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Safe third countries for asylum seekers

Motion for a resolution

tabled by the Committee on Migration, Refugees and Displaced Persons

This motion has not been discussed in the Assembly and commits only those who have signed it

The 1951 UN Convention relating to the Status of Refugees provides the right to apply for asylum. While it does not contain the obligation to apply in first countries of arrival, many States consider that asylum seekers should do so and could therefore be returned to a third country providing it is “safe”. The European Union’s 2013 Asylum Procedures Directive (recast) defines the requirements for a safe third country outside the EU.

For the EU, a “third” country is by definition outside the EU, but from a global perspective, any country to which a migrant may be sent, which is not the country of origin, is a “third country”. The Dublin Regulation, under which EU countries of first arrival are required to process asylum applications, can therefore be said to involve readmission in the same way. Front-line countries on EU borders are thus confronted with both mass arrivals and potentially high numbers of returns, and have long demanded a revision of the Regulation. Negotiations within the EU on this are currently at a standstill.

Many countries have bilateral readmission agreements and have their own lists of safe countries of origin. Further, the Statement of 2016 between the EU and Turkey combines readmission into Turkey with financial assistance. However, “safe” third countries are often alone in dealing with all the consequences of high numbers of asylum applications.

Other countries outside the EU have been chosen or have volunteered to fulfil the role of safe third countries for ensuring varying degrees of migration management outside its frontiers. Substantial resources have been invested to assist them, but so far the scheme has met with little success and tests the definition of “safe third country” to its limits. The Parliamentary Assembly should examine the issue of safe third countries with a view to providing guidance.

