

## Situational Update

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# Overview of the Implementation of Safe Country Concepts

*This biannual overview is published in January and July. This edition covers the period July-December 2025.*

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In the context of asylum, the term 'safe country' refers to countries which generally do not generate protection needs for their people. European Union (EU) law provides four safe country concepts which can be applied in the asylum procedure: safe country of origin, safe third country, first country of asylum and European safe third country. These concepts are regulated in the recast Asylum Procedures Directive (APD).

Currently, the implementation of the safe country concepts in EU+ countries is highly divergent. However, greater convergence is expected as the transposition of the safe country of origin concept will become mandatory for all Member States under the EU Pact on Migration and Asylum, which will enter into application in June 2026. In particular, provisions regulating the safe country concepts are found in Section 5 of the Asylum Procedures Regulation (APR). The APR aims to establish common criteria for designating third countries as safe countries of origin, a common EU list of safe countries, as well as a common procedure for processing such applications. An overview of changes introduced by the APR are available in the following briefings by the European Parliamentary Research Service: [Safe country of origin concept in EU asylum law](#) (May 2025) and [Safe third country concept in the EU Pact on Migration and Asylum](#) (December 2024).

This overview highlights developments between July and December 2025 concerning the implementation of the safe country of origin and safe third country concepts at the EU level and in EU+ countries. It also presents the state of play on the implementation of national lists of safe countries as of 31 December 2025, based on data available in the [Who is Who in International Protection in the EU+](#) platform.

## Current state of play

### Safe country of origin (see Table 1)

- ✓ 23 EU+ countries **have adopted a national list** of safe countries of origin. The Netherlands has temporarily suspended the application of its national list pending the introduction of an EU list under the Pact.
- ✓ Finland and Portugal implement the safe country of origin concept on a case-by-case basis.
- ✓ Lithuania and Romania do not implement the concept as a national list has not been adopted.
- ✓ Latvia and Spain do not implement the concept as relevant legal provisions on the designation of a list do not exist.
- ✓ Poland does not define the safe country of origin concept in law.
- ✓ Only **8 countries** are **recognised as safe by more than 14 EU+ countries which implement a national list**. These include Albania (by 21 countries), Bosnia and Herzegovina, Montenegro, North Macedonia and Serbia (20 countries each), Kosovo (19 countries), Georgia (17 countries) and Ghana (14 countries).
- ✓ A majority of countries of origin (**35 countries**) are **listed as safe by 3 or less EU+ countries** which implement a national list.
- ✓ **7 EU+ countries** which implement a national list (Denmark, Estonia, Hungary, Luxembourg, Netherlands, Norway and Switzerland) also **apply exceptions** for specific geographical areas or profiles of asylum seekers within a country of origin (see Table 2).

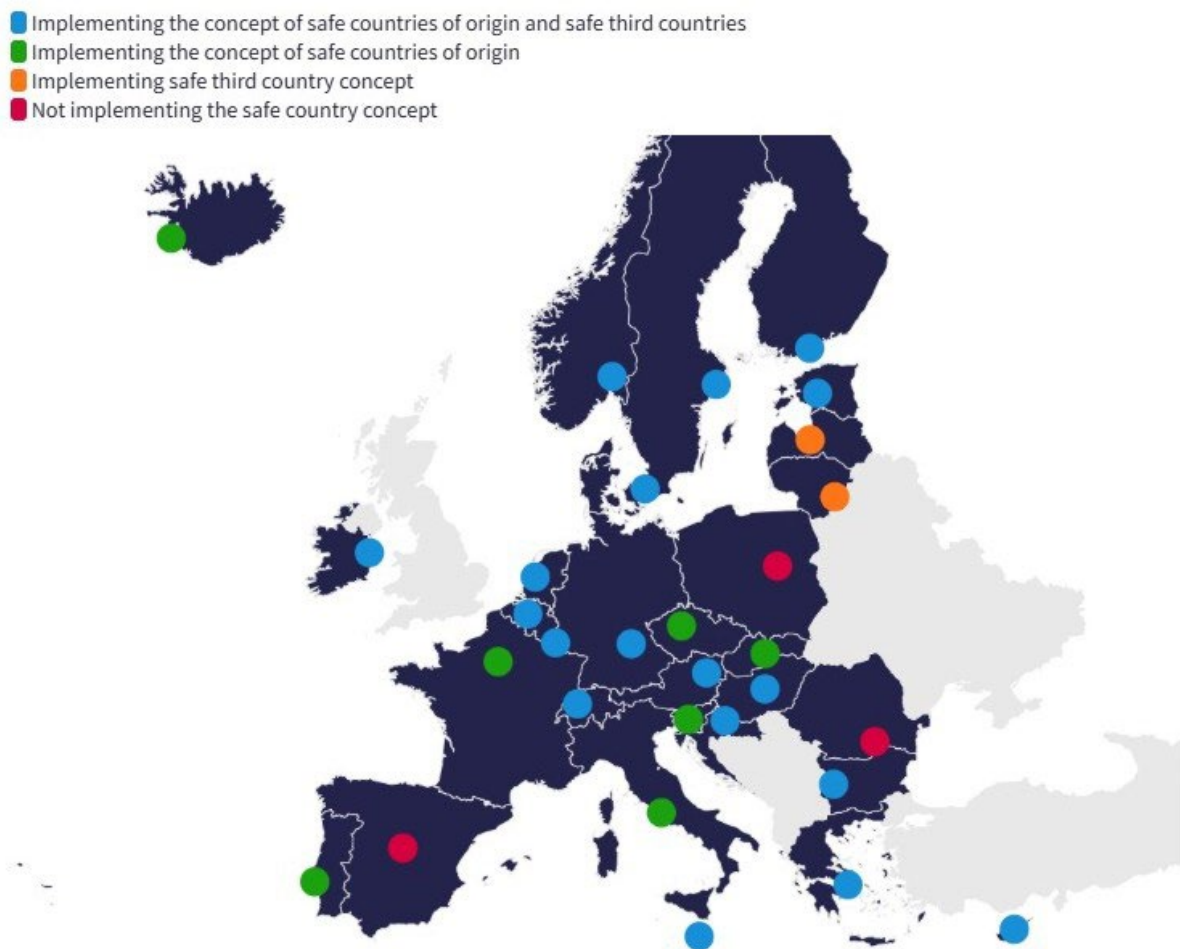
### Safe third country (see Table 3)

- ✓ The safe third country concept is not applied uniformly in all EU+ countries.
- ✓ The safe third country concept is included in national legislation in all EU+ countries, except France, Iceland, Italy and Poland.
- ✓ Only **six EU+ countries have adopted a national list** of safe third countries (Bulgaria, Estonia, Germany, Greece, Hungary and Switzerland).
- ✓ When the national legal framework refers to the safe third country concept but a national list has not been adopted, **the concept is applied on a case-by-case basis in 14 EU+ countries** (Austria, Belgium, Croatia, Cyprus, Denmark, Finland, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway and Sweden).



- ✓ Czechia, Portugal, Romania, Slovakia, Slovenia and Spain refer to the concept in national law but do not apply it in practice.
- ✓ Estonia and Hungary are the only countries which apply exceptions to the application of the safe third country concept based on geographical location and certain profiles of applicants (see Table 2). The exceptions applied by both countries are identical to those applied to the application of the safe country of origin concept.

**Figure 1. Countries implementing safe country concepts in processing asylum applications**



Source: European Union Agency for Asylum



## 1. Recent developments

**Provisional political agreement reached between the European Parliament and the Council of the EU on the application of the safe third country concept and an EU wide list of safe countries of origin**

On 18 December 2025, the European Parliament and the Council reached [provisional political agreement](#)<sup>1</sup> on the following new rules aimed at facilitating the application of the safe third country concept and allowing Member States greater flexibility:

- The mandatory obligation to establish a connection between the applicant and the safe third country was removed.
- Two additional criteria may be sufficient to apply the concept: cases when the applicant transited through a safe third country before reaching the EU, or in the absence of transit or a connection to a safe third country, on the basis of an agreement or arrangement with a safe third country that includes safeguards ensuring that the applicant's asylum application will be examined there. The latter option does not apply to unaccompanied minors.
- Appeals against an inadmissibility decision based on the safe third country concept will no longer carry an automatic right to remain in the EU pending a decision on the appeal. However, applicants retain the right to request a suspensive effect (right to remain on the territory) from the body that is competent to adjudicate such a request.

Additionally, the following was [agreed](#) on the application of the safe country of origin concept:

- Inclusion of the following countries on an EU list: Bangladesh, Colombia, Egypt, India, Kosovo,\*<sup>2</sup> Morocco, and Tunisia.
- The inclusion of EU accession candidate countries in the EU list, provided that the following three criteria are satisfied: there is no situation of international or internal armed conflict, no restrictive measures affecting fundamental rights and freedom, and the recognition rate for asylum claims by nationals of these countries is not higher than 20% across the EU.
- The European Commission is responsible for monitoring whether the above exceptions for EU candidate countries apply or cease to apply and must inform Member States accordingly.
- An entire country, or part of its territory or population, may be suspended by the European Commission from being designated as safe at the EU level, following a substantiated assessment.
- Member States may complement the EU list with their own national list, including additional non-EU countries.

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<sup>1</sup> Negotiations were based on the Council's position which was agreed on 8 December 2025, available [here](#).

<sup>2</sup> \*According to the Council and the European Parliament, this designation is without prejudice to positions on status and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.



- The EU list will begin to apply once the Pact enters into application on 12 June 2026, while it was agreed that certain provisions, such as the application of exceptions of the safe country concepts based on territorial areas and categories of persons, may be fast-tracked upon the entry into force of this agreement.

This provisional agreement must now be formally confirmed by both institutions prior to its official adoption.

### **CJEU delivers ruling on the application of exceptions based on categories of persons**

On 1 August 2025, in [LC \[Alace\] and CP \[Canpelli\] v Territorial Commission of Rome](#) (joined cases C-758/24 and C-759/24), the CJEU ruled that:

- Exceptions based on categories of persons are not permitted under the recast Asylum Procedures Directive (APD). It is up to the EU legislator to amend the concept or bring forward the application date for the new Pact provisions which allow for such exceptions.
- Member States may designate by legislative act a third country as a safe country of origin, provided that that designation can be subject to an effective judicial review related to compliance with the material conditions in Annex 1 of the recast APD.
- In order for judicial protection to be effective, both the applicant and the court or tribunal must be able to have sufficient and adequate access to the sources of information on the basis of which the third country in question was designated as a safe country of origin.
- The national court or tribunal may take into account information which it collected itself, provided that the information is reliable and the adversarial principle is observed.

## **2. National lists**

In response to the [CJEU ruling](#) forbidding exceptions based on categories of persons, the Dutch asylum authority [stopped](#) applying the safe countries of origin concept on 5 August 2025 to Armenia, Brazil, Ghana, Jamaica, Morocco, Senegal, Serbia and Tunisia. However, on 23 September 2025, the Minister for Asylum and Migration communicated its decision in a [letter to the House of Representative](#) to suspend temporarily the application of the entire national list of safe countries of origin until an EU-wide list of safe countries of origin comes into effect with the entry into application of the Pact. This means that the accelerated procedure is no longer applied to applicants from previously designated safe countries of origin, although the Minister highlighted that the determining authority may still prioritise the processing of such applications.

On 3 December 2025, Belgium updated its list of safe countries of origin by [Royal Decree](#). It added Morocco to the list and removed Moldova and India.

No other revisions to national lists of safe countries of origin and safe third countries have been observed in the reference period.



Tables 1, 2 and 3 present information that is available on countries applying safe country concepts.

[Table 1](#) presents countries implementing a list of safe countries of origin, and [Table 3](#) presents countries applying the safe third country concept. The information is presented alphabetically by country of origin/third country (rows) and by reporting EU+ country (columns). The blue squares indicate the designation of the country of origin/third country as safe.

Information in the tables also indicates the total number of EU+ countries which apply the concepts and presents the number of countries which are considered safe countries by EU+ country. EU Member States designated as safe are not taken into account in the count.


For countries not bound by the recast APD – namely Denmark, Iceland, Ireland, Norway and Switzerland – a similar national legal framework applies. References to these countries should be read in relation to the applicable national legal framework.


[Table 2](#) provides an overview of EU+ countries that implement exceptions to the safe country of origin concept based on geographical areas or specific applicant profiles from a given country of origin. The overview reflects the information found in the laws and regulations of the countries. However, EU Member States which include exceptions in their legislation may not apply them in practice following CJEU jurisprudence<sup>3</sup> which declared the practice to be unlawful under the recast Asylum Procedures Directive. This has been the case in the Netherlands, where the government temporarily suspended the application of the entire concept pending the introduction of the Pact. This does not apply to EU+ countries applying exceptions, including Denmark, Norway and Switzerland, as they do not fall under the jurisdiction of the CJEU.

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<sup>3</sup> European Union, Court of Justice of the European Union [CJEU], [CV v Ministerstvo vnitra České republiky, Odbor azylové a migrační politiky](#), C-406/22, ECLI:EU:C:2024:841, 04 October 2024 and [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. Links redirect to the English summary in the EUAA Case Law Database.

**Table 1. National lists of safe countries of origin**

 Country included in national list

 Country included in national list with exceptions

Country of origin	Total number of EU+ countries	AT	BE	BG	CH	CY	CZ	DE	DK	EE	EL	FR	HR	HU	IS	IE	IT	LU	MT	NL <sup>4</sup>	NO <sup>5</sup>	SE	SI	SK
		27	7	22	14	27	25	10	19	8	16	13	10	15	18	15	19	11	25	18	33	7	17	15
Albania	21																							
Algeria	10																							
Angola	1																							
Argentina	1																							
Armenia	9																							
Australia	8																							
Azerbaijan	1																							
Bangladesh	6																							
Barbados	1																							
Benin	5																							
Bosnia and Herzegovina	20																							
Botswana	3																							
Brazil	3																							
Canada	8																							
Cabo Verde	4																							
Chile	3																							
Costa Rica	2																							
Cuba	1																							
Egypt	6																							
EU Member States	8																							

<sup>4</sup> The application of the Dutch list has been temporarily suspended as of September 2025, pending the entry into application of the Pact.

<sup>5</sup> Norway does not have a formal list of safe countries of origin but applies an accelerated 48-hour procedure to the countries included in this table.



Country of origin	Total number of EU+ countries	AT	BE	BG	CH	CY	CZ	DE	DK	EE	EL	FR	HR	HU	IS	IE	IT	LU	MT	NL <sup>4</sup>	NO <sup>5</sup>	SE	SI	SK
Faroe Islands	1																							
Gabon	1																							
Gambia	4																							
Georgia	17																							
Ghana	14																							
Iceland	7																							
India	10																							
Israel	1																							
Côte d'Ivoire	1																							
Jamaica	2																							
Japan	5																							
Jordan	1																							
Kazakhstan	1																							
Kenya	2																							
Kosovo	19																							
Liechtenstein	9																							
Malawi	1																							
Mauritius	2																							
Moldova	9																							
Monaco	2																							
Mongolia	9																							
Montenegro	20																							
Morocco	12																							
Namibia	2																							
Nepal	3																							
New Zealand	8																							
Nigeria	1																							
North Macedonia	20																							





Country of origin	Total number of EU+ countries	AT	BE	BG	CH	CY	CZ	DE	DK	EE	EL	FR	HR	HU	IS	IE	IT	LU	MT	NL <sup>4</sup>	NO <sup>5</sup>	SE	SI	SK
Norway	7																							
Pakistan	3																							
Peru	1																							
Philippines	1																							
Senegal	12																							
Serbia	20																							
Seychelles	1																							
South Africa	3																							
South Korea	1																							
Sri Lanka	2																							
Switzerland	7																							
Tanzania	2																							
Togo	2																							
Tunisia	10																							
Türkiye	4																							
United Kingdom and Northern Ireland	7																							
Uruguay	2																							
USA	8																							
Vatican City	1																							
Vietnam	1																							

**Table 2. Exceptions to the application of the safe country of origin concept**

Country of origin	Profiles exempted
Armenia	<ul style="list-style-type: none"> <li>• LGBTIQ applicants (NL)</li> <li>• People who are likely to be placed in criminal detention (NL)</li> <li>• Territorial exception: Nagorno-Karabakh (EE – applied also to safe third country concept)</li> </ul>
Benin	<ul style="list-style-type: none"> <li>• Women (LU)</li> </ul>
Bosnia and Herzegovina	<ul style="list-style-type: none"> <li>• Territorial exception: Republika Srpska (EE – applied also to safe third country concept)</li> </ul>
Botswana	<ul style="list-style-type: none"> <li>• LGBTIQ applicants (NO)</li> </ul>
Brazil	<ul style="list-style-type: none"> <li>• Journalists who report on corruption, crime or are critical of the government (NL)</li> <li>• Environmental activists who actively oppose (illegal) mining and land development in areas where they occur (NL)</li> <li>• LGBTIQ applicants (NL)</li> </ul>
Georgia	<ul style="list-style-type: none"> <li>• LGBTIQ applicants (NL, DK)</li> <li>• Territorial exception: Abkhazia and South Ossetia ((EE – applied also to safe third country concept, NL)</li> </ul>
Ghana	<ul style="list-style-type: none"> <li>• LGBTIQ applicants (NL, NO)</li> <li>• Journalists (NL)</li> <li>• Women (LU)</li> <li>• Girls under 18 years old (NO)</li> <li>• Applicants who faced forced marriage (NO)</li> </ul>
India	<ul style="list-style-type: none"> <li>• Religious minorities who have experienced persecution as a result (NL)</li> <li>• Dalit women (including girls) (NL)</li> <li>• Journalists and individuals who have been critical of the government and government policy and have experienced persecution as a result, including (human rights) activists, academics and demonstrators (NL)</li> <li>• Single women (NO)</li> <li>• Territorial exception: Jammu and Kashmir (NL)</li> </ul>
Jamaica	<ul style="list-style-type: none"> <li>• LGBTIQ applicants (NL)</li> </ul>
Kosovo	<ul style="list-style-type: none"> <li>• Minorities (NO)</li> </ul>
Moldova	<ul style="list-style-type: none"> <li>• Territorial exception: Transnistria (CH)</li> </ul>
Morocco	<ul style="list-style-type: none"> <li>• LGBTIQ applicants (NL)</li> <li>• (Online) journalists and (human rights) activists who criticise Islam, the royal family or the Moroccan government, including the government's official position on Western Sahara (NL)</li> <li>• The Hirak Rif activists and journalists who reported on the situation in the Rif Mountains and the demonstrations there (NL)</li> <li>• People who are facing criminal prosecution with legal safeguards not guaranteed in their individual case (NL)</li> </ul>
Namibia	<ul style="list-style-type: none"> <li>• LGBTIQ applicants (NO)</li> </ul>
Senegal	<ul style="list-style-type: none"> <li>• LGBTIQ applicants (NL)</li> <li>• People who are facing criminal prosecution with legal safeguards not guaranteed in their individual case (NL)</li> </ul>
Serbia	<ul style="list-style-type: none"> <li>• LGBTIQ applicants (NL)</li> <li>• Journalists (NL)</li> <li>• People who are likely to be placed in criminal detention (NL)</li> </ul>
Tanzania	<ul style="list-style-type: none"> <li>• Girls under 18 years old (NO)</li> <li>• LGBTIQ applicants (NO)</li> </ul>



	<ul style="list-style-type: none"><li>• Applicants who faced forced marriage (NO)</li><li>• Applicants with albinism (NO)</li></ul>
<b>Tunisia</b>	<ul style="list-style-type: none"><li>• LGBTIQ applicants (NL)</li><li>• People who can plausibly demonstrate that they have received a 'S17 measure' in their name (NL)</li><li>• Journalists, activists and political opponents who criticised the president or government (NL)</li><li>• People who are facing criminal prosecution without guaranteed legal safeguards in their individual case (NL)</li></ul>
<b>USA</b>	<ul style="list-style-type: none"><li>• Territorial exception: States which do not apply the death penalty (HU – applied also to safe third country concept)</li></ul>

**Table 3. National lists of safe third countries**

Country of origin	Total number of EU+ countries	CH	DE	EE	EL	HU	IE
		3	2	8	3	15	1
Albania	3						
Armenia	1						
Australia	1						
Bosnia and Herzegovina	2						
Canada	1						
EU Member States	3						
Georgia	1						
Iceland	2						
Kosovo	2						
Liechtenstein	2						
Montenegro	2						
New Zealand	1						
North Macedonia	3						
Norway	3						
Serbia	2						
Switzerland	2						
Türkiye	2						
United Kingdom and Northern Ireland	1						
USA	1						

For more information, consult the [Who is Who in International Protection in the EU+](#) platform. The platform is updated on a regular basis and includes information on national lists (including designated exceptions), the relevant authorities responsible for the implementation of the safe country concepts, and links to the relevant national legislative acts, where applicable, for each EU+ country.

Additionally, relevant case law on safe country concepts is available on the [EUAA Case Law Database](#), using the relevant search tags: [safe country concept](#), [safe country of origin](#), [safe third country](#) and [first country of asylum](#).