

Government Decree 191/2015 (VII.21) on national designation of safe countries of origin and safe third countries²

By virtue of the authorization granted by Section 93 (1) a) and Section 93 (2) of Act LXXX of 2007 on Asylum, the Government, acting within its responsibilities as established by Section 15 (1) of the Fundamental Law, orders the following:

Section 1 Member States and candidate states of the European Union, Member States of the European Economic Area, and those States of the United States of America that do not apply death penalty, furthermore:

1. Switzerland
2. Bosnia and Herzegovina
3. Kosovo
4. Canada
5. Australia
6. New-Zealand

qualify as safe countries of origin, in accordance with Section 2 h) of Act LXXX of 2007 on Asylum (henceforth: Asylum Act).

Section 2 Member States and candidate states of the European Union, Member States of the European Economic Area, and those States of the United States of America that do not apply death penalty, furthermore:

1. Switzerland
2. Bosnia and Herzegovina
3. Kosovo
4. Canada
5. Australia
6. New-Zealand

qualify as safe third countries, in accordance with Section 2 i) of Act LXXX of 2007 on Asylum.

Section 3 (1) If the country of origin of the person who is applying for recognition under the Asylum Act (hereinafter: applicant) is on the European Union list of safe countries of origin or is among the countries specified in Section 1, the applicant may prove in the asylum procedure under the Asylum Act that in his or her individual case, his or her country of origin does not meet the criteria of a safe country of origin.

(2) If the applicant stayed in or travelled through a safe third country that is on the European Union list of safe third countries or is among the countries specified in Section 2, the applicant may prove in the asylum procedure under the Asylum Act that in his or her individual case, he or she did not have the opportunity for effective protection in that particular country according to Section 2 i) of the Asylum Act.

Section 4 This Decree shall enter into force one day following its promulgation.

¹ By UNHCR

² The Decree was adopted and promulgated on 21 July 2015, with entry into force on 22 July 2015. The Decree was subject to amendments by Government Decree 63 of 2016 (date of promulgation: 31 March 2016), entry into force: 1 April 2016. The current text reflects this state of affairs.

Section 5 This Decree serves compatibility with Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection.

Viktor Orban
Prime Minister