

# **The Impact of 'Safe Country' Concepts on Women Seeking Asylum in the UK**

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January 2026



This report was written by Dr Christel Querton (Women in Refugee Law/University of the West of England) and Emily Wilbourn (Asylos). The report considers the use of safe country concepts in the UK, the role of Country of Origin information, and the challenges and risks in applying safe country concepts from the perspective of women's international protection.

We are grateful to Moira Dustin (Women in Refugee Law/University of Sussex), Jo Pettitt (Asylos) and Zoe Bantleman (ILPA) for their comments on the draft report. We also want to thank the participants of the roundtable that took place on 23 September 2025: Enny Choudhury, Rebecca Hacker, Maisson Hassan (Women for Refugee Women), Ellen Kerslake, Sonia Lenegan, Shakila Maan (Southall Black Sisters), Tamara Manuel (UNHCR), Monika Nollet (Asylum Aid), Ceri Oeppen, Kama Petruczenko, Niloha Rangel (The Voices Network), Leena Shibeika, Sarah Taal (Baobab Women's Project). Thanks also to Aderonke Apata (African Rainbow Family) who provided written input. Thank you to Nicola Robbins (Women in Refugee Law) for her assistance in organising the roundtable.

The project was reviewed and approved by the College Research Ethics Committee, College of Business and Law, University of the West of England (Application ID 14545224). Any comments, questions or complaints about the ethical conduct of this study can be addressed to the Research Ethics Committee at UWE at: [Researchethics@uwe.ac.uk](mailto:Researchethics@uwe.ac.uk).

The roundtable was funded by the Arts and Humanities (AHRC) Impact Acceleration Account.

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# 1. Introduction

The concept of safe countries is used by asylum host states to deny protection to refugees on the basis that they have, or may have, protection in another country. However, there is little analysis of the impact of its use on women seeking asylum from a gender perspective. The move to increasing use of the concept in the UK, as illustrated by the government's recent announcement to further explore 'safe third country hubs' and safe country of origin lists to swiftly return claimants with 'unmeritorious' claims,<sup>1</sup> makes such analysis more necessary. This report is a first step in addressing the gap in knowledge and understanding.<sup>2</sup>

After this introduction, sections two and three of the report set out UK law, policy and practice on safe countries. The law surrounding safe country concepts is complex and vague and these sections act as an explainer to legislators, advocates and the general public. Section four explains the role of Country of Origin Information (COI) in safe country assessments and the well-documented difficulties surrounding the collection and use of COI in gender-based violence asylum claims. Section five sets out the challenges associated with the use of safe country concepts and the impact on the protection of women seeking asylum in the UK as identified by stakeholders. Finally, through engagement with stakeholders, the report identifies certain recommendations and safeguards considered necessary to take account of the experiences and needs of women seeking asylum whilst the use of the concept continues. However, this should not be taken to mean that Women in Refugee Law (WiRL) and Asylos endorse the continuing use of the concept.

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<sup>1</sup> Home Office, [UK Home Office, Restoring Order and Control: A statement on the government's asylum and returns policy](#), 21 November 2025.

<sup>2</sup> See also Women in Refugee Law (WiRL), [Public Seminar: 'Safe Countries' and Women's International Protection](#), May 2025.

## 2. Safe Countries in UK Law and Policy

The UK has made increasing attempts to limit refugees' ability to lodge a claim for asylum by relying on two main types of safe country concepts, namely (i) safe country of origin and (ii) safe third country. Broadly, the use of the safe country concept empowers the Home Office to certify claims from certain nationals as 'clearly unfounded' and removes any right of appeal. Additionally, it gives the Home Office the power to refuse to consider the claim of certain nationals altogether by declaring it inadmissible. In practice, this means that an individual claim for asylum is not examined on its individual merits but subject to a blanket approach on safe country grounds.

### *Explainer*

When asylum host countries presume that certain countries are 'safe', it allows them to treat some asylum and human rights claims as unlikely to require consideration. There are two main types of safe country concept used by asylum host countries:

1. Safe country of origin: When an asylum host country decides that a country is a "safe country of origin", it is assumed that asylum claimants from that country of origin will not generally be subject to persecution or serious harm there, and therefore it is safe for them to be returned in all but exceptional circumstances.
2. Safe third country: Asylum host countries use the "safe third country" concept, when they decide that an asylum claimant should apply for protection in another "third" country that is considered to be safe, rather than the country they have applied in.

In general, asylum host countries use safe country concepts as a way of speeding up decision-making, fast-track processes are often used, and as a way of reducing the number of protection claims that they are required to consider.

The lists of safe countries of origin and safe third countries for the purpose of certification and inadmissibility in the UK are not identical but there are some overlaps. The legislative procedure for amending the lists of safe countries is the same, however. The Secretary of State for the Home Department is empowered to amend lists of safe countries in primary legislation through secondary legislation (by way of Regulations) laid before and approved by a resolution of each House of Parliament.<sup>3</sup> However, the affirmative procedure for the adoption of Statutory Instruments is subject to little Parliamentary scrutiny. The legislative process does not enable either House of Parliament to make amendments to the Regulations, only approve or reject the entire instrument.

Whilst the UK has long used the concept of safe country, the last couple of years have seen extensive legislative changes, in particular the adoption of the Nationality and

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<sup>3</sup> S. 94(5)-(6), s. 80AA(5)-(6) Nationality, Immigration and Asylum Act (NIAA) 2002; Part 6 Schedule 3 Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.



Borders Act 2022, the Illegal Migration Act 2023, the Safety of Rwanda Act 2024, and the Border Security, Asylum and Immigration Act 2025 have extended the notion and use of safe country concepts. More recently, the UK government announced major plans to shift the UK towards the so-called 'Danish migration model', which would further embed the use of safe country concepts.<sup>4</sup>

## 2.1 Safe Country of Origin

This section provides an overview of the use of the safe country of origin concept in the UK.

### *Certification*

Safe country lists have been used since 2002 in the context of non-suspensive appeals<sup>5</sup> for claims the Secretary of State for the Home Department certified as 'clearly unfounded'.<sup>6</sup> Significantly, a claim will be certified provided a person is merely "entitled to reside" in one of the listed states.<sup>7</sup> Initially, this meant people seeking asylum who were being removed to a safe country of origin had a right to appeal the decision to refuse the asylum and/or human rights claim but only from outside the UK.<sup>8</sup>

Since the Nationality and Borders Act 2022, there is no longer a right of appeal against a decision that an asylum or human rights claim is 'clearly unfounded'.<sup>9</sup> Within the UK, the certification of the claim as 'clearly unfounded' can only be challenged by way of judicial review, which does not address the substance of the asylum and human rights claim.

A state may be added to the list if the Secretary of State is satisfied that "there is in general in that State or part no serious risk of persecution of persons entitled to reside in that State or part" and "removal to that State or part of persons entitled to reside there will not in general contravene the United Kingdom's obligations under the Human Rights Convention".<sup>10</sup> In making that assessment, the Secretary of State must "have regard to all the circumstances of the State or part (including its laws and how they are applied), and shall have regard to information from any appropriate source (including member States and international organisations)".<sup>11</sup>

The current list of states for which asylum claims are deemed 'clearly unfounded' includes the Republic of Albania, Jamaica, Macedonia, the Republic of Moldova, Bolivia, Brazil, Ecuador, South Africa, Ukraine, India, Mongolia, Ghana (in respect of men), Nigeria (in respect of men), Bosnia-Herzegovina, Gambia (in respect of men), Kenya (in

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<sup>4</sup> Home Office, [UK Home Office, Restoring Order and Control: A statement on the government's asylum and returns policy](#), 21 November 2025.

<sup>5</sup> This means a person has a right of appeal against the refusal of their claim but lodging an appeal does not prevent their removal from the UK.

<sup>6</sup> S. 94 NIAA 2002.

<sup>7</sup> S. 94(3) NIAA 2002.

<sup>8</sup> S. 92 NIAA 2002.

<sup>9</sup> S. 94(3A) NIAA 2002 as inserted by s. 28(3)(a) Nationality and Borders Act (NABA) 2022.

<sup>10</sup> S. 94(5) NIAA 2002.

<sup>11</sup> S. 94(5D) NIAA 2002.



respect of men), Liberia (in respect of men), Malawi (in respect of men), Mali (in respect of men), Mauritius, Montenegro, Peru, Serbia, Sierra Leone (in respect of men), Kosovo, and South Korea.<sup>12</sup>

### ***Inadmissibility***

In respect of the safe country of origin concept, the Nationality and Borders Act 2022 now *requires* the Secretary of State to declare the asylum claims of European Union (EU) nationals inadmissible and removes any right of appeal.<sup>13</sup> The Secretary of State may nonetheless consider an individual claim “if there are exceptional circumstances as a result of which the Secretary of State considers that the claim ought to be considered”.<sup>14</sup> Examples of exceptional circumstances given in the legislation include where the safe state is derogating from its obligations under the European Convention on Human Rights (ECHR) or is the subject of a procedure under Article 7(1) of the Treaty on European Union for suspected breaches of the EU’s values.<sup>15</sup> These changes were followed by the Illegal Migration Act 2023, which extended the *requirement* to declare inadmissible human rights claims, in addition to asylum claims, of nationals of listed safe states unless the exceptional circumstances provision applies.<sup>16</sup>

There is no right of appeal against a declaration that an asylum or human rights claim is inadmissible because it is not a decision to refuse the claim.<sup>17</sup> A declaration that an asylum or human rights claim by a national from the safe state list is inadmissible can only be challenged by way of judicial review.

Safe states may be added to the list where there is “in general” no serious risk of persecution and the removal to that state of nationals of that state would not breach the UK’s obligations under the ECHR.<sup>18</sup> In making that assessment, the Secretary of State for the Home Department “must have regard to all the circumstances of the State (including its laws and how they are applied), and must have regard to information from any appropriate source (including member States and international organisations)”.<sup>19</sup>

The list of safe states is set out in section 80AA Nationality, Immigration and Asylum Act 2002<sup>20</sup> and originally included only EU member states plus Iceland, Norway, Switzerland, Liechtenstein and Albania. Whilst this provision of the Illegal Migration Act 2023 is only in force for the purpose of making regulations,<sup>21</sup> the Secretary of State for the Home Department used the power to add Georgia and India to the list under the previous

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<sup>12</sup> S. 94(4) NIAA 2002.

<sup>13</sup> S. 80A NIAA 2002 as inserted by s. 15 NABA 2022; declaring the asylum or human rights claim inadmissible is not a decision to refuse the claim and there is therefore no right of appeal under s. 82 NIAA 2002 (s. 80A(3) NIAA 2002).

<sup>14</sup> S. 80A(4) NIAA 2002 as amended by s. 15 NABA 2022.

<sup>15</sup> S. 80A(5) as amended by s. 15 NABA 2022.

<sup>16</sup> S. 80A NIAA 2002 as inserted by s. 59 Illegal Migration Act 2023.

<sup>17</sup> Which would normally attract a right of appeal under s. 82 NIAA 2002; s. 80A(3) NIAA 2022.

<sup>18</sup> S. 80AA(3) NIAA 2002 as inserted by s. 59 Illegal Migration Act 2023.

<sup>19</sup> S. 80AA(4) NIAA 2002 as inserted by s. 59 Illegal Migration Act 2023.

<sup>20</sup> As inserted by s. 59 Illegal Migration Act 2023.

<sup>21</sup> S. 80AA(2) NIAA 2002 as inserted by s. 59 Illegal Migration Act 2023.



Conservative government in April 2024.<sup>22</sup> Thus, the list of safe states currently includes Albania, Austria, Belgium, Bulgaria, Republic of Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, India, Republic of Ireland, Italy, Latvia, Principality of Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, Switzerland.<sup>23</sup>

When the Nationality, Immigration and Asylum Act 2002 (Amendment of List of Safe States) Regulations 2024 were laid before Parliament to add Georgia and India to the list of safe states, the cross-party House of Lords Secondary Legislation Scrutiny Committee raised concerns about the lack of key information and drew this to the special attention of the House.<sup>24</sup> In particular, the Committee noted a number of sources, including the Secretary of State's own Country Policy and Information Note (CPIN), suggesting that Georgia and India may not in fact be safe. Further, the Committee highlighted the absence of guidance from the Secretary of State for the Home Department on what amounts to "exceptional circumstances".<sup>25</sup> Accordingly, the Committee concluded "that proper scrutiny is not possible if the guidance is not published before the debate on these Regulations takes place".<sup>26</sup> Nonetheless the Regulations were approved.

The Secretary of State has stated that guidance on the meaning of "exceptional circumstances" would be published in "due course".<sup>27</sup> Yet as the available examples of what may amount to "exceptional circumstances" are non-exhaustive<sup>28</sup> and have little relevance to non-EU and non-Council of Europe member states, there is currently no guidance on when circumstances may be said to be exceptional beyond those regional areas, for countries such as India currently on the list. If additional countries from beyond those regional areas are added to the list of safe countries, the absence of guidance on the meaning of "exceptional circumstances" will be significant, and an increasing number of asylum and human rights claims may be denied admission to the asylum procedure.

The mandatory language of the relevant safe states provisions requires the making of a declaration of inadmissibility and thereby reduces discretion for decision-making in individual cases. Although the Border Security, Asylum and Immigration Act 2025

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<sup>22</sup> The Nationality, Immigration and Asylum Act 2002 (Amendment of List of Safe States) Regulations 2024.

<sup>23</sup> s. 80AA(1) NIAA 2002 as inserted by s. 59 Illegal Migration Act 2023.

<sup>24</sup> UK Parliament, [Lords Committee raises concerns over immigration law change declaring India and Georgia as 'safe states'](#), 1 December 2024. The issue was brought to the Committee's attention by ILPA, [Evidence to the Secondary Legislation Scrutiny Committee for its consideration of the Draft Nationality, Immigration and Asylum Act 2002 \(Amendment of List of Safe States\) Regulations 2024](#); see also ILPA and Rainbow Migration, [Joint Briefing on Draft Nationality, Immigration and Asylum Act 2002 \(Amendment of List of Safe States\) Regulations, 2024](#).

<sup>25</sup> House of Lords, [Secondary Legislation Scrutiny Committee 4th Report of Session 2023–24](#), Drawn to the special attention of the House: Draft Nationality, Immigration and Asylum Act 2002 (Amendment of List of Safe States) Regulations 2024.

<sup>26</sup> Ibid, p. 1.

<sup>27</sup> Ibid, p.1.

<sup>28</sup> Explanatory Memorandum to The Nationality, Immigration and Asylum Act 2002 (Amendment of List of Safe States) Regulations 2023, No. 523, para. 6.1.



repeals many provisions of the Illegal Migration Act 2023,<sup>29</sup> section 59 of the Illegal Migration Act 2023, which inserts the list of safe states in ss. 80AA Nationality, Immigration and Asylum Act 2002 and extends the requirement to declare claims inadmissible to human rights claims, was retained. Currently, it is only in force for the purposes of adding or removing states from the list however.<sup>30</sup>

## 2.2 Safe Third Country

This section provides an overview of the use of the safe third country concept in the UK.

### *Certification*

Whilst the UK was a member of the EU, its application of the concept of safe third country was limited to enabling returns of asylum seekers to other EU Member States who were responsible for examining a person's asylum claim under the Dublin Convention/Regulation. The Nationality, Immigration and Asylum Act 2002 provided for the removal of an asylum seeker to another EU Member State after their claim had been certified<sup>31</sup> on the presumption that in EU Member States "a person's life and liberty is not threatened by reason of his race, religion, nationality, membership of a particular social group, or political opinion" and that they "will not be sent to another country otherwise than in accordance with the Refugee Convention".<sup>32</sup>

Those provisions were later repealed by the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004,<sup>33</sup> which instead adopted a Schedule concerning the "removal of persons claiming asylum to countries known to protect refugees and to respect human rights".<sup>34</sup> This permitted the removal of a person to a safe third country without substantive consideration of their asylum claim. At the time, the list of safe countries was limited to EU Member States, Iceland and Norway, on the presumption that in those countries "a person's life and liberty are not threatened by reason of his race, religion, nationality, membership of a particular social group or political opinion" and that they would not be removed from that safe country to another state contrary to the European Convention on Human Rights (ECHR) and the Refugee Convention.<sup>35</sup>

### *Inadmissibility*

More recently, the Nationality and Borders Act 2022 enables the Secretary of State to declare inadmissible the asylum claim of a person "who has a connection to a safe third

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<sup>29</sup> S. 41 Border Security, Asylum and Immigration Act 2025.

<sup>30</sup> S. 59 was not in force at the date of Royal Assent, see s. 68(1); S. 59 in force on 28 September 2023 but only for the purposes of making regulations, see The Illegal Migration Act 2023 (Commencement No. 1) Regulations 2023, reg. 2(c).

<sup>31</sup> By amending s. 11 of the Immigration and Asylum Act 1993.

<sup>32</sup> S. 80 NIAA 2002.

<sup>33</sup> S. 33(2)-(3) Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.

<sup>34</sup> S. 33(1) and Schedule 3 Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.

<sup>35</sup> Paragraph 3(2)(a)-(c) Schedule 3 Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.



state".<sup>36</sup> The Nationality and Borders Act 2022 provides five definitions of a 'connection', which range from having been granted refugee protection in the relevant 'safe third state' and remaining able to access that protection in accordance with the Refugee Convention<sup>37</sup> to the fact that it would have been reasonable to expect the person to have made an asylum claim in the safe third country in their particular circumstances.<sup>38</sup>

Significantly, provisions brought in by Nationality and Borders Act 2022 now permit the removal of asylum seekers whose claims have been declared inadmissible, not only to the country where they have a connection, but also to *any other safe third state*. The legislation provides that "the fact that an asylum claim has been declared inadmissible [...] by virtue of the claimant's connection to a particular safe third state does not prevent the Secretary of State from removing the claimant to any other safe third state".<sup>39</sup> This enables the UK to remove those with inadmissible asylum claims to any State deemed 'safe' provided that the state has agreed to receive them, as illustrated by the UK's failed Rwanda plan. Thus, third countries can be designated as safe, and individuals may be removed to such countries, without the need to demonstrate that the asylum applicant has any connection to such a third country.<sup>40</sup> Similarly to declarations of inadmissibility in relation to nationals from safe countries of origin, there is no right of appeal against a declaration of inadmissibility with regards to a safe third country and individuals may be removed without an examination of their asylum claim in the UK.<sup>41</sup>

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<sup>36</sup> S. 80B NIAA 2002 as inserted by s. 16 NABA 2022.

<sup>37</sup> S. 80C(1) NIAA 2002 as inserted by s. 16 NABA 2022.

<sup>38</sup> S. 80C(5) NIAA 2002 as inserted by s. 16 NABA 2022.

<sup>39</sup> S. 80B(6) NIAA 2002 as inserted by s. 16 NABA 2022.

<sup>40</sup> S. 80B(6) NIAA 2002, as amended by ss. 15-16 NABA 2022; See the unsuccessful challenge in this respect in *AAA (Syria) & Ors, R (on the application of) v Secretary of State for the Home Department* [2023] UKSC 42 (15 November 2023) paras. 107-149.

<sup>41</sup> S. 80B(3) NIAA 2002 as inserted by s. 16 NABA 2022; S. 29 and Schedule 4 NABA 2022.

### 3. The Application of the Safe Country Concepts

Legislation that allows for women at risk of gender-based violence to be removed to countries of origin that fail to protect women and to safe third countries with which they have no connection is particularly concerning and reflects a further departure from previous standards. Certain groups of individuals, including women, may experience heightened vulnerabilities and be exposed to gender-specific risks, which hinder their ability to access protection and safety in practice. Therefore, it is essential to consider how the UK may minimise these risks.

#### 3.1 The Rationality of the Safe Country Concepts

While safe country concepts have been in use for decades, recent years have seen notably strengthened political commitment in the UK to expand their use within border management practices, aligning with trends toward greater externalisation of border control and outsourcing of refugee protection.<sup>42</sup>

Use of safe country concepts have long been criticised due to the 'high risks of unfairness' for some groups.<sup>43</sup> A 2024 summary of the use of safe country concepts in the UK noted that the designation of countries as generally safe is often perceived as very risky for certain groups, including single women and trafficked women, who may still be exposed to ill-treatment in those countries.<sup>44</sup> Recent analysis observed that application of the safe third country concept in the EU is often applied without individualised assessment, and in the absence of safeguards for women and girls.<sup>45</sup> Research also shows how the Safe Third Country Agreement between the USA and Canada, first agreed in 2002, has led to women at risk of gender-based violence being refused protection due to the failure to acknowledge or account for the difference in treatment of gender-based violence claims between the two countries.<sup>46</sup> The result is that fewer women will be granted asylum.<sup>47</sup> The fact that countries considered safe are not necessarily safe for every group of individuals challenges the rationality of the concept itself.

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<sup>42</sup> For example, see UK Labour Party Manifesto, [Secure Borders](#), 2024; Milazzo, E. and De Leo, A., [Responsibility-sharing or shifting? Implications of the New Pact for the future cooperation with third countries](#), European Policy Centre, June 2024; Nur Osso, B., ['Unpacking the Safe Third Country Concept in the European Union: B/orders, Legal Spaces, and Asylum in the Shadow of Externalization'](#), *International Journal of Refugee Law*, 35(3), Oct 2023, pp. 272–303.

<sup>43</sup> ECRE, ['Safe countries of origin': A safe concept?](#), AIDA Legal Briefing No. 3, September 2015, p.4.

<sup>44</sup> Lenegan, S., ['Safe Country of Origin: United Kingdom'](#), AIDA/ECRE, last updated 10 July 2024.

<sup>45</sup> ECRE, [Rights of Women and Girls in the Asylum Procedure: ECRE's Analysis of the Main Challenges to Women and Girls' Access to a Fair Asylum Procedure and Implementation Considerations for the Asylum Procedures Regulation](#), Policy Paper 14, December 2024.

<sup>46</sup> Haynes, J. M., 'Safe Third Country Agreement: Closing the Doors on Refugee Women Seeking Protection', *Families in Society: The Journal of Contemporary Social Services*, 95(2), 2014; Arnett, A. K., 'One Step Forward, Two Steps Back: Women Asylum Seekers in the United States and Canada Stand to Lose Human Rights under the Safe Third Country Agreement', *Lewis and Clark Law Review*, 9 (4), 2005, pp. 951 & 972.

<sup>47</sup> Arnett, A. K., *ibid*, pp. 951 & 972.

Moreover, practice shows there is considerable variance amongst European states in terms of which countries they consider safe, and whether they apply exemptions for certain groups.<sup>48</sup> Again, this challenges the assumption that the assessment of whether a country is 'safe' can be undertaken in a universal, consistent and objective manner. This factor adds to a sense of an asylum 'lottery', where the risks facing various groups, including women, may be overlooked or assessed differently, depending on the country in which the asylum claim is made.

Furthermore, there are wider obstacles to effective protection for refugee women, as safe country designations are often associated with accelerated procedures, which are less suited to the fair assessment of complex claims and less adapted to the difficulties of disclosing gender-based violence.<sup>49</sup> Writing about trafficking survivors, the Helen Bamber Foundation recently noted that "the danger of refusing asylum based on an individual's nationality alone is that it does not allow them the time and facilitation needed for these sensitive disclosures to take place or for survivors to understand the implications of their past trafficking experiences".<sup>50</sup>

### 3.2 Exemptions in Safe State Designations

In the practice of designating countries as safe, some countries of asylum include exemptions for certain categories of persons. In the UK, certain countries of origin are considered safe countries of origin for men only, namely Ghana, Gambia, Kenya, Liberia, Malawi, Mali, Nigeria, Sierra Leone.<sup>51</sup> Thus, for the purpose of certification of a claim as 'clearly unfounded' which results in a loss of the right to appeal, women from those countries are exempt from the designation.<sup>52</sup>

Exemptions on the basis of "gender, language, race, religion, nationality, membership of a social or other group, political opinion, or any other attribute or circumstance that the Secretary of State thinks appropriate", or to part of a state territory, can be applied to countries designated as safe for the purposes of certification.<sup>53</sup> No similar provisions for exemptions exist for countries listed as 'safe third countries' for the purpose of declaring claims inadmissible, under the Nationality, Immigration and Asylum Act 2002.

<sup>48</sup> EUAA, [Applying the concept of safe countries in the asylum procedure](#), December 2022, p. 25; EUAA, [Pilot Convergence Analysis 2023](#), April 2024, pp. 20-21; ECRI, ['Safe countries of origin': A safe concept?](#), AIDA Legal Briefing No. 3, September 2015, p. 5. In April 2025, the European Commission proposed an EU wide list of safe states to ensure greater convergence between EU Member States; Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2024/1348 as regards the establishment of a list of safe countries of origin at Union level, 2025/0101 (COD), 16 April 2025.

<sup>49</sup> Hazeltine, E., 'Multi-Faceted Risk: Exempting Trafficked Asylum Seekers from "Safe Third Country" Agreements in States Not in Compliance with TVPA Minimum Standards', *Fordham International Law Journal*, 47, 2024, p. 71; see also Oxford, C., 'The Gory Details: Asylum, Sexual Assault, and Traumatic Memory', *Sexes*, 4(2), 2023, p. 188.

<sup>50</sup> Helen Bamber Foundation, [Dismissing Risk: The impact on trafficking survivors of labelling countries of origin as 'safe'](#), April 2025, p. 8.

<sup>51</sup> UKVI, [Certification of protection and human rights claims under s. 94 of the Nationality, Immigration and Asylum Act 2002](#) (clearly unfounded claims) 12 December 2023, version 7.0.

<sup>52</sup> S. 94 NIAA 2002.

<sup>53</sup> S. 94(5A), 94(5C) NIAA 2002.

However, academics have increasingly highlighted the use of exemptions for women and girls as an important procedural safeguard in the designation safe third countries and safe countries of origin where there are identified risks relating to gender-based violence and trafficking.<sup>54</sup>

### 3.3 Judicial Oversight

In the challenge against the UK's policy to send asylum seekers to Rwanda to have their asylum claims determined there, the Supreme Court upheld the Court of Appeal's decision that the policy was unlawful because there "were substantial grounds for believing that there was a real risk that asylum seekers removed to Rwanda would be subject to refoulement, as a consequence of the Rwandan authorities' failure to determine their claims for asylum accurately and fairly".<sup>55</sup> However, dismissing the Supreme Court ruling, the Conservative government of the day introduced the Safety of Rwanda Act, which received Royal Assent in April 2024. This Act required all decision-makers to conclude as fact that Rwanda is a safe country and ousted the jurisdiction of the courts to undertake fact-finding assessments of safety in Rwanda with limited exceptions.<sup>56</sup> While the current Labour government has repealed the Safety of Rwanda Act 2024 in its entirety,<sup>57</sup> these developments illustrate how the constitutional principle of the sovereignty of Parliament in the UK is utilised by the executive and Parliament to bypass judicial scrutiny, oversight, and findings of facts regarding a country's safety.

While the then Conservative government's response to the Supreme Court's decision in *AAA (Syria)* and the adoption of the Safety of Rwanda Act 2024 demonstrate the limits of judicial oversight in the UK, judicial oversight remains an essential procedural safeguard in the use of safe country concepts. In the EU, a recent CJEU case established that the right to an effective remedy for international protection applicants means the court or tribunal hearing the review must have the power to examine the lawfulness of the safe country designation.<sup>58</sup> National judicial instances in the EU are playing an increasing role in reviewing the designation of countries as safe, emphasising the need to take into consideration individual circumstances and vulnerabilities of specific groups who might still be at risk of persecution within that country.<sup>59</sup>

<sup>54</sup> Giuffré, M., Denaro, C. and Raach, F., '[On "Safety" and EU Externalization of Borders: Questioning the Role of Tunisia as a "Safe Country of Origin" and a "Safe Third Country"](#)', *European Journal of Migration and Law*, 2022, pp. 570 & 584; Hazeltine, E., 'Multi-Faceted Risk: Exempting Trafficked Asylum Seekers from "Safe Third Country" Agreements in States Not in Compliance with TVPA Minimum Standards', *Fordham International Law Journal*, 47, 2024, pp. 55 & 71.

<sup>55</sup> *AAA (Syria) & Ors, R (on the application of) v Secretary of State for the Home Department* [2023] UKSC 42 (15 November 2023) paras. 36 and 73.

<sup>56</sup> Querton, C. and Morgan, J., 'Access to Protection for Women seeking Asylum in the UK', in Colby, G. and Freedman, J. (eds) *Representing Violence Against Women: Asylum, Voice and Testimony*, The British Academy, 2026.

<sup>57</sup> S. 40 Border Security, Asylum and Immigration Act 2025.

<sup>58</sup> CJEU, *CV v Ministerstvo vnitra České republiky, Odbor azylové a migrační politiky*, C-406/22, ECLI:EU:C:2024:841, 04 October 2024 paras. 95, 98.

<sup>59</sup> In light of Article 37 of the recast Asylum Procedures Directive. For a discussion of recent judicial practice in Italy, see Amouri, B., '[Rethinking the 'Safe Third Country' Concept: Insights From the Court of Rome's Ruling on Italy's Transfer of Asylum Seekers to Albania](#)', RLI blog, 6 February 2025.

## 4. Role of Country-of-Origin Information (COI) in Safe Country Assessments

In basic terms, country of origin information (COI) can be defined as “information about the situation in asylum-seekers’ home countries which is used in procedures for determining international protection needs”.<sup>60</sup> Information from any source can be classed as COI if it is relevant, and provided its reliability has been considered.<sup>61</sup> Good quality, accurate, current, relevant and balanced COI is essential for the assessment of whether a country of origin or a third country is considered safe. As noted above, the Secretary of State for the Home Department is required by law to consider “information from any appropriate source” in determining whether a country can be designated as safe.<sup>62</sup>

While COI is integral to the assessment of the safety of countries, inadequacies in the production and assessment of COI on women and gender-related human rights issues can heighten the risk of safe state designations that overlook gender-specific forms of harm and protection risks in the countries in question.

### 4.1 Hidden nature of gender-based violence and absence of information

As gender-based violence often takes place in private spaces, it can be particularly difficult to collect COI relevant to a woman seeking international protection. Public information on gender-based violence may simply not be available or difficult to access. Accordingly, statistics may not accurately reflect the extent of gender-based violence and access to protection in the country of origin or third country.<sup>63</sup> While absence of information should not be understood to mean that an issue does not exist,<sup>64</sup> in practice, a lack of information raises the real risk that gender-specific harms will not be understood or accounted for in safe country assessments.

<sup>60</sup> Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), *Researching Country of Origin Information: Training Manual*, 14, March 2024.

<sup>61</sup> Ibid, p. 84.

<sup>62</sup> S. 80AA(4) NIAA 2002 as inserted by s. 59 Illegal Migration Act 2023.

<sup>63</sup> Querton, C., “I feel like a Woman I’m not Welcome”: A Gender Analysis of UK Asylum Law, Policy and Practice’, Asylum Aid, 2012, p. 50.

<sup>64</sup> EUAA, *EUAA COI report methodology*, 22 February 2023, s. 3.1.4.

## 4.2 Inadequate coverage of women's issues in COI

Insufficient focus on the experiences of women in COI reports, including but not limited to those produced by the UK Home Office, is a longstanding problem.<sup>65</sup> In the context of safe states designations, insufficient information on women's human rights concerns, raises the risk that assessments of a country's safety will not be gender-sensitive.

Indeed, a review published by the Independent Chief Inspector of Borders and Immigration highlighted the failure of the Country Policy and Information Note on the Rwandan asylum system to specifically consider issues affecting women, including LBTQ+, trafficked, disabled and other vulnerable women, seeking asylum in Rwanda, or explicitly identify information gaps concerning these groups.<sup>66</sup>

More broadly, the political environment can have a profound impact on the visibility of human rights issues affecting women in COI reports. In a clear example, the complete erasure of sections dedicated to women's human rights in the most recent release of the US Department of State (USDOS) human rights reports has raised alarm among civil society.<sup>67</sup> The failure to adequately document issues such as sexual and gender-based violence, especially in sources like the USDOS human rights reports, which are frequently used by asylum decision-making authorities, could make it more difficult to make reliable assessments regarding international protection needs.

## 4.3 Lack of high-quality COI on women

If COI is to underpin the assessment of whether a state can be considered 'safe', it is crucial that the COI meets commonly accepted quality criteria, amongst them accuracy, balance, currency and relevance.<sup>68</sup> However, reviews of the COI used to inform safe country designations of Albania and India by the UK and Czechia respectively, suggest that COI on issues affecting women, such as domestic violence, re-trafficking and access to protection, can fall short of these standards.<sup>69</sup> A common problem is that once produced, a COI report can quickly become out of date. In the UK, there is no provision in law for the periodic review of country designations, although the government has recently claimed that the COI informing decisions to designate countries as safe is kept

<sup>65</sup> Collier, B., [Country of Origin Information and Women: Researching gender and persecution in the context of asylum and human rights claims](#), Asylum Aid, 2007, p. 11; Crawley, H., [Thematic review on the coverage of women in Country of Origin Information \(COI\) reports, prepared for the Independent Advisory Group on Country Information \(IAGCI\)](#), IAGCI, September 2011, pp. 136 &142.

<sup>66</sup> ICIBI, [Inspection report on Home Office country of origin information on Rwanda](#), January 2024, pp. 24 & 28.

<sup>67</sup> Xu, W., ['Gender Abuses Omitted in the 2024 Human Rights Reports'](#), *Health and Human Rights*, 10 September 2025; Council on Foreign Relations, [Women This Week: U.S. Department of State Removes Mention of Gender-Based Human Rights Abuses in Yearly Report](#), 14 August 2025.

<sup>68</sup> For information on the commonly accepted COI quality criteria, see for example, [Austrian Red Cross/ACCORD: Researching Country of Origin Information - Training Manual, 2024 edition](#), s. 2.1.; see also, [EUAA, EUAA COI report methodology](#), 22 February 2023, s. 3.1.1

<sup>69</sup> Vogelaar, F., ['The Presumption of Safety Tested: The Use of Country of Origin Information in the National Designation of Safe Countries of Origin'](#), *Refugee Survey Quarterly*, 40(1), March 2021, pp. 106-137; EUAA Case Law Database, [CZ: The Regional Court of Brno ruled that India is not a safe country of origin](#), 20 October 2021.



under “constant review”.<sup>70</sup> If safe country designation reviews are not frequent enough, there is a high risk that the COI underpinning the assessment of safety will become outdated, or lose relevance and accuracy.

#### 4.4 Lack of transparency and selectivity in the evidentiary assessment of COI on women

Even when current, relevant and accurate COI covering women and gender-related human rights issues is considered, such information may still appear to have been given marginal weight in the assessment of a country’s safety. Whilst the Conservative government in power at the time insisted that Rwanda was a safe country for all asylum seekers, its own Country Policy and Information Note (CPIN) illustrated particular risks that asylum seeking and refugee women in Rwanda have been exposed to, including sexual and gender-based violence, risks that were acknowledged in the UK government’s equality impact assessment.<sup>71</sup> COI documenting these serious human rights issues did not change the government’s assessment that Rwanda was generally safe. Such cases have led to criticism that decisions to designate countries as ‘safe’ lack transparency and are based on selective consideration of the evidence. In considering these problems, one academic has called for a more systematic approach to the assessment of COI, to overcome problems related to ‘intuitive evaluation’ and lack of transparency relating to *how* COI is assessed, and the inferences drawn during the designation process.<sup>72</sup>

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<sup>70</sup> See Joint Committee on Human Rights, [Legislative Scrutiny: Border Security, Asylum and Immigration Bill: Government Response](#), September 2025, p. 16.

<sup>71</sup> CPINs are produced by the UK Home Office in order to provide background information that assists asylum decision-makers. They are often the main source that asylum decision-makers rely on and are a key source underpinning assessments of safe states.

<sup>72</sup> Vogelaar, F., [‘The Presumption of Safety Tested: The Use of Country of Origin Information in the National Designation of Safe Countries of Origin’](#), *Refugee Survey Quarterly*, 40(1), March 2021, s.2.1.

## 5. Challenges and Impact on the Protection of Women seeking Asylum

Participants in the roundtable, which took place in September 2025, were provided with a set of discussion prompts in both plenary sessions and breakout groups. These explored:

- a) The different meanings of 'safe country' in the context of UK asylum.
- b) The application of safe country concepts in practice.
- c) The specific risks in applying the concept of safe countries to women.
- d) Advocacy strategies that participants have used in challenging or mitigating potentially harmful consequences of safe states designations.
- e) The role of COI in challenging or mitigating potentially harmful consequences of safe states designations.
- f) Improvements that should be made to COI and information-gathering on women.
- g) The meaningful involvement of refugee women in the aforementioned initiatives relating to safe states.
- h) Recommendations to government, decision-makers and advocates.

The main challenges and impact on the protection of women seeking asylum in the UK identified by the stakeholders are discussed below. However, it is essential to note that insights and recommendations generated from discussion should not be understood as an endorsement of the use of safe country concepts. Many participants fundamentally questioned the use of safe states lists, on several grounds, including:

- It is often the case that even where states are generally safe for much of a population, marginalised groups are still exposed to ill-treatment.
- The mechanisms used to designate states as safe are too static to truly reflect changing realities on the ground that can quickly render a state unsafe.
- Safe states designations do not account for individual vulnerabilities that may mean a state should not be considered safe for an individual. A safe state designation therefore does not negate the need for individualised assessment of a protection claim.



## The disproportionate impact of safe country concepts on women's international protection.

Asylum claims by women at risk of gender-based violence are complex cases. Stakeholders expressed concerns that the application of safe country concepts in the UK asylum system fails to acknowledge the particular experiences and needs of women seeking asylum. The participants identified parallels between the longstanding critique of the quality of asylum initial decision-making by the Home Office<sup>73</sup> and its application of safe country concepts.

## The UK asylum system is not adequately equipped or resourced to operate the concept of safe countries sustainably.

Whilst participants did not support the use of safe country concepts, there was broad agreement that the deficiencies in the operation of safe country concepts undermined its viability. More precisely, the lack of relevant and up-to-date COI on gender-based violence against women, the failure to utilise COI when available, and the absence of fixed periodic reviews of safe country designations means the operation of safe country concepts in the UK is unsafe.

## Incomplete Country of Origin Information (COI) on the treatment of women.

There was wide agreement amongst roundtable participants that COI was either unavailable or inadequately relied on in women's gender-based violence asylum cases. Stakeholders with experience of working with COI noted how the lack of information regarding a particular form of human rights violations against women or the lack of state protection for women was taken to mean that there was no well-founded fear of being persecuted on return. Moreover, whilst Home Office caseworkers have access to extensive COI materials, there was evidence of failing to take this into account due to a lack of willingness or pressures related to work. In light of fundamental shortcomings in the way that COI on women is produced and used, participants questioned whether designating a country as safe for women can ever be a sustainable decision.

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<sup>73</sup> See for example, Women for Refugee Women, [A Decade of Harm: Survivors of Gender-based Violence Locked Up in Immigration Detention](#), 2025; Women for Refugee Women, [See Us, Believe Us, Stand with Us: The Experiences of Lesbian and Bisexual Women Seeking Asylum in the UK](#), 2023; Women for Refugee Women, [Refused: The Experiences of Women Denied Asylum in the UK](#), 2012; Querton, C., "[I feel like as a Woman I'm not Welcome](#)": A Gender Analysis of UK Asylum Law, Policy and Practice', Asylum Aid, 2012.

## Production of gender-sensitive Country of Origin Information (COI).

Amongst participants, most of the discussion on the production of COI centered on Country Policy and Information Notes (CPINs).

- **Insufficient inclusion of gender-specific COI:** participants observed that CPINs do not always include sufficient gender-specific information. This is sometimes the result of the available information being too general and failing to adequately reflect local practices and customs pertaining to the situation of women. There is a risk that information gaps, and insufficient coverage of gender-specific COI can be taken to mean that an issue does not exist, in turn leading to flawed assessments of the safety of a country for women.
- **Static nature of CPINs:** many participants were concerned that CPINs, which underpin assessments of a state's safety, are not regularly updated, and that there is no periodic review mechanism.<sup>74</sup> This means that CPINs can quickly become outdated and fail to reflect the changing realities on the ground. Furthermore, CPINs often do not explicitly encourage decision-makers to seek up-to-date information at the time of their decision, even though timely information is essential for fair and evidence-based asylum decision-making.
- **Focus on English language sources:** while the UK Home Office CPINs sometimes include foreign language sources, the CPINs are predominantly based on English-language sources. In some cases, this limits the information that can be obtained through COI research, especially where little information can be found in English language sources.
- **Lack of transparency in selection of sources and evidentiary assessment:** participants raised concern that sources which are not included in CPINs influence the country assessments, and perceived a lack of transparency in how the Home Office attributes weight to sources in making assessments of safety. It was noted that evidence calling into question the safety of a country did not always appear to be given weight in safe states assessments.
- **Limited resources to monitor the quality of CPINs:** the Independent Advisory Group on Country Information, whose remit is to advise the Independent Chief Inspector of Borders and Immigration on the content and quality of CPINs, has limited resources, and cannot review all CPINs.

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<sup>74</sup> As noted above, the Secretary of State has indicated that 'the Home Office regularly monitors and reviews the situation in countries of origin, working closely with the Foreign, Commonwealth and Development Office', Joint Committee on Human Rights, [Legislative Scrutiny: Border Security, Asylum and Immigration Bill: Government Response](#), September 2025, p. 16.

## Involvement of refugee women in Country of Origin (COI) production.

Participants noted that there is a reluctance to recognise different types of expertise. Questions were raised about whether and how the Home Office engages with women with lived experience in the production of COI about the situation of women. One participant observed that where country expertise is provided by individuals who are from that country, it can sometimes be dismissed by asylum authorities or discredited.<sup>75</sup>

## Accessibility of Country of Origin Information (COI).

Participants raised concerns that women who are going through the asylum system, and who are affected by a safe state designation, may not be aware or have the resources to access COI that is relevant to the case, particularly in the context of reduced access to legal representation.

## Failure to consider individual characteristics and circumstances.

Participants identified regular instances of Home Office decision-makers failing to take into consideration the individual characteristics of applicants, such as gender and disability, and their personal circumstances, including health conditions documented by medical evidence. This appeared to be partly due to an expansion of the notion of 'safety' but also due to poor standards and work pressures. One participant described Home Office caseworkers' approach as applying "broad brushstrokes".

## Complexity, poor quality, delays and costs.

Participants expressed a general feeling that the use of safe country concepts within the asylum system made the system more complex. As a result, it was more difficult for asylum applicants to understand the asylum system, but it also delayed outcomes as individuals had to judicially review decisions to certify or declarations of inadmissibility before eventually having their asylum claims substantively assessed. Several participants noted the poor quality of certifications that were successfully challenged on procedural grounds. It appears the use of safe country concepts is putting added strain on an already under-resourced asylum system.

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<sup>75</sup> This observation echoes findings from a recent report by Asylos and Ulster University, which noted that '[p]roximity to the issue often leads to an assumption of bias and impartiality without a proper and holistic assessment of the individual as a source, as is required in Country of Origin research methodology for all sources.' See the full report: Asylos and Ulster University, [Call to Action: Recognising Lived Experience as Expertise: Inclusion in Research on Movement and Exploitation](#), September 2025.

## Reducing access to justice.

Participants expressed broad concerns regarding the inability of women seeking protection to have their asylum claim determined on the merits of their case. The process of judicial review of the application of safe country concepts in individual cases is not suited to a review of law and facts. The current system of safe country concepts means women seeking asylum do not have access to an effective remedy. Participants highlighted the importance of judicial oversight and discussed the need to be able to effectively challenge safe country designations in court and gain access to COI used in the assessment.

## Importance of access to Legal Aid.

Participants expressed concerns at the legal complexity instituted by the safe country regime. This was further compounded by the poor quality of certification decisions. Participants considered that individuals with legal representation were more likely to get a positive outcome on their case. It is thus essential that individuals whose claims are certified or declared inadmissible are able to access quality Legal Aid.

## Expansion of discretionary powers.

Participants expressed concerns regarding the widening use of safe country concepts. In particular, the Secretary of State for the Home Department is given increasingly wide discretionary powers, including the power to remove a person to a third country in the absence of any connections to the country in question. Whilst section 59 Illegal Migration Act 2023 is not yet in force, the Secretary of State has been adding countries to the relevant list of safe countries, namely Georgia and India, presumably with the intention of shortly commencing the provision. Indeed, the Border Security, Immigration and Asylum Act 2025 retained the provision.

## 6. Recommendations

Women in Refugee Law (WiRL), Asylos and roundtable participants fundamentally question the use of safe country concepts because experience has shown that they cannot be applied in an effective or safe manner. However, bearing in mind the current political commitment to their ongoing use, we set out recommendations aimed at safeguarding against the risk of safe country assessments that fail to account for gender-specific risks.

### The Executive and Parliament

- Provide an in-country right of appeal before the First-tier Tribunal (Immigration and Asylum Chamber) against i) a decision of inadmissibility, including the question of whether there are 'exceptional circumstances' not to admit the claim into the asylum procedure, or ii) a decision to certify, and the question of whether the claim is 'clearly unfounded'.
- Strengthen the assessment of gender-specific risks associated with safe state designation through regular and meaningful consultation with women and organisations with relevant expertise.

### Secretary of State for the Home Department

- Introduce twice yearly reviews of safe country designation.<sup>76</sup> Whilst the government has stated that it continues to monitor the situation in designated states,<sup>77</sup> reviews at regular intervals ensure the COI is regularly updated and taken into account.
- Where evidence indicates a risk to women of gender-based violence, serious consideration should be given as to whether there are solid grounds for declaring that the state is, in general, safe. Where the Secretary of State for the Home Department decides, nevertheless, to designate a state 'safe' even though the evidence indicates a risk to women of gender-based violence, women should be exempt from inclusion in the safe country designation.
- To promote transparency and enable accountability, publicly share data on the number, country of origin, gender and age, of certifications and inadmissibility decisions made on the basis of safe country concepts, and how many of those were successfully challenged in court. Furthermore, all evidence relied upon in safe state designations should be made publicly available.

<sup>76</sup> Review mechanisms used in other countries may provide models of good practice in this respect, such as the example of Belgium, which requires annual review of the situation in countries designated as 'safe'.

<sup>77</sup> Pete Wishart, Scottish National Party, [Immigration: Georgia](#), Question for Home Office, 8 November 2024.

## UK Home Office Country Policy and Information Team

- Ensure that Country of Origin Information is gender-sensitive, holistic and intersectional. This is especially important where country information is used to inform a safe state designation. This means considering overlapping and intersecting factors including, but not limited to, the position of women in society, cultural and societal norms and attitudes, religion, caste, geography, and accessibility and availability of healthcare.
- Include the expertise of women with lived experience in the production of COI on women. This means equally valuing 'lived experience' testimony of women refugees or women seeking asylum as a form of knowledge, alongside other forms of information, such as statistics, or reports produced by international institutions. It also means treating refugee women, and women who are seeking asylum, as co-producers of knowledge, not research subjects.<sup>78</sup>
- Regularly review and update CPINs, especially those involving a safe state designation. Changing realities on the ground in those countries should also trigger rapid updates of the COI.
- Produce and regularly update CPINs on 'women fearing gender-based violence' for any country designated as safe.
- CPINs should include a note on the importance of consulting the most up-to-date COI in the process of making an asylum decision, especially where a safe country designation is in place.

## Asylum decision-making authorities (Home Office and Judiciary)

- Home Office caseworkers should always be aware of the need to consult up-to-date information when making decisions, in particular where a state is designated as safe.
- Asylum decision-making authorities (both Home Office and Judiciary) should value knowledge that is produced by people with lived experience, moving toward an understanding that people with lived experience can present highly relevant information and perspectives based on their experience, which are not available in other sources.

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<sup>78</sup> See in particular, Asylos and Ulster University, [Call to Action: Recognising Lived Experience as Expertise: Inclusion in Research on Movement and Exploitation](#), September 2025, p. 13.



## **Independent Chief Inspector of Borders and Immigration (ICIBI), Independent Advisory Group on Country Information (IAGCI) and the UN Refugee Agency (UNHCR)**

- Strengthen efforts to monitor the quality of country information where there are concerns over the designation of a state as 'safe'. The monitoring should pay particular attention to the coverage and quality of information about women.
- Consider audits of how the CPINs are used in decision-making on individual asylum claims, including where safe states designations apply, with a particular focus on how COI on women and gender-specific human rights issues are considered.
- The Independent Chief Inspector of Borders and Immigration could play a role in strengthening accountability and learning where safe states assessments do not consider timely and relevant COI.

## **Civil Society**

- Raise awareness of the risks of applying safe country concepts with Members of Parliament (MPs).
- Improve accessibility of COI. In the context of reduced access to legal representation, participants emphasised the importance of making country information widely accessible for those who may be going through the asylum system without legal representation.