

Luxembourg - Administrative Tribunal, 4th Chamber, 39139a, 16 June 2017

Country of Decision:

Luxembourg

Country of Applicant:

Kosovo

Date of Decision:

16-06-2017

Citation:

39139a

Court Name:

Administrative Tribunal

Keywords:Safe country of origin

Relevant Legislative Provisions:

European Union Law > [EN - Dublin III Regulation, Council Regulation \(EC\) No. 604/2013 of 26 June 2013 \(recast Dublin II Regulation\)](#) [1] > [Article 18](#) [2]

European Union Law > [EN - Dublin III Regulation, Council Regulation \(EC\) No. 604/2013 of 26 June 2013 \(recast Dublin II Regulation\)](#) [1] > [Article 19](#) [3]

European Union Law > [EN - Dublin III Regulation, Council Regulation \(EC\) No. 604/2013 of 26 June 2013 \(recast Dublin II Regulation\)](#) [1] > [Article 25](#) [4]

Headnote:

If the applicant comes from a 'safe' country, they must be able to prove that there is no protection as understood in the 1951 Geneva Convention, otherwise his application will be rejected.

Facts:

The applicant lodged an application for international protection on 03 October 2016.

On 08 February 2018, the Minister notified the applicant of the rejection of his application along

with a decision stating that the applicant had to leave the territory within 30 days.

Decision & Reasoning:

The tribunal declared that if the Government found a country 'safe?', then it fell on the applicant to prove why it was not safe for them (based on serious reasons).

More precisely, the applicant must establish that there is no protection available in the State in question according to the 1951 Geneva Convention; this could be because of inaction or the incapacity of the national authorities, in this case for Kosovo.

The judge found that the case did not contain sufficient proof to show that there was an absence of protection; that the police forces had committed wrong or negligent activities was not sufficient to state that all the police forces and the overall security forces of the country were guilty of the same behavior. Additionally, the judge stated that if the applicant was not able to speak with the police, then they should have spoken with other institutions.

Outcome:

The appeal was rejected.

Observations/Comments:

The original version of this case summary was completed by Passerell a.s.b.l.

Attachment(s):

 [39139a.pdf](#)[5]

National / Other Legislative Provisions:

[Luxembourg - o Law of 29 August 2015](#) [6]

Links:

[1] <https://www.asylumlawdatabase.eu/node/4037>

[2] https://www.asylumlawdatabase.eu/node/4037#toc_196

[3] https://www.asylumlawdatabase.eu/node/4037#toc_206

[4] https://www.asylumlawdatabase.eu/node/4037#toc_273

[5] <https://www.asylumlawdatabase.eu/sites/default/files/aldfiles/39139a.pdf>

[6] <https://www.asylumlawdatabase.eu/en/national-and-other-legislation/luxembourg-o-law-29-august-2015>