

**JRS Europe Statement
on the Revision of the Safe Third Country Concept
in the EU Migration and Asylum Pact**

Jesuit Refugee Service (JRS) Europe denounces the recent expansion and reinterpretation of the “Safe Third Country” (STC) concept under the Asylum Procedures Regulation of the EU Pact on Migration and Asylum as a direct threat to the right to asylum and the principle of international solidarity. What is being presented as a tool for efficiency and “better management” is in fact a political mechanism of exclusion that risks denying protection to thousands of people fleeing persecution, war, and violence.

The new Pact allows EU Member States to declare an asylum application inadmissible simply because a person has passed through a so-called safe third country, even in the absence of any substantial link to that country. This reform dismantles long-standing safeguards by removing the requirement for a meaningful connection, weakening the need to verify whether individuals will have access to an effective asylum procedure or genuine protection. It represents a major risk of derogation from the EU’s own Charter of Fundamental Rights (including Articles 18 and 19) and international refugee law obligations under the 1951 Refugee Convention, notably Article 33 (*non-refoulement*), Article 31 (no penalties for irregular entry), and Article 32 (protection from expulsion).

According to [Eurostat](#), the number of asylum applications registered in the EU in 2023 remains particularly lower than the total population of the EU, yet, under the pretext of urgency creating an atmosphere of panic, the Pact incentivizes Member States to deflect responsibility by designating third countries as “safe” through unilateral assessments, regardless of the actual human rights situation on the ground. This opens the door to arbitrary and unlawful returns, facilitated by a lack of independent oversight or harmonized EU-wide criteria.

The consequences are not theoretical. The EU and its Member States continue to rely on cooperation with countries like [Libya](#), where widespread evidence collected by UN bodies and NGOs confirms the routine use of torture, forced labor, rape, and indefinite detention in migration detention centers. Likewise, Tunisia has seen a surge in racist violence and expulsions of Black migrants to the desert, with minimal international scrutiny. These countries cannot and must not be treated as safe.

By embedding the STC concept within newly established border procedures, the Pact establishes a fast-track system of inadmissibility and removal that will lead to mass detention at Europe's external borders. People who have already survived dangerous journeys may now be held in closed, prison-like facilities, facing swift rejection of their claims and potential *refoulement*. In Greece, for example, over 60% of applications on the islands were already deemed inadmissible in 2022 under bilateral arrangement with Turkey; however, the Supreme Greek Administrative Court and the Court of Justice have ruled that Turkey cannot be a 'safe' country since readmissions of third country nationals do not take place at the territory of the country since 2020.

Even more alarmingly, the revised rules remove the automatic suspensive effect of appeals in the case of inadmissibility decisions based on the STC concept. This means that individuals may be sent to a third country even while their appeal is pending, turning legal remedies into a mere formality and basically depriving applicants of their right to an effective remedy under Article 47 of the EU Charter. In practice, this will most likely cause irreversible harm: once someone is returned to a country where their safety is not guaranteed, no legal victory can undo the violation. The protection system must not be built on speed over justice, or on the erosion of basic procedural rights.

This reform sends a chilling message: Europe is retreating from its duty to protect people seeking protection on its territory and, therefore, abide by International and its own EU law. The STC mechanism, as currently reformulated, is not about safety; it is about deterrence. It entrenches a system

where access to asylum is systematically denied, and responsibility is outsourced to countries with fewer resources and weaker rule of law frameworks.

JRS Europe calls on the European Union to immediately halt the expansion of the STC concept and reaffirm its commitment to individualized asylum assessments based on international protection standards. Every person has the right to a fair hearing, legal assistance, and access to appeal. The EU must ensure that no one is returned to a country where their life or freedom would be at risk. Designations of safe third countries must be subject to common criteria based on the genuine possibility of effective protection, transparent procedures, and robust independent monitoring, with the active involvement of civil society and affected communities.

We urge the UNHCR to keep a firm public stance against the misuse of the STC mechanism and support Member States in implementing protection-oriented asylum policies rather than enabling deflection. International actors must resist complicity in the erosion of asylum and demand accountability for policies that expose people to further harm.

The right to asylum is not a burden to be avoided but a legal and moral obligation to be upheld. Europe must not turn its back to this reality. JRS Europe will continue to stand alongside those excluded and affected by these policies and will work tirelessly to defend the right to seek protection in dignity and safety.

Jesuit Refugee Service Europe

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