In recent years, many of the changes to legislation, policies and practices aiming to make the asylum procedure more efficient centred around the application of the admissibility procedure and accelerated procedure, subsequent applications and the use of safe country concepts to address the secondary movements of applicants who had already been recognised in another Member State or when people may have migrated for economic reasons instead of a need of international protection. The Pact brings significant changes in these areas after its entry into application, thus – while these phenomena persisted in 2025 – relatively few changes were implemented. For example in Belgium, the definition of subsequent applications changed to include cases when an applicant had already received a final decision on the asylum application in another Member State.207 The legislation was reviewed by the Constitutional Court and its application was temporarily suspended in February 2026, as the court decided to refer questions to the CJEU for a preliminary ruling.208 In Finland, legislative changes mandated the granting of subsidiary protection instead of asylum when a subsequent application is submitted on grounds that the applicant has personally caused after having fled the home country or country of permanent residence.209

Following the CJEU's decision in October 2024 that gender and nationality were sufficient for Afghan women to be at risk of acts of persecution,210 repeated applications from Afghans surged in 2025, especially in Austria and Germany, but decreased continuously afterwards in both countries. In France, the CNDA ruled in December 2023 that Haiti was experiencing an internal armed conflict characterised by indiscriminate violence of exceptional intensity. As a result, civilians may be granted subsidiary protection solely based on their presence in the majority of the country, without the need to demonstrate an individual risk.211 Following the decision, a record number of Haitians lodging repeated applications on the basis of the ruling. Overall, the number of repeated applications rose by 39% compared to 2024, reaching a record

level. They represented 15% of all asylum applications in 2025, the highest share on record.

Among jurisprudential highlights, the Dutch Council of State ruled that the Immigration and Naturalisation Service (IND) must contact the asylum authorities of another Member State when it deems the application admissible from a person who had already received international protection in that other state. The individual and comprehensive assessment must consider the information received from the other Member State, and the IND must inform the authority in that Member State about the outcome of its own assessment, so that the other authority may decide on the revocation of the status.212 However, the French Council of State ruled that the Office for the Protection of Refugees and Stateless Persons (OFPRA) could declare an application to be inadmissible even in the absence of formal documentation on the international protection status in another country. It was sufficient if the authority established the existence of such a status based on credible and corroborated information, such as the applicant's statements during the interview and public sources.213

Safe country concepts remained at the forefront of debates, both at the EU and national levels. The European Commission put forward proposals on the application of the safe third country concept and an EU-level list of safe countries of origin.214 Interpreting the currently applicable legislative framework, the CJEU's judgment on the designation of safe countries of origin215 halted the implementation of the Italy-Albania Protocol,216 while two additional referrals for a preliminary ruling were pending on the compatibility of the protocol with EU law.217

The same CJEU judgment led the Dutch IND to remove several countries from its safe country of origin list in August 2025, and in September 2025 the application of the list was temporarily suspended until the entry into application of the Pact.218

The Greek Council of State annulled the Joint Ministerial Decision establishing a national list of safe third countries, as it designated Türkiye as a safe third country for asylum applicants from Afghanistan, Bangladesh, Pakistan, Somalia and Syria.219 Following the judgment, a new Joint Ministerial Decision was issued with substantially the same content but remedying the deficiencies of the previous decision.220 Accordingly, the Greek Asylum Service issues a decision on admissibility prior to examining the substance of the application, either in a separate or a merged decision.

The Irish Safe Third Country Order designated the United Kingdom of Great Britain and Northern Ireland as a safe third country.221

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  Belgium, Constitutional Court [Cour constitutionnelle], *Applicants* v *Federal Agency for the Reception of Asylum Seekers (Agence fédérale pour l'accueil des demandeurs d'asile, Fedasil)*, Nos 8548, 8549, 8550, 8551, 8552, 8553, 8554, 8555, 8556, 8557, 8558, 8559, 8561, 8562, 8563, 8564, 8565, 8566, 8567 et 8568, ECLI:BE:GHCC:2026:ARR.023, 26 February 2026. Link redirects to the English summary in the EUAA Case Law Database.

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  France, Council of State [Conseil d'État], *French Office for the Protection of Refugees and Stateless Persons (Office Français de Protection des Réfugiés et Apatrides, OFPRA)* v *A.*, No 488561, ECLI:FR:CECHS:2025:488561.20250625, 25 June 2025. Link redirects to the English summary in the EUAA Case Law Database.

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  European Union, Court of Justice of the European Union [CJEU], *LC [Alace] and CP [Canpelli]* v *Territorial Commission of Rome*, Joined cases C-758/24 and C-759/24, ECLI:EU:C:2025:260, 1 August 2025. Link redirects to the English summary in the EUAA Case Law Database; European Union Agency for Asylum (EUAA). (17 March 2025). Jurisprudence related to asylum pronounced by the Court of Justice of the EU in 2025.

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  For more on the protocol: European Union Agency for Asylum (EUAA). (12 June 2025). Asylum Report 2025.

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  S.I. No 73/2025 - International Protection Act 2015 (Safe Third Country) Order 2025, 14 March 2025.

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