



Input by civil society organisations to the Asylum Report 2023

Dear Colleagues,

The production of the *Asylum Report 2023* is currently underway. The annual [Asylum Report series](#) presents a comprehensive overview of developments in the field of asylum at the regional and national levels.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organisations, UNHCR and researchers. To this end, we invite you, our partners from civil society, academia and research institutions, to share with us your reporting on developments in asylum law, policies or practices in 2022 (and early 2023) by topic as presented in the online survey.

Please note that the Asylum Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain. Your input can cover practices of a specific EU+ country or the EU as a whole. You can complete all or only some of the sections.

All submissions are publicly accessible. For transparency, 2022 contributions will be published on the EUAA webpage. For reference, contributions to the 2022 Asylum Report by civil society organisations can be accessed [here](#), under 'Acknowledgements'. All contributions should be appropriately referenced. You may include links to supporting material, such as analytical studies, articles, reports, websites, press releases or position papers. If your organisation does not produce any publications, please make reference to other published materials, such as joint statements issued with other organisations. Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.

The content of the Asylum Report is subject to terms of reference and volume limitations. Contributions from civil society organisations feed into EUAA's work in multiple ways and inform reports and analyses beyond the Asylum Report.

Your input matters to us and will be much appreciated!

*Please submit your contribution to the Asylum Report 2023 by **Friday, 3 February 2023**.*





Instructions

Before completing the survey, please review the list of topics and types of information that should be included in your submission.

For each response, only include the following type of information:

- ✓ New developments and improvements in 2022 and new or remaining challenges; and
- ✓ Changes in policies or practices, transposition of legislation or institutional changes during 2022.

Please ensure that your responses remain within the scope of each section. Do not include information that goes beyond the thematic focus of each section or is not related to recent developments.

Contributions by topic

1. Access to territory and access to the asylum procedure (including first arrival to territory and registration, arrival at the border, application of the *non-refoulement* principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)

Access to territory: Allegations on pushbacks on both sea and land borders have been largely reported during 2022 by authoritative bodies (See an indicative list in GCR et al, Systemic breaches of the rule of law and of the EU asylum acquis at Greece's land and sea borders). GCR has submitted a number of 21 requests for Interim Measures (Rule 39) before the European Court of Human Rights (ECtHR) from March 2022 and by the end of the year requesting humanitarian assistance and access to the asylum procedure. The ECtHR granted the requested interim measures for all cases and ordered the Greek government not to remove the refugees from the country's territory and to provide them with food, water and proper medical care. However, the Greek State did not comply with the ECtHR's interim measures granted in the majority of the cases, as applicants reported that they had been pushed back to Türkiye pending the issuance of the Decision of the ECtHR or after the ECtHR's Decision. Following the requests for Interim Measures, an Application before the ECtHR was also submitted in 8 cases and the examination is pending by the time of writing (See GCR's Information Note on interventions and on interim measures granted by the ECtHR in cases regarding pushbacks, Updated on 1st September 2022).

Greek Authorities have announced a new mechanism for compliance with fundamental rights, which however does not meet the requirements of impartiality and effectiveness (See relatively: PRAB Report, "Beaten, punished and pushed back", pp. 8-9 and GCR et al., Joint Civil Society Submission to the European Commission on the 2023 Rule of Law Report, Rule of Law Backsliding Continues in Greece, January 2023, p. 36-38).

In January 2023, the Greek National Commission for Human Rights, the National Human Rights Institution in Greece (NHRI) and the independent advisory body to the Greek State for the protection and promotion of human rights, presented the first Interim Report of the Recording Mechanism of





Incidents of Informal Forced Returns. The Recording Mechanism has recorded 50 incidents of informal forced returns which according to the alleged victims occurred in April 2020 as of to October 2022. The alleged victims include 5 asylum seekers registered in Greece and 6 recognized refugees in Greece. According to testimonies recorded by the Recording Mechanism over the reporting period, it appears that informal forced returns are distinguished by a recurring organized operational framework (See the Interim Report of the Recording Mechanism of Incidents of Informal Forced Returns).

NGOs and human rights defenders who denounce such practices and support alleged victims of pushbacks in Greece find themselves increasingly targeted through hostile language from high-ranking government officials, as well as criminal prosecution (See relatively GCR et al., Joint Civil Society Submission to the European Commission on the 2023 Rule of Law Report, Rule of Law Backsliding Continues in Greece, January 2023, pp. 32-35)

Access to asylum: From 1 September 2022, people who want to register their asylum claim should book an appointment with the Reception and Identification Service through an online platform launched by the Ministry of Migration and Asylum. The asylum claims are registered in two closed facilities (Reception and Identification Centers in Malakasa and Diavata). Since the launch of the platform, it has been observed that:

- Due to technical issues, the platform is not always accessible and thus booking an appointment is not always possible. However, the Regional Asylum Offices refused to provide appointments in exceptional cases and to people with significant vulnerabilities, instead referring everyone to the online platform.
- Appointments for lodging the asylum applications may be scheduled many months after the day the asylum seeker accessed the platform.
- While waiting for the day of their appointment, contrary to the EU Law, the Greek Authorities do not consider these persons as asylum seekers. This happens despite the fact that they have clearly expressed their will to file an asylum application and as the system does not provide the applicants with a document proving that they have expressed their will to file an asylum application. This means that they do not have access to rights provided to asylum seekers by EU law (reception conditions etc.) and that they are at risk of being arrested and detained under the assumption of their irregular presence in the country. During the previous months, GCR has supported a number of Applicants how despite the fact that they have access the online platform and have booked an appointment for full registration, they have been subsequently arrested, a return decision has been issued and they were held in pre-removal detention. A complaint to the EU Commission has been submitted by GCR with regards one of these cases.
- Upon entry in the above Reception and Identification Centers (RICs) beneficiaries may face decisions of restriction of their personal liberty for a period of up to 25 days (de facto detention), which constitutes a deterrence factor for applying through the platform.
- The rules applicable for the examination of the asylum claims after their registration in the RICs are not clear, nor public. For example, it was observed that only the claims of applicants from safe countries of origin are examined in the RICs, while the claims of vulnerable and of non-vulnerable applicants who are not nationals of safe countries of origin are examined by the asylum offices. This means that these categories of applicants are not hosted in the RICs -





instead, they are given the asylum seeker's card after their registration and as they leave the site.

- No special protective measures are foreseen for asylum seekers with vulnerabilities.
- The camps of Malakasa and Diavata are far from the urban centers and are extremely difficult to reach as no provisions have been made for asylum seekers' transport.
- All the above left asylum seekers undocumented, vulnerable to arrest and detention, without access to basic asylum seekers' rights such as healthcare.

(See GCR, OXFAM, Save the Children, Greece, Bimonthly Bulletin on refugees and migrants, October 2022, pp. 9-10, and PRAB Report, "Beaten, punished and pushed back", p. 10).

100-euro fee for any subsequent application after the first: A 100-euro fee continues to be required in order any subsequent application, after the first one, to be submitted (according to the Joint Ministerial Decision imposing the 100-euro fee, JMD 472687, Gov. Gazette B' – 6246 / 27-12-2021, in force since 1.1.2022). In fact, based on JMD no. 472687/2021, if the application is submitted on behalf of several members of the applicant's family, the deposit of an equal amount for each member separately is required, including minor children. This condition undermines the right of access to asylum, as enshrined in Article 18 of the Charter of Fundamental Rights, as the provision is contrary to articles 6 par. 1 and 40-42 of Directive 2013/32/EU (see GCR, OXFAM, Save the Children, Greece, Bimonthly Bulletin on refugees and migrants, May 2022, p.10). Additionally, contrary to the reasoning in the JMD that said applications are mainly "abusive or evidently unfounded", according to the statistical data provided by the Greek Asylum Service from 1.1.2022 to 31.10.2022, the majority of the subsequent applications subject to the 100 euros fees (subsequent application, after the first one) were declared admissible (55% or 511 out of the total of 917 subsequent application after the first) and were submitted mainly by Afghans (193) and Syrians (183) (data provided to GCR by the Asylum Service on 29/11/2022).

2. Access to information and legal assistance (including counselling and representation)

No access to information and legal assistance during the quarantine: During the quarantine period, newly arrived asylum seekers were held in the quarantine area in isolation and without access to legal information or other information with regards to the reception, identification and asylum procedures. In general, only RIS personnel had access to the newly arrived individuals who were detained in quarantine. Neither UNHCR personnel nor legal aid organizations had access to the newly arrived asylum seekers. According to information provided by the RIS, the RIS personnel provided general information to the quarantine detainees, however, this stood in contrast to the testimonies of individuals released from quarantine given to legal aid organizations, who reported that they did not receive any information regarding their rights and the asylum procedure during quarantine. Moreover, the reception and identification procedures were only carried out once the asylum seekers had been moved out of quarantine. No official registration of the asylum seekers was taking place during the quarantine period. This means that during the quarantine period, asylum seekers remained unregistered, without access to their rights and without any assessment of potential vulnerabilities. In Kos, throughout 2022, containers within the Pre-Removal Detention Centre (PRDC) section of the new CCAC were used to quarantine newly arrived asylum seekers. During the quarantine period, individuals held in the containers could not communicate with anyone outside of the detention area and had no access to legal aid, as their phones were arbitrarily confiscated upon arrival.





3. Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)





4. Dublin procedures (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)
5. Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)

Despite the fact that readmissions to Türkiye have been suspended since March 2020, the Asylum Service does not apply Article 38(4) of the Procedural Directive to applicants whose application is examined on the admissibility under the safe country concept vis-a vis Türkiye. Thus, applicants subject to the Joint Ministerial Decision (JMD 42799/3.6.2021) designating Türkiye as Safe third Country for asylum seekers from Syria, Afghanistan, Pakistan, Bangladesh and Somalia, whose application is been rejected as inadmissible, are deprived of access to an in merits asylum procedure and they face the risk to remain in legal limbo, without access to reception conditions and health care and in risk of detention.

Appeals Committees do not apply Art. 38(4) of the Procedural Directive with regards applications having been rejected as inadmissible on the basis of the safe third Country concept vis a vis Türkiye despite the fact that readmissions to Türkiye have been suspend since March 2020. It is only in a limited number of cases, to the knowledge of GCR (four (4)) of the Appeals Committees, that they have proceeded to an in merits examination of the Application, on the basis of Article 38(4) of the Procedural Directive by taking into consideration the suspension of readmissions to Türkiye.

GCR together with RSA submitted an application for the annulment of the aforementioned JMD designating Türkiye as a safe third country before the Greek Council of State and the hearing took place on 5 March 2022. By a Decision issued on 3 February 2023, the Council of State refers to the European Court of Justice for a preliminary ruling on the interpretation of article 38 of 2013/32/EU Directive, since Türkiye has not accepted any readmissions from Greece since March 2020 (Council of State (Plenary) Decision no 177/2023).

6. Reception of applicants for international protection (including information on reception capacities – increase/decrease/stable, material reception conditions – housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)

Medical care: In Samos, throughout the year 2022, the Medical and Psychosocial Unit of the RIC (staffed by EODY, National Organization for Public Health), based in the Closed Controlled Access Center (CCAC), had no doctor on staff (See GCR, OXFAM Bulletin, Update on Lesbos and the Aegean Islands, March 2022, p. 5 and GCR, OXFAM, Save the Children, Greece, Bimonthly Bulletin on refugees and migrants, October 2022, p. 6). During early spring 2022, a military doctor visited the facility for a few hours regularly but not during the weekends or even every weekday. During September 2022, a doctor 'loaned' by the already under-staffed Samos General Hospital, occasionally visited the facility. EODY only operates between 8:00-16:00; the remaining 16 hours per day, there is no one to provide medical first aid and assess health risks. Unskilled and untrained security and police personnel are responsible for identifying urgent medical cases and it is left to their discretion if someone should be transferred to the hospital or not. In parallel, residents are not able to independently visit the Emergency





department of the hospital as local Greeks do, as they do not enjoy freedom of movement. Finally, the hospital is 9 km away, the bus is unaffordable and only available during the limited hours. There is just one ambulance serving the whole island of more than 30,000 people.

In Kos, the Medical and Psychosocial Unit (staffed by EODY, the National Organization for Public Health) of the RIC, based in the CCAC, also has no doctor on staff. A doctor from Leros island occasionally visits the facility. Moreover, in Kos, there is no doctor or provision of primary healthcare or pharmaceutical aid in the Pre-Removal Detention Center (PRDC) inside the CCAC, to cover the needs of the detainees. In the case of an emergency, police therefore need to transfer detainees to Kos' General Hospital (See GCR-OXFAM Joint Submission to the EU Ombudsperson's Inquiry OI/3/2022/MHZ). Finally, the General Hospitals of Samos and Kos are under-staffed, as is the case with all hospitals on the Greek islands. Not all medical specialists are available and there is a lack specialized medical equipment. Kos' General Hospital lacked a GP (pathologist) between June- September 2022.

Residence and Freedom of movement: According to the Greek General Regulation on the Operation of the Islands' CCACs, residents are only permitted to enter and exit the center from 8am-8pm daily, which restricts their freedom of movement and access to basic goods and services. However, in practice, in Samos and Kos CCACs all newly arrived asylum applicants are only permitted to exit the center after 25 days, not including the quarantine period, as a general and unjustified 25-day restriction of freedom of movement has been applying to new arrivals. Specifically: Following an illegal de facto detention practice implemented in the first months of the Samos CCAC's operation, from mid-April 2022 administrative delays in the issuance of the applicants' cards resulted in them not being allowed to exit the center. At least since July 2022, a general and unjustified 25-day restriction of freedom of movement has been applying to new arrivals. According to the administration of Samos CCAC, all newly arrived asylum applicants are only permitted to exit the center after 25 days, despite being fully identified and registered within the first 5 days of their arrival. Therefore, there is no justification for the extension of the restriction of residents' freedom of movement which the law provides by way of exception. According to UNHCR, the 25-day movement restriction did not include the five or more days of mandatory quarantine. The same practice has been applied in the Kos CCAC: newly arrived individuals are only permitted to exit the center after the expiry of a 25-day period, despite the fact that the reception and identification procedures are allegedly completed by the Reception and Identification Service within five days. Additionally, according to legal aid organizations operating in Kos including GCR, during various periods since the beginning of the Kos CCAC's operation, restrictions of the number of residents permitted to exit the centre have been applied, without further justification.

(See relatively below, the Input on Detention.)

Material Reception Conditions: In the Samos CCAC, asylum seekers had no access to adequate water for more than two weeks in May 2022.²⁶ Due to a water pump malfunction the tap water supply was limited to only two hours per day (8-9 am and 7-8 pm). According to organizations operating on Samos Island, there were days when asylum seekers living in the facility had no access to tap water at all, while receiving only three bottles of water (4.5 liters) per person per day, to meet all their needs - consumption, personal hygiene, laundry, personal and household cleaning (GCR, OXFAM, Save the Children, Greece, Bimonthly Bulletin on refugees and migrants, July 2022, pp. 7-8).

Closure of the ESTIA accommodation programme: The closure of the ESTIA accommodation scheme had as an impact all vulnerable applicants previously accommodated in urban apartments under the





ESTIA Scheme to be transferred in mainland camps, where reception conditions are reported inadequate. At the beginning of the school year, Greek Refugee Education Coordinators reported that a significant number of children with their families have moved within Greece, due to the above-mentioned termination of the ESTIA accommodation program. This forced students to leave their school and enrol in new schools in other regions, disrupting their education and integration into the school community, an essential part of children's development and wellbeing. Since 1.1.2023 the only available reception facilities in Greece are camps' facilities which by their nature are not suitable for long term accommodation and and undermine any integration prospects. Their remote location, security measures applied and inadequate services remain also issues of concern (See relatively GCR, OXFAM, Save the Children, Greece, Bimonthly Bulletin on refugees and migrants, July 2022, p.9, and GCR, Press Release, Εξώσεις, αστεγία και πτωχότητα στην ένταξη, 30 November 2022)

7. Detention of applicants for international protection (including detention capacity – increase/decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)

A total number of 3.349 third country nationals were in administrative detention on 30 June 2022 (2.818 in pre-removal detention facilities and 531 in police stations), which is a 23% increase compare to December 2021 (2715 detainees as of 31.12.2021), see AIDA Report on Greece, 2021 update. Out of the total number of detainees (3.349), 36.9 % (1.238) were asylum seekers and 20.1% were detained for a period exceeding 6 months (data provided to GCR by the Directorate of the Greek Police on 13-9-2022).

Detention continues to apply indiscriminately, without an individual assessment and without alternative to detention to be examined prior to detention. In practice, no specific procedure so that an individual assessment to take place exists.

Persons subject to the Joint Ministerial Decision designated Türkiye as a Safe Third Country, are in risk of prolonged detention, if arrested by the police due to lack of legal documents and/or apply for asylum while in detention, despite the fact that their removal either to their country of origin or to Türkiye is not feasible. This is predominately the case of Afghans applicants (352 in detention as of 30 June 2022) who remain in prolonged detention with a view their removal to take place and/or their asylum application to be examined under the Safe third country concept, despite the fact that their removal to Afghanistan or Türkiye is not feasible (Greek Authorities have halted removals to Afghanistan since mid-2021 – readmission to Türkiye has been suspended since March 2020). A complaint to the EU Commission for violations of the Return Directive, Reception Directive and the EU Charter of fundamental Rights has been submitted by GCR in October 2022 on behalf of an Afghan national who remained in total in pre-removal detention and detention while the examination of his asylum application for a period of 14 months. Respectively a number of 154 Syrians were detained as of 30 June 2022 (data provided to GCR by the Directorate of the Greek Police on 13-9-2022).

As a rule, persons in administrative detention, including asylum seekers, are not informed on the grounds of their detention and of the possibility to lodge objections against them. Detention orders and other relevant documents are communicated to detainees in Greek and are not translated or explained in a language they understand. Moreover, contrary to its EU law obligations, Greece has still not set up a free legal assistance scheme for review of detention orders before Administrative Courts and in practice third country nationals in detention, including asylum seekers are unable to challenge their detention before Courts. Major concerns persist as of the effectiveness of the Judicial scrutiny of detention either in cases that a domestic legal remedy against detention is examined (Objections





against Detention) or within the procedure of the ex officio judicial examination of the prolongation of the detention orders (See GCR et al., Joint Civil Society Submission to the European Commission on the 2023 Rule of Law Report, Rule of Law Backsliding Continues in Greece, January 2023, pp. 9 and 13-14).

De facto detention: On 17 December 2021, the Administrative Court of Syros, ruling in the case of an Afghan resident of the facility, confirmed that the prohibition of exit from the Samos CCAC imposed by the Greek state was unlawful. The Court stated that the Head of the CCAC illegally took the measure in question, the exit ban, against the applicant and ordered for it to be lifted. In the aforementioned case, there was no chance to monitor the administration's reaction to the court decision as the Afghan resident received an asylum applicant card and now can exit the center due to an admissibility decision on his subsequent application issued by the asylum service, not due to the CCAC administration's compliance with the court decision. In the first months of 2022, despite the court's decision on the arbitrary nature of this practice, residents' testimonies and civil society organizations reported that the Administration of the camp continued to impose this illegal detention measure on dozens of residents, although the administration officially denied the practice (See GCR et al., Joint Press Release, Κλειστή Δομή Σάμου ο Εγκλωβισμός Συνεχίζεται, 10 February 2022). Additionally, civil society organizations observed that since the illegal detention practice became known and some residents had proceeded with legal actions, the administration adopted "revenge tactics". These included sudden police incursion inside residents' containers in early morning hours, transfers to the police station and oral eviction notices to residents with a second instance rejection, pending for the registration of their subsequent application (See GCR, OXFAM Bulletin, Update on Lesbos and the Aegean Islands, March 2022, p.4). Following the illegal de facto detention practice, from mid-April 2022 administrative delays in the issuance of the applicants' cards resulted in them not being allowed to exit the center (see GCR, OXFAM, Save the Children, Greece, Bimonthly Bulletin on refugees and migrants, July 2022, p.8). There have been cases of asylum applicants, fully identified and registered within the first five days, having completed their asylum interview before the issuance of their asylum applicant card. Since at least July 2022, a new general rule in Samos CCAC applied an unjustified 25-day restriction of freedom of movement to new arrivals. According to the centre's administration, all newly arrived asylum applicants are only permitted to exit the center after 25 days, despite being fully identified and registered within the first five days of their arrival (see GCR, OXFAM, Save the Children, Greece, Bimonthly Bulletin on refugees and migrants, July 2022, p.8 and October 2022, p.7). Therefore, there is no justification for the extension of the restriction of residents' freedom of movement which the law provides by way of exception for purposes of registration and identification. The same practice has been applied in Kos CCAC: newly arrived asylum applicants are similarly only permitted to exit the center after the expiry of a 25-day period (See GCR, OXFAM, Save the Children, Greece, Bimonthly Bulletin on refugees and migrants, July 2022, p. 8).

8. Procedures at first instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decision-making, timeframes, case management – including backlog management)

In Samos, Kos, Lesbos and Chios, interviews on the examination of the asylum application were mainly conducted before an efficient vulnerability assessment had been completed. Requests for the





interviews' postponement (until the vulnerability assessment is completed) have been rejected by the Regional Asylum Offices (RAOs), despite the fact that the recognition/certification of a vulnerability can have a significant impact on the outcome of individuals' asylum procedure, inter alia with regard to the credibility of the asylum applicant's claims. Additionally, the asylum interviews of the alleged minors were conducted before an age assessment procedure had been completed. In general, no reasonable time has been provided before the interview for the applicants to access information on asylum procedures, legal aid, prepare for the interview and collect and submit significant documents/evidence in support of their application for international protection.





9. Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management – including backlog management)
10. Availability and use of country of origin information (including organisation, methodology, products, databases, fact-finding missions, cooperation between stakeholders)
11. Vulnerable applicants (including definitions, special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)

Age Assessment: In Samos CCAC, the Medical and Psychosocial Unit of the RIS (Reception and Identification Service) stated their inability to examine alleged minors and assess their age (age assessment procedure), because the unit lacked the required specialized medical staff (See GCR, OXFAM Bulletin, Update on Lesbos and the Aegean Islands, March 2022, p. 5). In July 2022, during the inspection of the Greek Ombudsman in the Samos CCAC, it was found that the second stage of the age assessment, meaning a psychosocial assessment, has not been carried out due to the lack of related training/skills of the Medical and Psychosocial Unit of the RIS, staffed by EODY (Greek Ombudsperson's Intervention, 19.12.2022). In Lesbos, age assessment procedures have been carried out hastily and loosely by the Medical Unit of the RIS, and not by a suitable qualified staff.

UAMs: In Lesbos, depending on the number of arrivals, unaccompanied minors have been kept for several days in the inappropriate RIS' quarantine area in Mavrovouni, either upon their arrival or before their transfer to the mainland, as the "safe area" - UAMs' accommodation facilities run by IOM were constantly full.

VoTs: Regarding Victims of Torture (VoTs), according to Article 61 of Greek Law 4636/19 (implementing Article 25 of Directive 2013/33/EU) the reception state, is required to provide specialized staff as well as continuous specialized training to public staff. However, there is a lack of specialist staff in the Medical and Psychosocial Unit of the RICs' and CCACs' Reception and Identification Services (RIS) and the General Hospitals in Greece.

GBV: There is no provision of special, safe and proper, reception conditions for Gender Based Violence (GBV) victims. Especially, on the islands, there is a lack of safe shelters, that in combination with the geographical restriction on the islands create barriers to access to justice for GBV survivors and, in cases, lead to re-victimization.

12. Content of protection (including access to social security, social assistance, health care, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)

13. Return of former applicants for international protection

The total number of forced returns by November 2022 was 2.547 (see Statistical Data of Ministry of Migration and Asylum, November 2022). This number includes all persons forcibly removed from Greece which according to the statistical data of the previous years do not mainly refers to filed asylum seekers but persons return to Albania on the basis of a bilateral agreement. No Readmissions to Türkiye





have been implemented in 2022, as the suspension of readmission to Türkiye remain active already since March 2020.





14. Resettlement and humanitarian admission programmes (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)
15. Relocation (ad hoc, emergency relocation; developments in activities organised under national schemes or on a bilateral basis)
16. National jurisprudence on international protection in 2022 (please include a link to the relevant case law and/or submit cases to the EUAA Case Law Database)

Greek Asylum Case Law Report Issue 1/2022: The first issue of the Greek Asylum Case Law Report provides excerpts from 79 decisions issued in the first half of 2022 by Administrative Courts, the Independent Appeals Committees and the Asylum Service. In addition to the Greek Council for Refugees (GCR), HIAS Greece and Refugee Support Aegean (RSA), Issue 1/2022 of the Greek Asylum Case Law Report received contributions from civil society organizations METAdrasi, Fenix Humanitarian Legal Aid and Equal Rights Beyond Borders, as well as lawyers of the Legal Aid Registry of the Asylum Service, selected from their respective casework. This issue covers topics such as the interpretation of the “safe third country” concept, evidence assessment and refugee status determination, procedural safeguards in the asylum procedure, the workings of administrative appeals and of judicial protection of asylum seekers, the right to family reunification, as well as immigration detention (Greek Asylum Case Law Report Issue 1/2022).

Greek Asylum Case Law Report Issue 2/2022: The second issue of the Greek Asylum Case Law Report provides excerpts from 120 decisions by Administrative Courts, Civil Courts, the Independent Appeals Committees and the Asylum Service, almost exclusively issued in the second half of 2022. In addition to the Greek Council for Refugees (GCR), HIAS Greece and Refugee Support Aegean (RSA), Issue 2/2022 of Greek Asylum Case Law Report received contributions from civil society organizations METAdrasi, Fenix Humanitarian Legal Aid, Equal Rights Beyond Borders, The HOME Project and I Have Rights, as well as an increasing number of lawyers of the Legal Aid Registry of the Asylum Service, selected from their respective casework. The second issue covers topics such as the interpretation of the “safe third country” concept, evidence assessment and refugee status determination, the concept of “safe country of origin”, procedural safeguards in the asylum procedure, the workings of administrative appeals and of judicial protection of asylum seekers, the right to family reunification, as well as immigration detention (Greek Asylum Case Law Report Issue 2/2022).

17. Other important developments in 2022

ECtHR Judgment, Safi and others v. Greece: In July 2022, the European Court of Human Rights issued a long awaited judgment on the case Safi and others v. Greece, 38 known as the Farmakonisi case, which has been supported by GCR together with other organizations. The case from January 2014, concerned the sinking of a fishing boat transporting 27 foreign nationals in the Aegean Sea, off the island of Farmakonisi, resulting in the death of 11 people. According to the allegations of the applicants, the coastguard vessel was travelling at very high speed in order to push the refugees back towards Turkish waters and this caused the fishing boat to capsize, which the Greek Authorities refuted. The Court found a violation of Article 2 ECHR on both procedural and substantial limb and a





violation of Article 3 due to the treatment of the Applicants, survivors of the shipwreck, once transferred to the Greek island of Farmakonisi. In this case, the Court stated that ‘it could not express a position [...] on whether there had been an attempt to push the applicants back to the Turkish coast’. However, having already found a violation of the procedural aspect of Article 2 ECHR, the Court pointed out that ‘this inability stemmed largely from the lack of a thorough and effective investigation by the national authorities’. More precisely, the Court found a violation of the procedural aspect of Art. 2 ECHR due to the serious flaws occurred in the judicial procedures initiated in Greece against the coastguards involved in the events (serious problem of interpretation in the records of the statements of the Applicants, denial of the authorities to provide access to evidences which were only to the knowledge of the authorities) and the fact that the competent Public Prosecutor decided to discontinue the case by merely stating that ‘there [was] no practice of pushbacks as a procedure for removal or towing ... to Turkish territorial waters...’. Moreover, the Court additionally found a violation of the substantial aspect of Article 2 ECHR on the grounds that the Greek authorities had not done all that could reasonably be expected of them to provide the applicants and their relatives with the level of protection required by Article 2 of the Convention. According to the Court, the Government had not provided any explanation as to the specific omissions and delays and further mentioned that serious questions arose as to the manner in which the operation had been conducted and organized. Inter alia, the Court noted that there was no explanation as to how the authorities had intended to transport the applicants to safety using a vessel which was a speedboat and lacked the necessary rescue equipment and that the coastguards had not requested additional assistance or a vessel more suitable for a rescue operation (ECtHR, Judgment *Safi and Others v. Greece*, 7 July 2022).

References and sources

18. Please provide links to references and sources or upload any related material in PDF format

GCR, OXFAM Bulletin, Update on Lesbos and the Aegean Islands, March 2022, available at: https://www.gcr.gr/media/k2/attachments/20220224_Lesbos_Bulletin.pdf

GCR et al., Joint Press Release, Κλειστή Δομή Σάμου ο Εγκλωβισμός Συνεχίζεται, 10 February 2022, available (in Greek) at: https://www.gcr.gr/en/news/press-releases-announcements/item/1893-kleisti-domi-samou-o-egklovismos-synexizetai?fbclid=IwAR1TCvD3nEfZGgM9y3faT77fdmfKy9TAmdCh1XykQODtiTS4nIKkm60h_6I

GCR, OXFAM, Save the Children, Greece, Bimonthly Bulletin on refugees and migrants, May 2022, available at: https://www.gcr.gr/media/k2/attachments/GCR_OXFAM_STC_BI-MONTHLY_BULLETIN_MAY_2022_new.pdf

GCR, OXFAM, Save the Children, Greece, Bimonthly Bulletin on refugees and migrants, July 2022, available at: https://www.gcr.gr/media/k2/attachments/GCR_OXFAM_STC_Bulletin_July_2022_final.pdf





GCR, OXFAM, Save the Children, Greece, Bimonthly Bulletin on refugees and migrants, October 2022, available at:

https://www.gcr.gr/media/k2/attachments/GCR_OXFAM_STC_Advocacy_Update_October_2022.pdf

GCR, OXFAM Joint Submission to EU Ombudsperson's Inquiry OI/3/2022/MHZ on "How the European Commission ensures respect for fundamental rights in EU-funded migration management facilities in Greece", January 2023.

GCR et al., Joint Civil Society Submission to the European Commission on the 2023 Rule of Law Report, Rule of Law Backsliding Continues in Greece, January 2023, available at:

<https://www.gcr.gr/en/ekdoseis-media/reports/item/2099-statheri-i-opisthodomisi-tou-kratous-dikaiou-stin-ellada>

GCR et al, Systemic breaches of the rule of law and of the EU asylum acquis at Greece's land and sea borders, 24 June 2022, available at:

https://www.gcr.gr/media/k2/attachments/Greece_CS0_Briefing_LIBE_en.pdf

GCR's Information Note on interventions and on interim measures granted by the ECtHR in cases regarding pushbacks, updated on 1st September 2022, <https://www.gcr.gr/en/news/press-releases-announcements/item/1984-information-note>

GCR, Press Release, Εξώσεις, αστεγία και πωσιγόρισμα στην ένταξη, 30 November 2022, available (in Greek) at: <https://www.gcr.gr/en/news/press-releases-announcements/item/2075-eksoseis-astegia-kai-pisogyrisma-stin-entaksi>

Greek National Commission for Human Rights (GNCHR), Recording Mechanism of Incidents of Informal Forced Returns, Interim Report, January 2023, available at:

https://www.nchr.gr/images/pdf/nea_epikairothta/deltia_tupou/2023/Interim_Report_echanism_en.pdf

Greek Asylum Case Law Report Issue 1/2022, available at: <https://www.gcr.gr/en/news/press-releases-announcements/item/1878-first-greek-asylum-case-law-report-published-by-legal-organisations>

Greek Asylum Case Law Report Issue 2/2022, available at: <https://www.gcr.gr/en/news/press-releases-announcements/item/2082-greek-asylum-case-law-report-issue-2-2022-released>

PRAB Report, "Beaten, punished and pushed back", January 2023, pp.8-9, available at: <https://www.gcr.gr/media/k2/attachments/prab-report-january-to-december-2022.pdf>

Statistical Data of the Ministry of Migration and Asylum, November 2022, available at: <https://bit.ly/3DCX6Lo>

ECtHR, Judgment *Safi and Others v. Greece*, 7 July 2022, <https://hudoc.echr.coe.int/fre#%22itemid%22:%22003-7380289-10089391%22>}





Greek Council of State, Decisions, ΣτΕ Ολομ. 177/2023, available (in Greek) at: <https://bit.ly/40kLSox>

19. Feedback or suggestions about the process or format for submissions to the Asylum Report

Contact details

Name of organisation: Greek Council for Refugees (GCR)

Name(s) and title(s) of contact person(s): Alexandros Konstantinou, Alkistis Agrafioti Chatzianni

Email: akonstantinou@gcr.gr, a.agrafioti@gcr.gr

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