To the President of the House of Representatives
PO Box 20018
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Date 09 February 2016
Subject Expansion of national list of safe countries of origin

As a result of questions from your Chamber during the general assembly of 12 November 2015, on the subject of the reception and the return/detention of foreign nationals, and the budget process on 25 and 26 November 2015, I pledged to provide an assessment of whether a number of countries could be placed on the list of safe countries. In my letter of 4 January 2016, I indicated that I would initially focus on Egypt, Ghana, India, Jamaica, Morocco, Mongolia and Senegal.

Annex I of the Procedure Directive (see annex 2 of this letter), in short, indicates that a country shall be regarded as a safe country of origin if it can be demonstrated that generally and sustainably, there are no issues of refugee persecution, torture or inhuman treatment in the sense of article 3 EVRM (Human Rights and Fundamental Freedoms). This assessment shall consider the extent to which protection is offered via:

1. The relevant legislation and other guidelines in the appropriate country and the way in which these are applied;
2. Compliance with rights and freedoms as set out in the EVRM and/or the IVPBPR and/or the anti-torture treaty, specifically in relation to the right to life (article 2, EVRM), the ban on torture (article 3, EVRM0), the ban on slavery and forced labour (article 4, first section, EVRM) and the ban on punishment without a preceding legal process (article 7, EVRM).
3. Compliance with the non-oppression principle in accordance with the Geneva Convention;
4. The availability of a system of genuine legal resources to combat breaches of the aforementioned rights and freedoms.

In annex I of this letter, you can find an assessment of the countries set out above.

On this basis of these assessments, I can draw the following conclusions:

– Egypt cannot be recognised as a safe country of origin.
– Ghana can be recognised as a safe country of origin. In the application hereof, increased attention must be paid to the possibility that
this could be otherwise in certain cases, particularly when it comes to LGBT's, journalists and other persons who can suffer social discrimination.

- India can be recognised as a safe country of origin. In the application hereof, increased attention must be paid to the possibility that this could be otherwise in certain cases, particularly when it comes to religious minorities, members of groups that could suffer discrimination and persons that suffer criminal persecution.

- Jamaica can be recognised as a safe country of origin. In the application hereof, increased attention must be paid to the possibility that this could be otherwise in certain cases, particularly when it comes to LGBT's.

- Morocco can be recognised as a safe country of origin, with the exception of LGBT’s. In the application hereof, increased attention must be paid to the possibility that this could be otherwise in certain cases, particularly when it comes to persons that suffer criminal persecution.

- Mongolia can be recognised as a safe country of origin.

- Senegal can be recognised as a safe country of origin, with the exception of LGBT’s. In the application hereof, increased attention must be paid to the possibility that this could be otherwise in certain cases, particularly when it comes to persons that suffer criminal persecution or discrimination.

Given the results of this assessment, I will add the countries of Ghana, India, Jamaica, Morocco, Mongolia and Senegal to the national list of safe countries of origin via an amendment to Annex 13 of the Alien Regulations. This will then come into force one day after publication in the Government Gazette. This will mean that asylum applications from citizens of these countries can be processed via the rapid procedure for asylum applications that are unlikely to be approved (track 2).

As I indicated during the general assembly on 4 February 2016, I will report back on groups of the other countries detailed by your Chamber and my next correspondence will cover the assessments of Algeria, Georgia, Ukraine, Tunisia and Turkey.

The countries that will then remain are Bangladesh, Brazil, Colombia, Cuba, Honduras, Jordan, Kenya, Lebanon, Nepal, Togo, Trinidad and Tobago, Chad, Zambia, Zimbabwe and South Africa. They will be dealt with in groups thereafter.

Minister for Migration, Ministry of Safety and Justice,

K.H.D.M. Dijkhoff